

CITY OF FORT PIERCE

CONFERENCE AGENDA

Conference Agenda Meeting - Monday, August 12, 2019 - 9:00 a.m.
City Hall - Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **New Business**
 - a. Presentation of Flood Awareness/ Hurricane Preparedness by Paul Thomas, Building Official
 - b. Presentation of the reconfiguration of Fernandina Street from SR A1A to Thumb Point Drive by Jack Andrews, City Engineer
 - c. Presentation of Fort Pierce Youth Council Activities by Joe Sweat, Marketing Specialist
 - d. Review of Animal Control Policies and Procedures
 - e. Public Comments Procedures at City Commission Meetings
5. **City Commission Boards and Committees Updates**
6. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Mayor, as this section of the Agenda is limited to thirty minutes. The City Commission will not be able to take any official actions under Comments from the Public. Speakers will address the Mayor, Commissioners, and the Public with respect. Inappropriate language will not be tolerated.
7. **Adjournment**

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (772) 467-3065 at least 48 hours prior to the meeting.

City Commission Conference Agenda

4.a.

Meeting Date: 08/12/2019

Re: Flood Awareness/ Hurricane Preparedness

Submitted For: Paul Thomas, Building Official, Building

SUBJECT:

Presentation of Flood Awareness/ Hurricane Preparedness by Paul Thomas, Building Official

Form Review

Inbox	Reviewed By	Date
Building	Paul Thomas	04/25/2019 08:28 AM
City Manager	Nick Mimms	08/07/2019 03:03 PM
Form Started By: Karen Murphy		Started On: 04/22/2019 04:08 PM
Final Approval Date: 08/07/2019		

City Commission Conference Agenda

4.b.

Meeting Date: 08/12/2019

Re: Fernandina Street Reconfiguration

Submitted For: John Andrews, City Engineer, Engineering

SUBJECT:

Presentation of the reconfiguration of Fernandina Street from SR A1A to Thumb Point Drive by Jack Andrews, City Engineer

Form Review

Inbox

City Manager

Form Started By: Jennifer Robinson

Reviewed By

Date

Started On: 03/13/2019 11:55 AM

City Commission Conference Agenda

4.c.

Meeting Date: 08/12/2019

Re:

SUBJECT:

Presentation of Fort Pierce Youth Council Activities by Joe Sweat, Marketing Specialist

Form Review

Form Started By: Jennifer Robinson

Started On: 08/07/2019 02:57 PM

Final Approval Date: 08/07/2019

City Commission Conference Agenda

4.d.

Meeting Date: 08/12/2019

Re: Animal Control Policies and Procedures

Submitted For: Peggy Arraiz, Code Compliance Manager, Code Enforcement

SUBJECT:

Review of Animal Control Policies and Procedures

Attachments

Sec 1 - City Ordinances

Sec 2 - state statutes

Sec __ - Animal Death

Sec ____ - Abuse Cruelty Neglect

Sec ____ - Running at Large

Form Review

Inbox

City Manager

Form Started By: Peggy Arraiz

Final Approval Date: 08/07/2019

Reviewed By

Nick Mimms

Date

08/07/2019 03:03 PM

Started On: 07/18/2019 04:08 PM

SEC. 1 - CITY ORDINANCE

Chapter 4 - ANIMALS^[1]

ARTICLE I. - GENERAL

Sec. 4-1. - Definitions.

As used in this chapter, the following terms shall have the indicated meaning.

Animal. Any non-speaking, live, vertebrate creature, domestic or wild.

Animal control officer. Any person employed or appointed by the city who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty, licensure of animals, or seizure and impoundment of animals and to issue citations as provided in this article.

Animal shelter. Any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

At large. Any animal which is off the premises of its owner or keeper and not under the restraint of its owner or keeper.

Attack. An event whereby an unprovoked animal lunges at, runs after or otherwise chases or approaches a person or other animal and such event either occurs in a threatening or menacing manner or causes some type of injury.

Bird or fowl. Any member of the avian species, regardless of sex.

Bite. An actual puncture or tear of the skin inflicted by the teeth of an animal.

Breeder. Any person who owns, keeps, harbors, maintains, or has custody of dogs or cats that produce any litter or offspring that are offered for sale, or that produce a combined total of two (2) or more litters during a twelve-month period.

Cat. Any feline, regardless of sex.

Citation. A written notice, issued to any person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. Pursuant to F.S. § 828.27, the citation shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting probable cause.
- (5) The ordinance violated.
- (6) The name and authority of the officer.
- (7) The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

Community cat. A cat that has been sterilized, vaccinated, ear tipped and returned to the outdoors to live independent of human intervention.

Confined. Physically preventing an animal from leaving the premises of its owner or keeper.

Control. The possession, ownership, care and custody of animals.

Controlled burial. Burying at least two (2) feet below the surface of the ground and one hundred (100) feet from any water well.

Cruelty. Any act of neglect, torture or torment that causes the unjustifiable pain or suffering of an animal.

Dangerous dog. Any dog that according to the records of the appropriate authority:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury of a human being on public or private property;
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property; or

- (3) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by the division.

Dog. Any animal of the canine species, regardless of sex.

Domestic animal. Dogs, cats, or other animals that are kept primarily as pets for pleasure rather than utility and that do not require a special permit by the Florida Fish and Wildlife Conservation Commission.

Exposed to rabies. A person, dog, cat or other animal that has been bitten by, or been exposed to, any animal known to have been infected with rabies.

Extreme weather for the purposes of this chapter shall include but not be limited to the following conditions:

- (1) Hurricane;
- (2) Tropical storm;
- (3) Above eighty-five (85) degrees Fahrenheit with a heat index of one hundred (100) degrees heat index; or
- (4) Below forty (40) degrees Fahrenheit with a thirty-five (35) degrees wind chill factor.

