

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, AMENDING CHAPTER 14 OF THE PASCO COUNTY CODE RELATING TO ANIMALS; PROHIBITING TRANSFER OF A DOG OR CAT TO ANIMAL ABUSER; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; INCLUSION INTO THE CODE OF ORDINANCES; PROVIDING FOR TRANSMISSION OF ORDINANCE TO THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the Pasco County Board of County Commissioners (BOCC) finds that animal cruelty is a serious problem, resulting in the abuse of many animals each year, and that while the State of Florida has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Pasco; and

**WHEREAS**, the BOCC also finds that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence and that individuals who abuse animals are statistically more likely to commit violent acts against humans; and

**WHEREAS**, the State of Tennessee and several jurisdictions within the State of New York have established on-line registries to provide protection for their residents and animals; and

**WHEREAS**, in 2012, the Florida legislature attempted, but was unsuccessful in passing Senate Bill 618, creating "Dexter's Law," an act establishing a state-wide animal abuse registry; and

**WHEREAS**, in 2016, a few local jurisdictions established local registries, including Hillsborough County and Marion County. Pasco County staff evaluated the feasibility of establishing a local registry, and concluded that because (1) information on convictions occurring statewide is not readily accessible to citizens; and (2) creating a local registration ordinance would require IT and clerical resources that are unavailable at this time, a statewide registry would be ideal. However, the Clerk of the Circuit Court has agreed in the interim to extract information concerning local convictions and to provide a link on her existing website to enable citizens to easily identify animal abusers convicted in Pasco County; and

**WHEREAS**, animal ownership carries with it both rights and responsibilities with respect to the humane treatment, care and control of owned animals; and

**WHEREAS**, the BOCC recognizes that residents of Pasco County and their animals need to be protected and that an on-line link that identifies abusers, and a prohibition against transferring dogs or cats to persons identified as animal abusers, would protect animals and citizens; and

**WHEREAS**, the BOCC requests the Clerk of the Circuit Court establish an on-line Animal Abuser link on pascoclerk.com that contains the name, DOB, offense date, conviction date, and other related information of certain persons convicted of animal abuse offenses in Pasco County; and

**WHEREAS**, the BOCC approves the link to be used as informational resources by persons and entities when they sell, exchange, or otherwise transfer the ownership of a dog or cat, and desires that the County Administrator or her designee may promulgate internal policies and procedures necessary for the implementation of this Ordinance; and

**WHEREAS**, the BOCC finds that it will serve the public health, safety, and welfare of the citizens and animals of Pasco County to create this Animal Abuser informational link for Pasco County.

**NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pasco County, Florida, as follows:

**SECTION 1. AUTHORITY.**

This Ordinance is enacted pursuant to Chapter 125, Florida Statutes (2015), and under the home rule powers of the County.

**SECTION 2. LEGISLATIVE FINDINGS OF FACT.**

The foregoing WHEREAS clauses are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 3. AMENDMENT.**

The Pasco County Code of Ordinances Chapter 14 is hereby amended as follows:

**Chapter 14 - ANIMALS**

**ARTICLE II. - ANIMAL CONTROL**

**DIVISION 1. - GENERALLY**

**Sec. 14-27. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal abuser means any person eighteen (18) years of age or older (including a person who was under 18 when the conduct resulting in conviction occurred but who is tried and convicted as an adult) convicted of an Animal Abuse Offense for conduct that occurs on or after March 1, 2017.

*Aggressive animal* or *aggressive behavior* means any animal that, without provocation, constitutes a physical threat to human beings or other animals. Aggressive behavior also includes, but is not limited to, the following:

- (1) A loose, unconfined animal, when unprovoked, chasing or approaching a person in a menacing fashion or apparent attitude of attack.
- (2) Chasing vehicles.
- (3) Molesting livestock or other domestic animals.

*Animal* means any living creature, other than a human being.

Animal abuse offense shall mean the commission of any act that constitutes the criminal offense of:

- (1) Cruelty to animals under Section 828.12, Florida Statutes;
- (2) Fighting or baiting animals under Section 828.122, Florida Statutes;
- (3) Killing a dog or cat with the intent to sell or give away its pelt under Section 828.123, Florida Statutes;
- (4) Killing or aggravated abuse of horse or cattle under Section 828.125, Florida Statutes;
- (5) Sexual activities involving animals under Section 828.126, Florida Statutes;
- (6) Confinement of animals without sufficient food, water, or exercise under Section 828.13, Florida Statutes.

