

Marguerite Linke

From: Bryant, Linda C. <Linda.Bryant@DOS.MyFlorida.com>
Sent: Tuesday, April 3, 2018 9:31 AM
To: Marguerite Linke
Cc: County Ordinances
Subject: Hernando20180402_Ordinance2018_6_Ack.pdf
Attachments: Hernando20180402_Ordinance2018_6_Ack.pdf

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 3, 2018

Honorable Don Barbee Jr.
Hernando County Clerk's Office
20 North Main Street, Rm. 3621
Brooksville, Florida 34601

Attention: Marguerite Linke, Administrative Services

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2018-6, which was filed in this office on April 2, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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ORDINANCE NO.: 2018 -6

AN ORDINANCE AMENDING CHAPTER 6 OF THE HERNANDO COUNTY CODE, ANIMAL CONTROL, TO PROVIDE ADDITIONAL OPTIONS BY WHICH PUBLIC NUISANCES CREATED BY VICIOUS DOGS CAN BE ABATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY:

Section 1. Amending Hernando County Code § 6-2. Hernando County Code § 6-2, Definitions, is amended to add the following definitions:¹

Breeder means any person that owns, harbors, or keeps dogs or cats that reproduce more than 20 animals in any rolling (consecutive) 12-month period for any purpose.
Business kennel means any establishment which offers or provides services for remuneration, including, but not limited to, boarding, care, grooming, breeding, stud services, or sale of offspring of adult dogs and cats. Business kennel does not include any property or structure where a Florida state licensed veterinarian practices and has a premises permit, as required by F.S. ch. 474, or any property or structure

¹Note to Codifiers: It is the intent of the Board of County Commissioners that the definitions be incorporated into § 6-2 in alphabetical order.

1 used as a veterinary hospital, medical research laboratory, pari-mutuel dog racing
2 establishment, or any governmental agency, or to any boarding kennel operated in
3 conjunction with any of the foregoing.

4 Large kennel means any person or entity who owns, harbors or keeps more than 15
5 dogs or cats, in aggregate, at a property or structure, for any purpose, including, but
6 not limited to, housing, boarding, breeding, training, show or exhibition, hunting,
7 sale, rescue, adoption or personal pet or use. Large kennel does not include any
8 property or structure where a Florida state licensed veterinarian practices and has a
9 premises permit, as required by F.S. ch. 474, or any property or structure used as a
10 veterinary hospital, medical research laboratory, pari-mutuel dog racing
11 establishment, or any governmental agency, or to any boarding kennel operated in
12 conjunction with any of the foregoing.

13 Pet means any animal kept for pleasure rather than utility.

14 Pet dealer means any person that offers for sale, has sold, or intends to sell, either
15 concurrently or in aggregate, more than 20 dogs or cats in any rolling (consecutive)
16 12-month period. This shall include, by way of illustration and not limitation, pet
17 shops and persons.

1 **Section 2. Amending Subpart (a) of Hernando County Code § 6-21.** Subpart (a) of
2 Hernando County Code § 6-21, Rabies Vaccination of Dogs and Cats, is amended to read as follows:

3 The owner or harbored of a dog, cat, wolf-hybrid, or ferret four (4) months of age or
4 older or in which the adult canine teeth have erupted shall cause such dog, cat, or
5 ferret to be vaccinated against rabies by a licensed veterinarian and to have boosters
6 as required by resolution. It is a ——— violation of this chapter and section 828.30,
7 Florida Statutes, for the owner or harbored of any dog, cat, wolf-hybrid, or ferret to
8 refuse or fail to have the animal vaccinated against rabies as required.

9 **Section 3. Amending Subparts (a), (e), (f), (j), (l), (s), and (v) of Hernando County Code**
10 **§ 6-22.** Subparts (a), (e), (f), (j), (l), (s), and (v) of Hernando County Code § 6-22, License
11 Certificates and License Tags, are amended to read as follows:

12 (a) Every person who owns or harbors within the county any dog, cat, wolf
13 hybrid, or ferret four (4) months of age or older shall obtain a county animal license
14 for such animal, except that no license shall be issued unless such animal has been
15 inoculated against rabies as herein provided or unless such animal is exempted from
16 vaccination as provided for in this chapter. Any owner whose dog, cat, wolf hybrid
17 or ferret is not licensed shall be in ——— violation of this chapter. Fees and
18 procedures for licensing will be established by separate resolution of the board of
19 county commissioners.