In determining whether extreme weather conditions exist, an animal control officer shall consider extenuating circumstances that provide for the safety of the animal through other means.

Feral. Any dog or cat existing in a wild or untamed state. The definition includes any dog or cat that has returned to an untamed state from domestication.

Harbor. The act of keeping and caring for an animal or providing premises to which the animal returns for food, shelter, or care for five (5) consecutive days. This shall not include those circumstances wherein an individual temporarily captures or holds a stray animal and immediately returns the animal to its owner or an animal control officer.

Hunt or hunting. To follow, search, or pursue any animal or the use of structures or tree stands for the purpose of capturing or killing either for food or in sport, or the use of any animal or hunting falcon for this purpose.

Impoundment. The taking of or picking up of and confinement of an animal by an officer under the provisions of this article.

Leash or lead. A cord, rope, chain or similar device which holds an animal under restraint and is not more than six (6) feet in length.

Livestock. Horses, mules, donkeys, cattle, calves, sheep, goats, pigs, hogs or any other grazing animal.

Microchip. A small chip implanted under an animal's skin that transmits an identification number to an electronic scanner, which provides pet ownership data through cross reference to microchip registry.

Officer. Any law enforcement officer defined in, F.S. § 943.10, or any animal control officer employed by the city.

Ordinance. Any ordinance relating to the care, custody, control of or cruelty to animals enacted by the city, the violation of which is a civil infraction.

Owner. Any person, partnership, corporation or entity possessing, owning, keeping, caring for, or harboring one or more animals including any custodian or other person in charge of an animal.

Proper enclosure of a dangerous dog. While on the owner's property, a dangerous dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and shall also provide protection from the elements.

Public nuisance.

- (1) Any animal which:
 - a. Attacks passersby or passing vehicles without provocation;
 - b. Attacks other animals;
 - c. Is repeatedly at large and not under restraint;
 - d. Trespasses on school grounds;
 - e. Damages private or public property;

- f. Repetitively barks, whines, howls, chirps, caws, or whistles for a period of five (5) minutes or more so as to disturb adjacent residents; or
 - g. Causes an annoyance in the neighborhood by acts such as overturning garbage cans, defecating, digging holes on other than its owner's property, or such other acts as are generally regarded to create an annoyance.
- (2) Any activity, such as, but not limited to, the feeding of wild animals or fowl, which:
- a. Causes the fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to those in close proximity to the premises where the animals or fowl congregate; or
 - b. Causes a sanitary nuisance as defined in F.S. § 386.01.
- (3) The keeping of any wild animal in violation of the provisions of F.S. Ch. 372 and regulations promulgated by the Florida Game and Fresh Water Fish Commission.

Quarantine. A strict confinement, isolation and observation imposed on animal(s) suspected of having rabies or any other infectious zoonotic disease, or premises or other defined geographic areas, to prevent the spread of disease or pests.

Responsible person. A responsible person is an individual who is at least fifteen (15) years of age or older who may provide temporary supervision or care for an animal as permitted by the owner of the animal. A responsible person as described herein may be the owner, or may be a person who is not the owner but has been permitted by the owner to provide temporary supervision or care.

Severe injury. Any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

Sterilized. Rendered permanently incapable of reproduction.

Tease. To intentionally disturb, provoke, interfere with, or annoy any animal.

Tether. To tie or otherwise attach an animal to a stake, pole, tree, or other stationary object without providing direct control and supervision of the animal.

Under restraint. Any animal confined within the premises of its owner or keeper, or under immediate, continuous physical control, secured by a leash or lead.

Unprovoked. The victim what has been conducting himself or herself peacefully and lawfully has been bitten or changed in a menacing fashion or attacked by an animal.

Unsterilized. Any non-spayed or non-neutered animal.

Vicious animal. Any fierce or dangerous animal that constitutes a physical threat to human beings or other animals, or any animal for which the animal control officer has documentation to establish that the animal has bitten any person or other animal on two (2) separate occasions without provocation within a period of one year.

Sec. 4-2. - Prohibited animals.

(a) Except as permitted by applicable city regulations, it shall be unlawful for any person to keep or harbor livestock; fowl, not including domesticated caged or perched birds kept indoors as pets, such as parrots, cockatoos, macaws, parakeets, cockatiels, and finches; animals that require a special permit by the Florida Fish And Wildlife Conservation Commission or bees in any incorporated area of the city.

(b) A special exemption permit may be granted by the animal control division if said animals do not create a nuisance, health hazard or danger, and if said animals are not being raised for public consumption. Special exemption permits for backyard chickens may be granted as long as all the requirements outlined in section 4-33 of this chapter are met. A denial of a special exemption permit may be appealed to the city manager.

(c) The fee for the special exemption permit will be set by resolution of the city commission.

Sec. 4-3. - Trapping prohibited.

(a) The use of box traps, food-hold traps, snares, or any other device to capture any animal or fowl within the city shall be prohibited except for use by authorized animal control officers, state agencies, wildlife officers or their contractors to capture or control nuisance animals. This section shall not be interpreted to apply to the use of traps or devices to eradicate mice, rats, rodents, or other vermin.

(b) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-4. - Hunting prohibited.

(a) It shall be unlawful for any person to hunt any animal or fowl within the city.

(b) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Secs. 4-5—4-19. - Reserved.

ARTICLE II. - ANIMAL CONTROL

Sec. 4-20. - Public nuisance.

(a) It shall be unlawful for any owner to permit his or her animal to become a public nuisance or for any individual to create a public nuisance as defined herein.