Animal abuser link shall mean the on-line link at Pascoclerk.com identifying persons convicted in Pasco County of an Animal Abuse Offense that occurs on or after March 1, 2017.

*Animal control officer* means any person employed or appointed by the board of county commissioners as an animal control officer. An animal control officer is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations. An animal control officer is not authorized to bear arms or make arrests.

Animal shelter shall mean any public or privately owned organization, including, but not limited to, any incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the

purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.

*At large* means an animal which is not under the actual control, custody, charge or possession of the owner or other responsible person either by leash, cord, chain, enclosure or as otherwise provided in this chapter.

*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.

*Cat* means, but is expressly not limited to, domestic cat, *Felis catus*, and any genetic hybridization thereof, including, but expressly not limited to, ocelot hybrids and bobcat hybrids, that is not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

*Convicted or conviction* means a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether or not adjudication is withheld.

*County health officer* means the person appointed, pursuant to law, as director of the county health department and his designated agents.

*Department* means the Pasco County Animal Services *Department*.

*Direct control* means immediate, continuous physical control of an animal at all times such as by means of a fence, leash, cord or chain of such strength to restrain the animal.

*Director* means that person in charge of the administration of the Department of Animal Services or anyone designated by that person.

*Dog* means, but is expressly not limited to, domestic dog, *Canis familiaris*, and any genetic hybridization thereof, including, but expressly not limited to, wolf hybrids and coyote hybrids.

*Domestic* means those animals trained to live with and be of use to man; tame.

*Ear-tip* means a mark identifying a community or feral cat as being in a Trap-Neuter-Return program, specifically the removal of approximately three-eighths of an inch off the tip of the cat's left ear in a straight line, while the cat is anesthetized. Ear-tipping is the universal sign of a feral cat symbolizing the cat has been spayed/neutered and rabies vaccinated.

*Farm animal* shall mean animals used in the production of human or animal food, feed or fiber, regardless of whether or not the animal is actually being used or raised for such purposes.

*Feral* means a dog or cat that exists in an untamed state or that has returned to an untamed state, generally not socialized to human contact, and is no longer considered domesticated.

*Flea market* means any premises where the principal use is the sale or offer of goods by five or more individuals, in an open area or partly enclosed booths or stalls, or within an enclosed building, of new and used household goods, personal effects, tools, art work, small household appliances, and other similar merchandise, objects or equipment, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser.

*Good and wholesome food* means palatable nutriment appropriate for the type of animal it is fed to, free from contamination, and of sufficient nutritive value to maintain such animal in good health.

*Harbor* means to own, feed, shelter, keep, maintain or control an animal and includes permanent and temporary harboring of animals.

*Humane organization* means any nonprofit organization that is dedicated to the rescue and protection of animals, duly registered with the Florida Department of State, and Florida Department of Agriculture and Consumer Services, and duly organized as a charitable organization under 26 U.S.C. § 501(c) (3) of the Internal Revenue Code of the United States, and spays or neuters any dog or cat as is strictly consistent with the provisions of this chapter.

*Hybrid* means, but is expressly not limited to, a mixture of one or more types of wild animals crossed with any combination of domestic animals.

*Large kennel* means any person or entity who owns, harbors or keeps more than 15 dogs or cats, in aggregate, at a property or structure, for any purpose, including, but not limited to, housing, boarding, breeding, training, show or exhibition, hunting, sale, rescue, adoption or personal pet or use. Large 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 used as a veterinary hospital, medical research laboratory, pari-mutuel dog racing establishment, or any governmental agency, or to any boarding kennel operated in conjunction with any of the foregoing.

*Mandatory court appearance* means that a person shall not have the option to pay the fine instead of appearing in court.

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

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

*Pet seller* shall mean any individual or person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of ownership of animals.

*Premises* means land and all structures and articles appurtenant or attached thereto which are owned, leased, occupied or controlled by a person.

*Rescue tag* means current animal tag or tags issued by the Division for a humane organization. Such tags shall have one serial number unique to that humane organization.

*Sale* means a transaction for an animal for any value received, including, but not limited to, currency, fees, including, but not limited to, re-homing fees and any other administrative fees for humane organizations or other nonprofit entities, services, or goods.