20 * * *

1 (e) A county animal license shall consist of a license certificate and a license tag.
2 Each license certificate shall have printed thereon a number which will correspond
3 to the license identification number printed on the license tag. The color of the
4 license tag shall be changed each calendar year. No other license identification tag
5 or certificate shall be valid under the provisions of this chapter. It shall be a _____
6 violation of this chapter for any animal to wear an expired license tag.

7 (f) All dogs must wear a current license tag while off of the owner's property.
8 It shall be a _____ violation of this chapter for any dog to be off of the owner's
9 property without wearing a current license tag.

10 * * *

11 (j) It is a _____ violation of this chapter for any license identification tag issued
12 for one (1) animal to be utilized for or transferred to another animal.

13 * * *

14 (l) It is a _____ violation of this chapter for any person to possess or use a
15 stolen, counterfeit or forged certificate, tag or other document required by or issued
16 pursuant to this chapter.

17 * * *

18 (s) It is a _____ violation of this chapter for the owner or harbinger of a dog, cat,
19 wolf-hybrid, or ferret _____ to refuse or fail to show the certificate, tag, or
20 other document required by or issued pursuant to this chapter, upon lawful demand

1 by an officer. The officer may issue a written warning allowing the owner or
2 harborer a specified time period to produce the requested information, or issue a
3 citation for failure to provide this information.

4 * * *

5 (v) No person shall act as, perform duties of, or otherwise maintain a large
6 kennel, business kennel, pet dealer, or breeder without first obtaining _____
7 _____ a “kennel license” from county animal services.

8 _____
9 _____
10 _____ No license shall be issued
11 without written confirmation from the Hernando County Zoning Division that the
12 proposed location complies with the applicable zoning requirements. To obtain a
13 kennel license a person must show proof of vaccination against rabies by a licensed
14 veterinarian for animals four (4) months or older owned by the kennel owner, and
15 maintain a “certificate of inspection” issued by animal services. Inspection by animal
16 services will be concerned with the cleanliness and comfort provided by the facility.
17 All animals kept or maintained in such a kennel shall be provided with a clean, fresh
18 water supply, proper shelter from the elements and adequate food to maintain a
19 normal condition of health. Compliance with these requirements will be determined
20 by inspections at least once every six (6) months. Upon obtaining a “kennel license,”

1 the owner will be issued the number of metal tags equal to the number of animals
2 authorized to be kept in the kennel. All such tags shall bear the county's name, the
3 "kennel license" number, be readily distinguishable from the individual license tags
4 for that same year, and attached to the collar of each animal at all times. Such tags
5 would replace the individual licenses required under this chapter. "Kennel licenses"
6 shall be renewed annually during the month of January. Previously licensed kennels
7 that apply after January for a renewal will be charged double the "kennel license"
8 fee. Not obtaining a kennel license or violation of any kennel licensing procedure
9 shall be a ——— violation of this chapter and at the discretion of the animal
10 services supervisor the kennel license may be temporarily or permanently revoked.

11 **Section 4. Amending Subparts (a)-(d) of Hernando County Code § 6-23.** Subparts (a)-(d)
12 of Hernando County Code § 6-23, Animal Bites and Quarantine of Animals, are amended to read as
13 follows:

14 (a) Any person bitten or having knowledge of any person bitten by any animal
15 shall report the fact immediately to the county health officer or their appointed
16 designee and it shall be a ——— violation of this chapter not to do so. The county
17 health officer or their appointed designee shall notify in writing, the owner of the
18 animal alleged to have bitten a person and the person bitten or his or her guardian
19 concerning the reported bite.

1 (b) The owner, harbinger or any person having custody, care or possession of any
2 animal shall insure that the animal does not bite any person, except where such
3 person is unlawfully on the premises of the owner or harbinger of the animal. The
4 owner, harbinger or any person having custody, care or possession of any animal that
5 bites any person in violation of this section, shall be in ——— violation of this
6 chapter.