(b) The owner or keeper of any animal shall immediately remove any excreta deposited by the animal on public walks, recreation areas, or the property of others.

(c) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-21. - Running at large.

(a) It shall be unlawful for any person to permit any cattle, horses, sheep, chickens, ducks, goats, turkeys, dogs, cats, or any other domestic, exotic or wild animals or fowl to run at large in the city except as otherwise provided by law or ordinance.

(b) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-22. - Restraint of animals; generally.

(a) Animals shall not be allowed outside the confines of their own homes without proper restraint except as provided in this section.

(1) Dogs, cats and small domestic animals shall not be kept outside in crates, whether metal, wood, plastic or other material.

(2) Dogs, cats and small domestic animals may be kept outside in a fenced enclosure if the enclosure contains a shelter which meets the following requirements:

- a. Is weatherproof and made of durable materials so as to provides adequate protection from the sun, wind and rain;
- b. Provides a solid floor. Wire, grid or slat floors of structures that permit the animal's feet to pass through openings, or sag under the animal's weight,

or that otherwise do not protect the animal's feet or toes from injury are prohibited;

- c. Provides a solid roof;
- d. Contains clean and dry bedding material;
- e. Elevated a minimum of six (6) inches from the ground and be free standing of water;
- f. Provides sufficient space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down, and turn around simultaneously; and
- g. Provides ingress and egress for the animal to enter and exit the shelter at all times.
- h. Be kept in a clean and sanitary condition free from accumulated waste and debris.

(3) Any animal left unattended in an outdoor fenced enclosure shall be provided a minimum open space, excluding the shelter(s) within the enclosure, based upon the dog's size as set forth below:

- a. Twenty (20) pounds or less (small): Thirty-two (32) square feet.
- b. Twenty-one (21) pounds to fifty (50) pounds (medium): Sixty square feet.
- c. Over fifty (50) pounds (large): Eighty (80) square feet.
- d. An additional sixteen (16) square feet is required for each additional dog.

(4) Sufficient food and water shall be provided at all times daily, including weekend and holidays.

(5) No animal shall be tethered unless all of the following provisions are met:

- a. A responsible person must be outside and within view of the animal at all times while tethered.
- b. Animals younger than six (6) months old, older than seven (7) years, or ill shall not be tethered.

- c. The length and weight of the tether shall be appropriate for the animal breed and shall be a minimum of ten (10) feet long or four (4) times the length of the animal (measured from tip of nose to base of tail), whichever is greater.
- d. The tether must have swivels at both ends of the rope, chain or similar restraint for holding an animal in place, allowing a short radius in which it can move about and not become tangled.
- e. Prong, choke or chain collars are prohibited in the use of tethering animal.
- f. Area which the animal may reach while tethered shall be free of entanglements.
- g. The length and location of the tether must not allow the animal to reach a fence or neighboring property.
- h. Collar weight shall be appropriate for the animal as determined by a reasonable person.
- i. A trolley system is permitted.
- j. An animal may not be tethered in extreme weather, including but not limited to hurricanes, tropical storms or tornados.
- k. The animal shall have access to a water, shade and a dry and raised area at all times.

(6) Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces.

(7) Dogs on residentially zoned property shall not be maintained outdoors during periods of extreme weather.

(b) It shall be unlawful for any operator of a motor vehicle to allow an animal to ride in any unenclosed section of the vehicle without enclosing the animal in a cage that is secured to the vehicle or securing the animal with a restraint device that will not permit the animal to reach the outside perimeter of the vehicle.

(c) This section shall not apply to community cats as defined in this chapter.

(d) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter.

Sec. 4-23. - Public areas.

(a) It shall be unlawful for any person to bring any animal, except seeing eye dogs, any dog trained to assist the handicapped, or governmental police dog, upon the beaches or parks owned by the city, except as may be provided in chapter 12 of the Fort Pierce City Code, whether or not the animal is under restraint, or in restaurants, grocery stores, or other establishments selling groceries or staple goods. Except that this prohibition shall not apply to outdoor portions of food service establishments when specifically authorized in section 4-23(b).

(b) As provided by F.S. § 509.233, there is hereby established a local exemption procedure to certain provisions of the Food and Drug Administration Food Code, as currently adopted by the Florida Division of Hotels and Restaurants, to allow patrons' dogs within certain designated outdoor portions of public food service establishments. This exemption shall only apply to those public food service establishments that have received a permit and to those certain designated outdoor portions as identified on the approve permit application.

(1) *Permit requirements.* In order to protect the health, safety, and general welfare of the public, participating public food service establishments shall annually apply for and receive a permit from the City of Fort Pierce before allowing patrons' dogs on their premises. Application for the permit shall be made to the city's planning office and shall be reviewed and approved by both the planning department and the code compliance manager. Applications shall include, along with any other such information deemed reasonably necessary by the city in order to implement and enforce the provisions of this part, the following information:

- a. The name, location, and mailing address of the public food service establishment.
- b. The name, mailing address and telephone contact information of the permit applicant.
- c. A diagram and description of the outdoor dining area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding

property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the city. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

- d. If any portion of the outdoor dining area includes city rights-of-way, an approved sidewalk café permit must be obtained in conjunction with the application.
- e. A description of the days of the week and hours of operation which patrons' dogs will be permitted in the designated outdoor dining area.
- f. A copy of a valid business tax receipt issued by the City of Fort Pierce.
- g. The annual permit fee for establishing or maintaining a dog friendly outdoor dining area and related inspection fees shall be established by the city commission by resolution. The permit fee shall cover the processing of all paperwork including one on-site inspection to confirm compliance with the regulations outlined in this section. Inspection fees shall be charged for any additional inspections required to complete the processing for the application.