*Serious physical injury or severe physical injury or damage* means any physical injury that results in any of the following injuries: (a) broken bones; (b) muscle, ligament, or tendon tears; (c) skin lacerations, puncture wounds, or other injuries that require sutures, or surgery, or for which the victim seeks emergency treatment; (d) the transmission of an infectious or contagious disease; or any physical injury that creates a substantial risk of death or that causes death, serious disfigurement, protracted impairment of health, impairment of function of any bodily organ, or plastic surgery.

*Service animal* shall mean any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the Americans with Disabilities Act (ADA). This definition shall incorporate any future legislative, administrative, or judicial changes to the definition of Service Animal within the Americans With Disabilities Act.

*Shelter*, minimally defined, means a three-sided roofed and floored structure that is a secure weather-resistant structure which protects an animal from exposure to the elements including, but not limited to, rain, cold, wind and heat, and in size is a minimum of six inches higher than the animal's height at full stand with head erect, one and one-half the animal's full body length, and sufficient in width to permit the animal to turn around. Shelter shall not include a lean-to, drums or barrels, spaces underneath mobile or prefabricated homes or spaces underneath porches or decks.

*Tag* means a current Department animal license tag.

*Unprovoked* means that the victim has been conducting himself peacefully and lawfully.

*Veterinarian* means a veterinarian duly licensed and registered by the state.

*Vicious animal or vicious behavior* means any animal that, without provocation, (1) causes severe physical injury to a human being, or (2) severely injures or kills a domestic animal while off the owner, harbinger or keeper's property. Vicious animal or vicious behavior shall not be interpreted to include an animal that at the time of causing physical injury, was being tormented, abused, assaulted or was protecting a human being from an unjustified attack, or if the injury caused was while the person injured was unlawfully on the property of the animal.

*Water* means potable water free from contamination.

*Wild animal* means every living creature belonging to a species which will normally be found in the wild state, meaning found primarily in a natural state or a wild environment.

#### DIVISION 5. – ANIMAL ABUSERS; LOCAL REGULATIONS

##### Sec. 14-115. Transfer of dog or cat to Animal Abuser prohibited.

- (1) No person shall knowingly sell, exchange, or otherwise transfer the possession of a dog or cat to any person identified as an Animal Abuser on the online link established at Pascoclerk.com.
- (2) Prior to sale, exchange, or other transfer of possession of a dog or cat, animal shelters, pet sellers, humane organizations, large kennels, kennels, breeders, pet dealers, pet sellers, and rescue organizations shall examine the Animal Abuser link to confirm that the potential owner of the dog or cat is not identified on the link as a convicted Animal Abuser. Upon request from an Animal Control officer, the entity shall provide proof by affidavit or otherwise, that it confirmed the absence of such information on the Animal Abuser link at the time of the transfer. The entity shall create records at or before the time of the transfer to show who examined the link, the date and time of the examination, and results of the examination of the online link; these records shall be retained for 5 years. Entities shall produce the records to Pasco County for examination upon request. Failure to examine the registry prior to transfer, maintain required records, or to produce them upon request are violations of this Code.
- (3) This section shall not apply to the transfer of farm animals or to service animals.

- (4) This section does not apply to Animal Abusers when the abuser's conviction is successfully appealed, expunged, or more than 5 years prior.

Sec. 14-116. Accuracy and Completeness of Information.

Pasco County relies on other sources for the information published in the Animal Abuser link. Therefore, the County makes no express or implied guarantee concerning the accuracy or completeness of any of the data in the link.

**SECTION 4. APPLICABILITY.**

For purposes of jurisdictional applicability, this Ordinance shall apply in unincorporated Pasco County and in the incorporated areas of Pasco County where, pursuant to an interlocal agreement, Pasco County enforces Chapter 14 of the Pasco County Code of Ordinances.

**SECTION 5. REPEALER.**

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**SECTION 6. SEVERABILITY.**

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the ordinance shall be construed as not having contained the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

**SECTION 7. INCLUSION INTO THE CODE.**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be transmitted to the Department of State by the Clerk to the Board by electronic mail within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect on March 1, 2017.

ADOPTED with a quorum present and voting this 10 day of January 2017.



BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

By: Paula S O'Neil  
PAULA S O'NEIL, Ph.D.  
CLERK & COMPTROLLER

By: [Signature]  
MIKE MOORE, CHAIRMAN

APPROVED  
IN SESSION

JAN 10 2017

PASCO COUNTY  
BCC