7 (c) It is a ——— violation of this chapter for any person to commit an act, or
8 cause an act to be committed, in violation of the Florida Administrative Code, as it
9 pertains to rabies quarantine and/or biting animals, as the same may be amended
10 from time to time.

11 (d) It shall be a ——— violation of this chapter for any person to refuse or fail
12 to surrender any animal for quarantine or the carcass of a dead animal for rabies
13 testing upon lawful demand by any officer or their appointed designee.

14 **Section 5. Amending Subparts (a), (b), (c), and (g) of Hernando County Code § 6-24.**

15 Subparts (a), (b), (c), and (g) of Hernando County Code § 6-24, Restraint, are amended to read as
16 follows:

17 (a) The owner, harbinger or person having possession, custody or control of any
18 dog shall insure that the dog does not stray or in any manner run at large in or upon
19 any public street, sidewalk, right of way or any other public property or on the
20 private property of another, provided, however, that such dog may be off the

1 premises of the owner or harborer if the dog is leashed and under direct control.

2 _____

3 (b) Any dog, when loose on the owner's property, must be supervised by the
4 owner or physically restrained by fencing or other means to the owner's property.
5 Supervised means that the dog is at all times within the unobstructed sight of the
6 owner and that the dog will respond to signals or commands given by the owner that
7 will prevent the dog from straying or in any manner running at large in or upon any
8 public street, sidewalk, right of way or any other public property or on the private
9 property of another. _____

10 (c) Any person owning, harboring or having possession, charge, custody, care
11 or control of any animal, other than a dog, shall insure that the animal does not stray
12 or in any manner run at large in or upon any public street, sidewalk, or other public
13 property or on the property of another, so that the animal does not create a nuisance,
14 provided, however, that such animal may be off the premises of the owner or
15 harborer if the animal is under physical restraint suitable for the breed and type of
16 animal. _____

17 * * *

18 (g) Any person owning or harboring any animal shall insure that the animal does
19 not cause damage to the property of another individual. The owner of any animal in
20 violation of this section shall be in _____ violation of this chapter.

1 **Section 6. Amending Hernando County Code § 6-25.** Hernando County Code § 6-25,
2 Female Dogs and Cats in Heat (Estrus), is amended to read as follows:

3 Any female dog or cat in heat (estrus) must be confined in a secure, enclosed
4 building, such as a house or garage, that prevents the attraction of males and that
5 prevents the female dog or cat from contact with a male, except for intentional,
6 planned breeding purposes by the owners of both animals. _____

7 _____.

8 **Section 7. Amending Hernando County Code § 6-26.** Hernando County Code § 6-26,
9 Public Nuisance Animals, is amended to read as follows:

10 No owner or harbinger of an animal shall fail to exercise sufficient care and control
11 of their animal to prevent it from becoming a public nuisance. No person shall create
12 an animal public nuisance by any other action not defined herein. The owner of any
13 public nuisance animal shall be in _____ violation of this chapter, regardless of the
14 knowledge, intent or culpability of the owner. "Public nuisance animal" means any
15 animal that unreasonably annoys human beings, endangers the life or health of other
16 animals, or persons, or substantially interferes with the rights of persons, other than
17 their owners, to the enjoyment of life or property. The term public nuisance animal
18 shall mean and include, but is not limited to, any animal that:

- 19 (1) Is repeatedly found at large;
20 (2) Chases or molests vehicles;

- 1 (3) Is offensive or dangerous to the public health, safety or welfare by virtue of the
- 2 number or types of animals kept or harbored;
- 3 (4) Chases or molests passersby;
- 4 (5) Attacks or attempts to attack other animals;
- 5 (6) Spreads trash or garbage on premises other than those of the owner or harborer;
- 6 (7) Results in an offensive odor due to the owner or harborer's failure to clean the
- 7 premises; or
- 8 (8) Is a feral or domestic animal or wildlife which has been encouraged by feeding,
- 9 protecting, or other means, to breed or to congregate in inhabited areas.