(2) *Reporting.* In accordance with F.S. § 509.233(6), the City of Fort Pierce shall prohibit the division of hotels and restaurants and the local department of health with a copy of all approved applications and permits issued on a quarterly basis.

(3) *Regulations and limitations.* In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, the following regulations and limitations shall apply to establishments which obtain such a permit:

- a. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
- b. Patrons in the designated outdoor dining area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor dining area.

- c. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
- d. patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
- e. Dogs shall not be allowed on chairs, tables, or other furnishings.
- f. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
- g. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor dining area.
- h. A sign or signs reminding employees of the applicable rules shall be posted on the premises in a manner and place as determined by the city.
- i. A sign or signs reminding patrons of the applicable rules shall be posted on the premises in a manner and place as determined by the city.
- j. A sign or signs shall be posted in a manner and place as determined by the city that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.
- k. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to designated outdoor dining area of the public food service establishment must not require entrance into or passage through any indoor area of the public food service establishment.

(4) *Expiration of permit.*

- a. A permit issued pursuant to this section shall not be transferred to a subsequent owner or upon the sale of other form of transfer of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to re-apply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

b. Permits shall expire September 30 of each year. There shall be a late fee established by the city commission by resolution for failure to renew the permit within five (5) days of expiration.

(5) *Complaints and reporting.* In accordance with F.S. § 509.233(6), the City of Fort Pierce shall accept and document complaints related to this program and shall report quarterly to the division of hotels and restaurants and the local department of health all such complaints and the city's enforcement response to such complaints.

(c) A violation of this section shall constitute a class A civil infraction, punishable as provided within section 4-90 of this chapter.

Sec. 4-24. - Animal abuse, cruelty, or neglect.

(a) It shall be unlawful for any person to abandon, beat, treat with cruelty, overwork, or otherwise abuse any animal.

(b) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

(1) Clean, sanitary and humane conditions; runs, shelters, and living areas shall be kept clean of animal excrement;

(2) Sufficient quantities of food and fresh water daily; food must be free from contamination and water placed in a container that cannot be tipped over or spilled;

(3) Proper air ventilation and circulation;

(4) Sufficient shelter as defined in this chapter; and,

(5) Medical attention and/or necessary veterinary care when it is sick, diseased or injured.

(c) It shall be unlawful for an owner or operator of a motor vehicle to place or confine an animal or allow it to be placed or confined within an unattended motor vehicle without sufficient ventilation or under conditions for such a period of time as may be reasonably expected to endanger the health or well being of such animal due to heat, lack of water, or such other circumstances as may be reasonably expected to cause suffering, disability, or death of an animal.

(d) It shall be unlawful for any person to expose any known poisonous substance, whether mixed with food or not, so that it may be consumed by any animal.

(e) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-25. - Animal injury; unlawful killing.

(a) It shall be unlawful for any person injuring any dog, cat, or other domestic animal by any means, including a motor vehicle, to fail to notify the owner of the animal, if known, the police department, or the animal control officer. Any person who, as an operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible.

(b) All domestic animals put to death shall be done so pursuant to F.S. Ch. 828.

(c) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter.

Sec. 4-26. - Animal care.

(a) It shall be unlawful for any person to tease or molest an animal.

(b) All dead animals shall be disposed of by means of cremation, controlled burial, as defined herein, or disposal to rendering companies. It shall be unlawful for any person or persons to dispose of dead animals by use of garbage collection containers.

(c) Female animals in heat (estrus) shall at all times be kept under restraint or confined within a building or secure enclosure in such a manner that such female animal cannot come into contact with male animal of like species except for planned breeding.

(d) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-27. - Rabies vaccination required.

(a) The owner or custodian of every dog, cat, and ferret, four months of age and older must obtain and maintain current and valid vaccination against rabies for these animals by a licensed veterinarian, and maintain a certificate of current and valid vaccination, in accordance with F.S. § 828.30.

(b) A dog, cat or ferret shall not be required to be vaccinated against rabies if a licensed veterinarian has examined the animal and has certified in writing that at such time vaccination would endanger the animal's health because of its age, infirmity, disability, illness or other medical considerations. Such exempt animal shall be vaccinated against rabies as soon as its health permits.

(c) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter.

Sec. 4-28. - Reserved.

Sec. 4-29. - Rabies control, reporting dog and cat bites, investigations.

(a) In the event any person is bitten by a dog or cat within the limits of the city, such person, or the owner of such dog or cat when he has knowledge of the incident, shall report such incident to a police or animal control officer within twenty-four (24) hours.

(b) Every physician or other practitioner shall report to a police or animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as is necessary for rabies control.

(c) Every licensed veterinarian shall report to the city or animal control officer his diagnosis of any animal observed by him as a rabies suspect.

(d) Animal control officers shall investigate bite cases and initiate action to quarantine involved animals or take other enforcement when necessary to protect public health.

Sec. 4-30. - Limitation on the number of cats and dogs.

(a) It shall be unlawful to own, harbor, or keep more than five (5) domestic animals, four (4) months or older.

(b) This section shall not pertain to breeders that are registered and in compliance with the requirements this chapter. Nor shall it apply to the ownership, care, custody or maintenance, in the ordinary course of business, of any animal by a research or veterinary medical facility, government operated or authorized animal shelter, humane society facility, boarding facility, or commercial pet shop, provided that said shelter, facility, or shop is operating in accordance with all applicable occupational licensing and zoning ordinances.

(c) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter.

Sec. 4-31. - Classification of dangerous dogs; requirements.