10 Public nuisance animal shall also mean any dog that makes excessive disturbing
11 noises that cause unreasonable annoyance, disturbance or discomfort to the
12 neighbors. This includes, but is not limited to, continued or repeated howling,
13 barking or whining, without provocation, with the exception of dogs housed at
14 commercial animal establishments. The violation can be witnessed by an officer or
15 documented in one (1) or more notarized affidavits, from individuals within one
16 thousand (1,000) feet of the dog's location. The affidavits must contain
17 documentation of the times and dates of such nuisances; and must be investigated by
18 an animal services officer who will determine if there is probable cause to believe
19 a violation has occurred.

1 **Section 8. Amending Hernando County Code § 6-27.** Hernando County Code § 6-27,
2 Animals Prohibited in Public Parks, Public Playgrounds, Public School Premises, Public Buildings
3 and on Public Beaches, is amended to read as follows:

4 It shall be unlawful and a ——— violation of this chapter for any person owning,
5 harboring or having custody, possession, care or control of any animal to take or
6 allow such animal into or on any public beach, public park, public playground,
7 public school premises or public building in the county, unless such animal is a dog
8 trained to assist, or aid, or provides therapy to disabled persons and is actually being
9 used for the purpose of assisting, or aiding, or providing therapy to such person.

10 **Section 9. Amending Hernando County Code § 6-28.** Hernando County Code § 6-28,
11 Animal Waste, is amended to read as follows:

12 The owner or harborer of an animal shall be responsible for the removal of any
13 excreta deposited by the animal upon any public walk, path, street, park, recreation
14 area, or private property not their own. Any owner or harborer walking their dog on
15 any property other than their own shall carry a suitable device for removal of excreta
16 or ————— be ——— in ——— violation of this chapter. A suitable device can be
17 a commercial device or a plastic bag or any other device with which excreta can be
18 removed in a sanitary manner.

1 **Section 10. Amending Subparts (a), (b), (c), and (d) of Hernando County Code § 6-29.**

2 Subparts (a), (b), (c), and (d) of Hernando County Code § 6-29, Animal Mistreatment and Animal
3 Cruelty, are amended to read as follows:

4 (a) It is a _____ violation of this chapter for any person to commit an act or
5 cause an act to be committed in violation of Florida Statutes relating to cruelty to
6 animals.

7 (b) It is a _____ violation of this chapter for any vehicle owner, passenger or
8 operator to place or confine an animal or allow it to be placed or confined or to
9 remain in an unattended vehicle without sufficient ventilation or for such a period
10 of time as may reasonably be expected to endanger the health or well-being of such
11 animal due to heat, lack of water or other circumstances as may be expected to cause
12 suffering, disability or death.

13 (c) It is a _____ violation of this chapter for any person to commit any act of
14 mistreatment on any animal or to cause any act of mistreatment to be committed on
15 any animal, regardless of the knowledge, intent, or culpability of the person.
16 “Mistreatment” means not providing sufficient food and/or water, and proper shelter,
17 and/or failure to provide veterinary care for any animal.

18 (d) It shall be a _____ violation of this chapter for any person to tease or molest
19 any animal.

1 **Section 11. Amending Hernando County Code § 6-30.** Hernando County Code § 6-30,
2 Unlawful to Abandon Animals, is amended to read as follows:

3 It shall be unlawful and a ——— violation of this chapter for a person to abandon
4 or dispose of an animal on the property of another or on public property or to
5 abandon an animal in his or her former residence when relocating to a new residence.

6 It shall be unlawful and a ——— violation of this chapter for any person to abandon
7 an animal in any location without providing for its care. Any officer with reason to
8 believe that an animal is abandoned may remove the animal from the premises
9 provided that a twenty-four-hour period has passed since such officer left a notice
10 at the property to which no response was received and has made a reasonable attempt
11 to contact the owner of the animal or the property. An officer may immediately
12 remove an animal, without leaving a notice or contacting the owner, if leaving the
13 animal would endanger the animal or the citizens of the county.

14 **Section 12. Amending Subpart (a) of Hernando County Code § 6-31.** Subpart (a) of
15 Hernando County Code § 6-31, Disposal of Dead Animals, is amended to read as follows:

16 (a) When an animal dies, the owner or harbinger of the animal shall dispose of the
17 remains immediately. When an officer discovers a dead animal on private property,
18 the officer shall provide written notice to the owner or harbinger of such animal,
19 ordering the owner or harbinger to dispose of the remains immediately. If the owner
20 or harbinger of a dead animal cannot be identified or notified, the officer shall provide

1 written notice to the owner of the property upon which the remains are located,
2 ordering the owner/occupant of such property to dispose of the remains immediately.
3 If the person notified fails to comply within twenty-four (24) hours after receipt of
4 the written notice, they will be in _____ violation of this chapter. Officers may, at
5 their discretion, dispose of the remains of small animals and bill the owner, if known,
6 or the property owner if the owner is unknown, for the cost of such disposal in
7 addition to charging the owner or property owner a penalty for a _____ violation
8 of this chapter.

9 **Section 13. Amending Subpart (10) of Hernando County Code § 6-34.** Subpart (10) of
10 Hernando County Code § 6-34, Regulation of Tethering, is amended to read as follows:

11 Tethering and/or inappropriately sheltering a dog or cat in violation of the provisions
12 of this section shall be unlawful _____. When a
13 violation of this section occurs, an officer may take reasonable measures to remove
14 the dog or cat from the tether and/or inappropriate shelter and impound the dog or
15 cat.

16 **Section 14. Amending Hernando County Code § 6-64.** Hernando County Code § 6-64,
17 Interference with an Officer, is amended to read as follows:

18 (a) It is a _____ violation of this chapter for any person to interfere with,
19 obstruct, hinder, resist or oppose any officer while apprehending animals or
20 performing any other of his or her duties, as set forth in this chapter.

1 (b) It is a _____ violation of this chapter for any person to take or attempt to
2 take any animal from the custody of any officer or from any vehicle used by the
3 officer to transport any animal.

4 (c) It is a _____ violation of this chapter to take or attempt to take any animal
5 from a county animal shelter without proper authority.

6 (d) It is a _____ violation of this chapter for any person to have possession or
7 custody of any animal that was unlawfully removed from any officer, officer's
8 vehicle, or any county animal shelter and such animals shall be immediately
9 confiscated by the animal services division.

10 (e) It is a _____ violation of this chapter for any person to hold, hide, or conceal
11 any animal which an officer is investigating or deems to be in violation of this
12 chapter.

13 (f) A person shall not willfully refuse to sign and accept a citation issued by an
14 officer. If a person violates this subsection, the person shall be guilty of a
15 misdemeanor of the second degree, punishable as provided in section 775.082,
16 775.083, or 775.084, Florida Statutes. Such violations of this chapter shall be
17 prosecuted pursuant _____

18 _____ Fla. Stat. § 162.21(6).

1 **Section 15. Irresponsible Animal Owners.** A new Hernando County Code § 6-35, to be
2 entitled “Irresponsible Animal Owners,” is hereby created to read as follows:

3 (a) A person shall be designated as an “irresponsible animal owner” upon being
4 found guilty of violating this chapter more than once within any 24-month period.

5 (b) The designation shall take effect on the later of (i) the date that the time to
6 appeal a finding of guilt expires, or (ii) the date a decision affirming the finding of
7 guilt is rendered.

8 (c) Upon the occurrence of any of the events delineated in subpart (a) of this
9 section, the animal control authority shall:

10 (1) Provide the owner with a written notification that he or she has been
11 designated as an irresponsible animal owner. The animal control authority shall
12 serve the notice to the owner, by certified mail, return receipt requested sent to the
13 address of the owner on file with the animal services division, certified
14 hand-delivery, or service in conformance with the provisions of chapter 48, Florida
15 Statutes, relating to service of process.

16 (2) The owner may file a written request for a hearing with the office of
17 the county administrator within seven (7) calendar days from the date of receipt of
18 the notice.

19 (3) All hearings shall be conducted by the Hernando County Special
20 Master. The formal rules of evidence shall not apply during the conduction of the

1 hearing and hearsay is admissible, but fundamental due process shall be observed
2 and shall govern the proceedings.