(a) The provisions of F.S. §§ 767.10 through 767.14, and all subsequent amendments regulating dangerous dogs, and defined in F.S. § 767.11(1), are adopted by reference and incorporated herein.

(b) The owner of a dangerous dog shall present the city with proof that they have procured liability insurance or a surety bond in the amount of no less than one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by such dangerous dog. Said policy shall contain a provision requiring that the city be given notice immediately by the agent issuing the policy in the event the policy is canceled, terminates, or expires. Such liability insurance shall be obtained prior to issuing a certificate of registration for the dangerous dog as provided for in this chapter or prior to releasing the dog from impoundment, and shall be maintained so long as the dangerous dog resides within the city.

(c) An owner transferring ownership of any dog found to be dangerous under this article shall provide written notice to the new owner regarding the dog's classification as dangerous. An owner either, transferring ownership of, or moving the location of, a dog classified as dangerous under this article shall notify the city in writing regarding the new address, or the name, address, phone number of the person receiving the dog. Any person receiving a dog classified as dangerous must comply with all requirements of this chapter.

(d) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-32. - Restraint and confinement of vicious animals or dangerous dogs.

(a) It shall be unlawful for any owner to keep any vicious animal or dangerous dog, as defined herein, within the city unless it is confined within a secured building or securely fenced enclosure or to allow the animal to be taken outside this confinement without being under restraint and sufficiently muzzled to prevent biting.

(b) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-33. - Backyard chickens.

(a) *Special exemption permit required.* A special exemption permit is required for keeping of chickens in incorporated areas of the city. The permit is personal to the permittee and may not be assigned. If the person applying for the permit is not the registered property owner of the property where the chickens are to be kept, the registered owner must provide written authorization and consent to the application. The registered owner's written authorization must be submitted at the time the application for the permit is tendered. Failure to attach the registered owner's authorization will result in denial of the permit.

(b) Chickens are permitted to be kept at an occupied single-family residence. Permits for maintaining chickens at duplexes, triplexes and other multi-family residential units will be considered on a case-by-case basis; determined by building configuration, lot size and the applicant's ability to comply with all regulations of this section. Chickens are not permitted to be maintained on unimproved and/or vacant properties, condominiums, apartment complexes and within manufactured/mobile home parks.

(c) A maximum of six (6) female chickens (hens) may be kept per permit. Roosters are not permitted.

(d) The keeping of ducks, geese, turkeys, peafowl, and pigeons or any other poultry or fowl by any person within a penned enclosure is prohibited under this section. However, nothing in this section is intended to prohibit or restrict the existence of these species as free range birds.

(e) The chickens shall be provided with a covered enclosure (henhouse/coop) and must be kept in a covered enclosure or fenced pen/run at all times. Free roaming chickens are prohibited.

(f) All chicken enclosures must meet the following requirements:

(1) The enclosure must be kept in the backyard of the residence.

(2) May not be located closer than ten (10) feet from any property line of an adjacent property, nor within twenty-five (25) feet of any adjacent residential structure.

(3) Must provide a minimum of four (4) square feet per chicken and may not exceed eighty (80) square feet.

(4) May not exceed six (6) feet in height.

(5) The henhouse, coop, pen and/or run area must be cleaned regularly and no manure is permitted to accumulate on the floor or ground.

- (6) Shall be constructed and maintained so as to prevent the harborage of rodents and other pests.
- (g) Odors from chickens, chicken manure or other items associated with the keeping of chickens must not be perceptible at the property boundaries.
- (h) All feed and other items associated with the keeping of chickens that are likely to attract rodents or to become infested with pests shall be kept in secure containers.
- (i) Chickens are for personal use only. Selling chickens, eggs, feathers, chicken manure or the breeding of chickens is prohibited.
- (j) The slaughter of chickens is prohibited in areas that are viewable from any adjacent property or public area.
- (k) Violations of this section are a class A violation. Three (3) violations of any part of this section within a twelve (12) month period may result in the revocation of the special exemption permit.

Secs. 4-34—4-49. - Reserved.

ARTICLE III. - REGISTRATION

Sec. 4-50. - Registration required.

- (a) Except as otherwise provided herein, it shall be unlawful for any person to own, keep, harbor, maintain, or have custody of any dog or cat four (4) months or older, within the city, unless such dog or cat is registered in accordance with the provisions of this article.
- (b) Registrations or identification tags shall not be transferred from one animal to another, nor from one owner to another.
- (c) This section shall not apply to community cats as defined in this chapter.
- (d) A violation of this section shall constitute a class B civil infraction, punishable as provided within this chapter, except that a violation of the section pertaining to the failure to register a dangerous dog constitutes a class C civil infraction, punishable as provided within this chapter.

Sec. 4-51. - Registration tags required.

(a) Dogs and cats must wear valid registration tags, issued pursuant to this article, securely affixed to a collar or harness at all times except when the animal is being shown in competition.

(b) A violation of this section shall constitute a class A civil infraction, punishable as provided within this chapter.

Sec. 4-52. - Registration process and fees.

(a) The animal control division will administer the registration program and is authorized to adopt rules and procedures necessary to fulfill this responsibility.

(b) Owners or custodians of dogs and cats requiring registration pursuant to this article, shall register and obtain tags as follows:

(1) Within thirty (30) days of acquiring the dog or cat; or

(2) Within thirty (30) days after the owner or custodian takes residence in the incorporated areas of Fort Pierce, whichever occurs later.

(3) Upon transfer of a previously registered animal to a new owner or custodian, the owner or custodian shall have a period of thirty (30) days within which to comply with the requirements of this article. Except that upon the transfer of a dangerous or vicious dog, as provided in this chapter, the owner or custodian shall have a period of seven (7) days to comply.