3 (4) If the Special Master upholds the irresponsible animal owner
4 designation, the animal control authority shall provide written notification to the
5 owner by certified mail return receipt requested, certified hand-delivery or service
6 pursuant to chapter 48, Florida Statutes. The owner may appeal the classification,
7 penalty, or both, by filing a notice of appeal with the circuit court in accordance with
8 Rule 9.190(b)(3), Florida Rules of Appellate Procedure.

9 (d) An irresponsible animal owner shall be prohibited from acquiring, owning,
10 keeping, or harboring additional domestic animals for a period of 3 years after being
11 so designated. Upon a subsequent violation of any of the provisions listed in
12 subsection (a) above, an irresponsible animal owner shall be prohibited from
13 acquiring, owning, keeping, or harboring additional domestic animals for a period
14 of 5 years after being found guilty of the subsequent violation. As used in this
15 section, the phrase “domestic animal” shall not include service animals, as that term
16 is defined by Fla. Stat. § 413.08.

17 (e) Any person or entity violating any of the provisions of this section shall be
18 prosecuted as described in chapter 2, article III, of this code, as amended from time
19 to time. Each incident or separate occurrence of an act that violates this article shall
20 be deemed a separate offense.

1 **Section 16. Creation of Insurance Requirement for Dangerous Dogs.** Subsection (d)(7)
2 is added to Hernando County Code 6-51, Dangerous Dogs, to read as follows:

3 (7) In order to protect the public and to afford relief from the severe harm
4 and injury that is likely to result from an attack by dangerous dogs, the owner of a
5 dangerous dog shall obtain and maintain insurance in the minimum amount of
6 \$100,000.00 for each individual dangerous dog owned to provide liability insurance
7 for damage to persons and property caused by the dog. The insurance shall be
8 provided by an insurance company authorized to do business in the State of Florida,
9 and the owner shall provide the animal control authority evidence of a certificate of
10 insurance and a copy of the endorsement. Alternatively, the owner may post a
11 \$100,000.00 surety bond with the Clerk of Hernando County conditioned upon the
12 payment of damages to persons and property caused by the dog during the period of
13 registration, renewable annually. Annual registration shall be denied any owner not
14 in compliance with this section. If, at any time, the liability insurance is cancelled or
15 lapses, the animal control authority shall have the authority to impound the dog. If
16 the owner does not re-insure the animal within 14 days of the impoundment,
17 ownership of the dog shall revert to the county and the dog shall be humanely
18 euthanized in compliance with the procedures set forth in Section 6-51(i)-(j) of this
19 code.

1 **Section 17. Regulation of Aggressive Dogs.** A new Hernando County Code § 6-53,
2 Aggressive Dogs, is created to read as follows:

3 (a) Definition. Aggressive Dog means any dog that does not meet the statutory
4 definition of a dangerous dog, but that has, without provocation:

5 (1) Severely injured or killed a domestic animal while it is off the
6 dog owner's property; or,

7 (2) Participated in an attack on a person that does not result in the
8 death of, or a severe injury to, the person attacked; or,

9 (3) Chases or approaches a person, including a person on a
10 bicycle, upon the streets, sidewalks, or any public or private property,
11 other than the dog owner's property, in an apparent attitude of attack.

12 (b) Procedures to classify a dog aggressive. The investigation, initial
13 determination, notice, hearing, appeal, and exemption-related provisions contained
14 in Sections 6-51(b), 6-51(c)(1)-(5), and 6-51(e) of this code shall be applicable to
15 proceedings to designate dogs as aggressive.

16 (c) Within fourteen (14) calendar days after a dog has been classified as
17 aggressive or, if any appeal is filed, within fourteen (14) calendar days after such
18 classification has been upheld in the appeal (dismissal of the appeal shall be deemed
19 to uphold the classification), the owner of the aggressive dog shall comply with the
20 following requirements and responsibilities:

1 (1) The owner shall provide the animal control authority four (4) color
2 photographs of the animal in different poses showing the color, size and markings
3 of the animal.

4 (2) The dog shall be spayed/neutered unless a licensed veterinarian has
5 examined the dog and certifies, in writing (with a copy provided to the animal
6 control authority within such fourteen (14) day period), that at such time
7 spaying/neutering the dog would endanger its health. Under that circumstance, the
8 dog shall be spayed/neutered as soon as its health permits.

9 (3) Dogs classified as aggressive shall not be brought to a dog park or
10 public park or public beach even if dogs are otherwise allowed.

11 (4) Dogs classified as aggressive shall not be brought to any commercial
12 establishment other than a veterinary office or other facility where the dog is being
13 treated.

14 (5) The owner shall register the dog as aggressive with the animal control
15 authority, and obtain an aggressive dog license which must be renewed annually. The
16 fees for registration and licenses (including renewals) shall be as established by
17 resolution.

18 (6) The owner must ensure that the dog, while on the owner's property,
19 is securely confined indoors or in a securely-fenced or enclosed area from which the
20 dog may not escape (over, under, or through). The dog must be muzzled, leashed,

1 and under the control of a person capable of controlling the dog whenever the dog
2 is not within such securely-fenced or enclosed area or within the passenger portion
3 of a vehicle.

4 (d) *Registration of out-of-county aggressive dog.* If a dog designated by another
5 jurisdiction as aggressive or similar classification is brought into Hernando County,
6 the responsible party shall immediately register the dog with the animal control
7 authority as an aggressive dog in accordance with this section.

8 (e) *Designation as dangerous dog.* If an aggressive dog severely injures or kills
9 a domestic animal, it may be designated as “dangerous” pursuant to Section 6-51 of
10 this code.

11 (f) Any person or entity violating any of the provisions of this section shall be
12 prosecuted as described in chapter 2, article III, of this code, as amended from time
13 to time. Each incident or separate occurrence of an act that violates this article shall
14 be deemed a separate offense.

15 **Section 18. Creation of a Dangerous and Aggressive Dog Registry.** A new Hernando
16 County Code § 6-54, to be entitled “Dangerous and Aggressive Dog Registry,” is hereby created to
17 read as follows:

18 Dangerous and Aggressive Dog Registry. The animal control authority shall
19 maintain a publicly accessible website, called the “Hernando County Dangerous and
20 Aggressive Dog Registry,” of all dangerous and aggressive dogs registered with the

1 animal control authority. At the time of registration under subsection (a) above, the
2 responsible party shall provide the following information to the animal control
3 authority, to be posted on the Dangerous and Aggressive Dog Registry: the name and
4 address of the owner of the dog; the address where the dog is maintained; the name,
5 sex, age, weight, primary breed, secondary breed, and color and markings of the dog;
6 a photograph of the dog; the most recent vaccination date of the dog and the
7 expiration date of the vaccine; the microchip number of the dog; and the case
8 numbers of any judicial or administrative proceedings concerning the matters that
9 resulted in the dog being declared dangerous or aggressive. The registry entry for
10 each dog shall also include a brief description of the incident or incidents that
11 resulted in the dog being declared dangerous or aggressive. Nothing herein shall
12 require the disclosure of personal identifying information that is exempt or
13 confidential under state law.

14 **Section 19. Required Notice to Property Owners.** A new Hernando County Code § 6-55,
15 to be entitled “Required Notice to Property Owners,” is hereby created to read as follows:

16 Required Notice to Property Owners.

17 A person who owns a dog designated as being dangerous or aggressive and who
18 rents property from another where the dog will reside shall disclose to the property
19 owner prior to when the dog begins to reside on the property, or prior to entering into
20 the lease agreement, and at the time of any lease renewal, that the person owns a dog

1 designated as being dangerous or aggressive and that the animal will reside at the
2 property.

3 **Section 20. Regulation of Guard Dogs.** A new Hernando County Code § 6-56, to be
4 entitled “Guard Dogs,” is hereby created to read as follows:

5 Guard Dogs.

6 (a) Every guard dog service operating in Hernando County must comply with the
7 following requirements:

8 (1) The guard dog business must have each guard dog examined by a
9 veterinarian on at least an annual basis and certified to be healthy, normal and free
10 from intestinal parasites and in his or her best judgment physically fit for service as
11 a guard dog. Said proof shall be provided to the animal control authority upon
12 request.

13 (2) Newly acquired guard dogs must be properly vaccinated, tagged, and
14 registered with the animal control authority within thirty (30) calendar days of
15 acquisition.