(c) Registrations must be purchased from the animal control division, participating veterinarians, animal shelter, or other agents as approved by the city, except that only the animal control division shall process the registration of vicious or dangerous dogs.

(1) Applications for registration must include a proof of current and valid rabies vaccination as provided within this chapter, and applications for registration of sterilized dogs or cats must include a sterilization certificate issued by a licensed veterinarian. No registration will be issued without such certifications.

(2) Applications for the registration of vicious animals or dangerous dogs must include certificate of liability insurance as required within this chapter. Any registration issued pursuant to the presentation of this certificate, shall immediately become invalid upon an owners failure to maintain such liability insurance. No registration will be issued without such certificate.

- (3) Fees, applications, and certification information will be forwarded to the city clerk by selling agents as required by administrative rule.
- (d) The registration certificate and tag shall be valid for one year from the date of issuance.
- (e) The registration provisions of this article shall not apply to:
 - (1) Any owner or custodian who is a nonresident or temporary resident, as defined herein, provided that the owner's animal has been vaccinated for rabies and this vaccination remains valid for the duration of the anticipated stay within the incorporated areas of the city and that a valid rabies tag is worn as required by this chapter. A "temporary resident" as used herein shall be defined to mean a person who intends to reside within the city for a total period of less than six (6) months during any twelve-month period.
 - (2) The ownership, care, custody or maintenance, in the ordinary course of business, of any animal by a research or veterinary medical facility, animal shelter, boarding facility, or commercial pet shop, provided that said shelter, facility, or shop is operating in accordance with all applicable occupational licensing, code, and zoning ordinances.
 - (3) Government-owned law enforcement service dogs.
- (f) Fees for registrations shall be charged as follows:
 - (1) Annual fee for each sterilized cat or dog: \$ 10.00
 - (2) Annual fee for each nonsterilized cat or dog: 75.00
 - (3) Replacement tags 5.00
 - (4) Non-sterilized cats and dogs that are registered with a veterinarian's certification that the animal's age or health prevents sterilization shall pay the same fee for sterilized cats and dogs.
 - (5) Fees shall be waived for any service dog or cat that is specially trained and actively engaged in service to assist the handicapped; however, these animals must be registered and comply with requirements to wear tags.
- (g) Fees for the registration of dangerous dogs as required within this chapter shall be one hundred dollars (\$100.00), which is in addition to the applicable standard registration fee as provided herein.

(h) Proceeds from the registration program shall first be used for program administration; and then, remaining proceeds may be used for education and to support free or reduced cost pet spay and neuter programs

Sec. 4-53. - Breeder registration required.

(a) It shall be unlawful for any person to operate as a cat or dog breeder unless such person has been currently registered as a breeder in accordance with the provisions of this article.

(b) A violation of this section shall constitute a class C civil infraction, punishable as provided within this chapter.

Sec. 4-54. - Breeder registration process, fees, and revocation.

(a) All breeders of cats or dogs operating within the city, shall obtain a breeder registration certificate from the city clerk on or before October 1 of each year.

(b) A breeder registration certificate will not be issued unless the applicant demonstrates compliance with all applicable building, zoning, and business tax codes and ordinances. A breeder registration certificate shall be immediately revoked for failure to maintain compliance with such codes and ordinances.

(c) The annual fee for breeder registrations shall be one hundred dollars (\$100.00).

(d) The breeder registration number shall be included in all advertisements for sale of any animals offered for sale or breeding by the breeder.

(e) The breeder registration certificate shall be nontransferable.

(f) The breeder's registration certificate shall be immediately revoked upon any conviction for an offense involving cruelty, neglect, or abuse of animals. Breeders convicted of such offenses shall be ineligible for issuance of a registration certificate.

(g) There shall be no more than one registered breeder per residentially zoned property.

(h) Proceeds from breeder registration program shall first be used for program administration; and then, remaining proceeds may be used for education and to support free or reduced cost pet spay / neuter programs.

Secs. 4-55—4-69. - Reserved.

ARTICLE IV. - IMPOUNDMENT

Sec. 4-70. - Impounding; authority.

Police and animal control officers are authorized to impound any animal or fowl as provided by this chapter or state law.

Sec. 4-71. - Impoundment; requirement to check for identification.

Upon taking custody of any dog or cat, officers shall inspect the animal for a registration tag and scan the animal for the presence of a microchip in an attempt to gain ownership information required for the completion of duties as described herein. Such inspection and scanning shall be completed prior to any impoundment at an animal shelter.

Sec. 4-72. - Impoundment and disposition; not under restraint, at large, and nuisance animals.

(a) Any animal or fowl not under restraint, found running at large in the city, or determined to be a nuisance animal, may be taken by or at the direction of an officer and impounded in the animal shelter, and there confined in a humane manner.

(b) Female animals in heat may be impounded when not kept under restraint or confined within a building or secure enclosure as provided in this chapter.

(c) When the owner is known and able to take immediate custody of an animal, and the animal is not a danger to public safety or a nuisance animal, officers should return the animal directly to the owner to avoid impoundment and animal shelter fees. However, this shall not prevent officers from taking enforcement action for any violations of this chapter.

(d) When the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment provide the owner with written notice of such action. If the owner cannot be contacted, but their address is known, the animal control officers will post written notice of the impoundment at this address.

(e) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is being impounded without a hold pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.

(f) Any animal not reclaimed by its owner within five (5) working days shall become the property of the local government authority or animal shelter, and shall be placed for adoption or euthanized. There shall be no requirement to hold a feral or wild animal impounded under this section prior to disposition.