16 (3) All guard dogs must be microchipped or tattooed.

17 a. Each guard dog must be tattooed or microchipped and will be
18 assigned a registration number from the animal control authority. All tattoos must
19 be unique and clearly visible and placed on the inside right thigh, with each letter and
20 number at least one-half inch in height.

1 b. Any guard dog registered with the American Kennel Club or
2 similar organization, may have the tattoo placed in its ear.

3 c. A guard dog already displaying a tattoo need not obtain an
4 additional tattoo if the existing tattoo is unique and identifiable, identifies the guard
5 dog, and the number is registered with the animal control authority.

6 (4) The animal control authority must be provided the following
7 additional information for each guard dog:

8 a. The name, address, daytime telephone number, and after hours
9 telephone number of the individual responsible for managing the guard dog business
10 and the individual responsible for training and/or caring for the guard dogs must be
11 provided to the animal control authority;

12 b. The breed, sex, weight, age, color, tattoo and/or microchip
13 registration number;

14 c. A color photograph;

15 d. A description of any distinguishing physical features.

16 (5) The following information must be maintained and made immediately
17 available to the animal control authority upon request:

18 a. The name, address and telephone number of each client
19 procuring the use of a guard dog and the physical location of the guard dog, if
20 different than the client's address;

1 b. The name, address and telephone number of the individual
2 responsible for providing food, water, shelter and exercise for the guard dog; and,

3 c. For each guard dog, any veterinary program of preventative
4 medical care and any prescribed treatment certified by a licensed veterinarian.

5 (6) In the event that a guard dog is transferred to another owner, allegedly
6 bites or attacks a human being or another animal, dies, or disappears, the guard dog
7 business must immediately notify the animal control authority in a writing
8 containing, at a minimum, the applicable tattoo or microchip identification, the tag
9 information, the date and time of the occurrence, the new owner's name, mailing
10 address and residence address, if ownership has been transferred, and the last known
11 whereabouts of the guard dog, in the event of disappearance.

12 (7) Any vehicle used to transport guard dogs pursuant to a person's
13 business must be clearly marked to show that it is transporting guard dogs, and must
14 be maintained and arranged to ensure maximum ventilation and protection for the
15 animals.

16 (b) Any dog previously classified as a dangerous dog in accordance with the
17 provisions of this chapter article and applicable state law, shall be ineligible to serve
18 as a guard dog.

19 (c) Requirements of persons using guard dogs.

1 (1) Any person who hires or uses a guard dog must provide proper
2 fencing or a secure enclosure sufficient to keep the guard dog from digging or
3 jumping out and which must contain proper shelter and protection from the elements.
4 If the guard dog is confined to an area that does not allow for sufficient exercise, the
5 guard dog must be provided with minimum daily exercise consisting of either 30
6 minutes of leash activity or 15 minutes of free activity, unless a veterinarian issues
7 a written medical exception.

8 (2) At each appropriate location and entry point, and at each 50 foot
9 interval along the fence perimeter, a sign must be posted that includes the words
10 “Danger - Guard Dog” or words of similar meaning and warning.

11 (3) Each entry point must have a sign posted with the telephone number
12 of the guard dog's trainer or handler and/or owner in case of an emergency.

13 **Section 21. Severability.** It is declared to be the intent of the Board of County
14 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
15 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
16 the validity of the remaining portions of this ordinance.

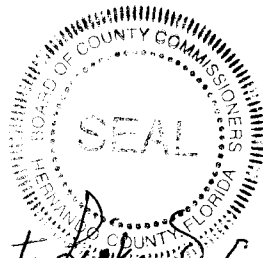
17 **Section 22. Inclusion in the Code.** It is the intention of the Board of County
18 Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this
19 Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida.
20 To this end, the section of this Ordinance may be renumbered or relettered to accomplish such

intention, and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

Section 23. Conflicting Provisions Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 24. Effective Date. This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY in Regular Session this 27th day of MARCH, 2018



**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: Margaret Jones, D.C.
DONALD C. BARBEE, JR.
Clerk

By: Steve Champion
for STEVE CHAMPION
Chairman

Approved for Form and Legal Sufficiency

[Signature]
Deputy County Attorney