(g) Any community cat that is found to be a public nuisance will be impounded at a local animal shelter who will determine the best outcome for the animal. Under no circumstances shall a community cat that has been declared a nuisance be returned to the location where it was removed.

Sec. 4-73. - Impoundment, quarantine, and disposition; animal bites cases and rabies infection.

(a) When an animal has bitten or aggressively attacked a person or another animal, or is otherwise suspected of being rabid, the animal shall be quarantined for a period of 10 days.

(b) When the owner of the animal is unknown, there is reason to suspect the animal of being rabid, or when the investigating officer otherwise determines the need for immediate impoundment and secure quarantine:

(1) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is being impounded with a hold for ten days pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.

(2) If the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment provide the owner with written notice of such action. If the owner cannot be contacted and their address is known, the animal control officers will post written notice of the impoundment at this address.

(3) When known, the owner shall be given written notice of their right to request a hearing. This ten-day period shall allow the owner to apply to a court of competent jurisdiction for remedies that may be available.

(4) The owner shall be responsible for the payment of all boarding costs and fees that are required to keep the animal.

(c) When the owner is known and capable of securely quarantining the animal, as determined by the investigating officer and no suspicion of rabies infection exists:

(1) A written notice for quarantine shall be issued and direct the owner to keep the animal securely confined and kept from contact with any other animal.

(2) The owner may arrange, at their own expense, for the quarantine of the animal in a veterinary hospital, animal shelter, or at another secure site approved by the investigating animal control officer.

(3) Should the owner fail to comply with a notice for quarantine, the officer shall immediately impound the animal and quarantine it at an animal shelter, as provided herein.

(d) Animal control officers shall notify the St. Lucie County Health Department upon any positive indication of a rabies infection in an animal.

Sec. 4-74. - Impoundment, order to provide care, and disposition; mistreated or neglected animals.

(a) Any police or animal control officer may remove from its present custody and impound, or issue an order to provide care to its owner, any animal found neglected, or cruelly treated pursuant to and in accordance with F.S. § 828.073.

(b) Animals taken into custody pursuant to this section shall be impounded in the animal shelter, and there confined in a humane manner until a court order is issued or other disposition is taken in accordance to F.S. § 828.073, or until a veterinarian determines euthanasia is necessary pursuant to F. s. §§ 828.012 or 828.122.

(c) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is to be held pursuant to this section. When known, this notice will include the name, address, and telephone number of the animal's owner.

(d) When an animal is impounded or an order to provide care is issued pursuant to this section, an animal control officer shall, within ten (10) business days, petition the county court for a hearing to determine custody and disposition of the animal in accordance with F.S. § 828.073.

(e) When an animal control officer petitions the county court as provided in this section, then that animal control officer shall have written notice served to the owner or public notice published, at least three (3) days prior to the court hearing, and in accordance with F.S. § 828.073.

Sec. 4-75. - Impoundment and disposition; animal fighting and baiting.

(a) Upon a court finding probable cause for a violation of F.S. § 828.122, involving animal fighting or baiting, in application for a search or arrest warrant, or on the arraignment of any person so charged, the investigating officer shall petition the court to issue an order for seizure of any animals or equipment used in committing the violation in accordance with the same law.

(b) Animals taken into custody pursuant to this section shall be impounded in the animal shelter, and there confined in a humane manner until a court order is issued or other disposition is taken in accordance to F.S. § 828.073, or until a veterinarian determines euthanasia is necessary pursuant to F.S. §§ 828.012 or 828.122.

(c) Upon impoundment, the officer will provide written notice to the animal shelter indicating that the animal is to be held pursuant to this section. Additionally, when known, this notice will include the name, address, and telephone number of the animal's owner.

Sec. 4-76. - Release of impounded animals; requirements and fees.

(a) An animal shelter shall not release an animal impounded under this chapter to an owner until the following conditions have been met:

- (1) The shelter has received approval to release the impounded animal by a city animal control officer.
- (2) The owner has paid an impoundment fee equal to the per animal fee charged by the shelter to the city as specified in the contract in effect at that time.
- (3) Based upon the circumstances that resulted in the animal's impound, the city manager or his/her designee may waive all or a portion of the impound fee. Such circumstances include, but are not limited to, the number of interactions with the animal in the past, compliance with city registration and rabies requirements, the quality of care the animal received prior to impound, compliance with city tethering requirements and quarantine holds due to bite cases.
- (4) The owner of any dog or cat provides, or acquires through the animal shelter, proof of current and valid rabies vaccination and proof of registration as required within this chapter, except that owners residing outside the city shall not be required to comply with registration provisions within this chapter.

(b) The animal shelter shall collect all fees required prior to the release of any animal, provide a receipt for same to the owner upon payment, and transmit the collected fees to the city as provided for by law.

Sec. 4-77. - Adoption of animals from city funded agencies.

(a) No dangerous dog, vicious animal, or animal that has been involved in an unprovoked bite or attack on a person shall be placed for adoption in the event that the owner does not reclaim the animal.

(b) A humane society, shelter, or other agency funded in any part by the city shall not release a dog or cat for adoption, unless the dog or cat has been sterilized by a licensed veterinarian, or before securing a written agreement for sterilization as provided within F.S. § 823.15.

(c) A humane society, shelter, or other agency funded in any part by the city shall not release a dog or cat for adoption, unless that dog or cat has been implanted with a microchip as defined by this chapter and sufficient information to locate the adopter is provided to the entity maintaining such data for the microchip manufacturer.

(d) A humane society, shelter, or other agency funded in any part by the city shall not release a dog or cat for adoption, unless that dog or cat has been vaccinated for rabies as required by this chapter and registered and all tags and certificates as required herein have been issued to the owner, except that dogs and cats adopted by owners living outside the city shall not be required to comply with registration requirements.

Secs. 4-78—4-87. - Reserved.

ARTICLE V. - ENFORCEMENT

Sec. 4-88. - Duties and powers; immunity from prosecution.

(a) It shall be the duty of the animal control officer to enforce all city ordinances pertaining to animal regulation; to respond to complaints concerning animals running at large, cruelty to animals, injured animals, and animals creating a nuisance; to apprehend dangerous and vicious animals; to issue notice of violation to owners of animals in violation of the city ordinances; to issue citations to owners of animals in violation of city ordinances; to work closely with other city departments in regards to animal regulation; and to perform such other duties and functions as the animal control supervisor and the city manager may deem necessary in the furtherance of animal regulation in the city.

(b) For the purpose of discharging the duties imposed by subsection (a) above, where an animal control officer has reasonable grounds to believe that a threat of imminent danger to the health, life or welfare of an animal based on objective observable fact, the animal control officer is empowered to enter upon any private property, not including any dwelling house or structure or fences enclosure, and to demand that the animal or, if applicable, the license tag of the animal, be exhibited to the officer. The officer is empowered to enter upon private property, including fenced

enclosures, but not a dwelling house or structure, for the purpose of apprehending a rabies suspect animal, animals in need of immediate medical attention including cruelly treated animals, and vicious animals not properly controlled by the owner. Refusal by any property owner to allow the officer to enter upon such person's property as authorized by this section shall constitute a violation. The animal control officer shall be immune from prosecution, civil or criminal, for reasonable good faith trespass upon real property as authorized by this section.

Sec. 4-89. - Interference with animal control officer prohibited.

No person may knowingly hinder, resist or oppose any animal control officer or other employee of the division in performance of his or her duties under this chapter; knowingly interfere with any animal trap set by, or at the direction of, such animal control officer; or molest or release any animal caught in such trap, unless directed to do so by an animal control officer.

Sec. 4-90. - Enforcement and penalties.

(a) Any officer who has probable cause to believe that any person has committed an act in violation of this chapter, or any other ordinance relating to the care, custody, control of, or cruelty to animals, may issue a citation to that person. The determination that a violation has occurred may be the result of the officer's own investigation or as the result of a credible complaint by an aggrieved person.

(b) Unless otherwise specified, any violation of this chapter, or any other ordinance of the city relating to the care, custody, control, or cruelty to animals, constitutes a civil infraction and may be punishable by a civil penalty not to exceed five hundred dollars (\$500.00). If the person who has committed the violation does not contest the citation, a reduced civil penalty of less than the maximum allowed will be assessed as follows:

Class	First Offense	Second Offense	Third Offense
A	\$50.00	\$100.00	Mandatory Court
B	\$100.00	\$200.00	Mandatory Court
C	\$250.00	Mandatory Court	Mandatory Court

(c) Within thirty (30) days of the issuance of a citation for a violation of this chapter, the person cited must comply with one of the following options for disposition of the citation:

(1) Pay the reduced fine, as indicated herein, to the city in the manner provided on the citation form. A person making this election shall be deemed to have admitted the infraction and waived the right to a hearing; or,

(2) Request a hearing to contest the citation in county court, as provided by F.S. § 828.27, by contacting the St. Lucie County Clerk of Court, in the manner provided on the citation form.

i. The standard of proof in the court hearing shall be a preponderance of the evidence.

ii. Contesting the citation shall be deemed a waiver of any right to pay the reduced civil penalty, and upon a finding by the court that the civil infraction was committed, the court may order the violator to correct the violation and impose a penalty up to the maximum civil penalty of five hundred dollars (\$500.00) plus all applicable costs of prosecution and court costs, but in no event shall any such civil penalty imposed by the court be less than the reduced civil penalty as provided in this article. The judge may provide for the civil penalty to be paid, and the violation to be corrected, within such time as the county judge determines to be appropriate. If the person found to be in violation fails to pay the civil penalty or to correct the violation within the time provided, a civil judgment shall be entered against that person in the amount adjudicated, and any other lawful sanctions may be imposed by the court.

(d) Any person that is issued a citation and fails to pay the reduced civil infraction or request a court hearing within thirty (30) days, or any person that requests to contest a citation by scheduling a court hearing and then fails to appear at such hearing, shall be deemed to have waived the right to contest the citation and a civil judgment shall be entered against the person in an amount not to exceed the maximum civil penalty of five hundred dollars (\$500.00) plus all applicable cost of prosecution, plus court costs, but in no event shall any such civil penalty imposed by the court be less than the reduced civil penalty as provided in this article. However, the court shall have the discretion to

continue or reschedule any hearing when it determines that doing so will further the interest of justice.

(e) Payment of any civil penalty imposed by the county court shall be made to the clerk of court, who shall forward the monies collected to the city.

(f) Civil penalties imposed pursuant to this article shall be independent of and in addition to any fees, cost, or charges arising from the impoundment or registration of animals as provided in this chapter.

(g) As provided by F.S. § 828.27, in addition to any civil penalties imposed pursuant to this article there shall be imposed and collected a surcharge of five dollars (\$5.00). The proceeds from such surcharge shall be used to pay the cost of the training for animal control officers.

(h) Nothing in this chapter shall prevent officers from charging violations related to the care and control of animals as criminal offenses, when so provided by Florida Statutes.

(i) Nothing in this chapter shall prevent the animal control division supervisor from dismissing a citation if the violation is corrected or the facts presented are likely to result in an acquittal by the county court.

Secs. 4-91—4-99. - Reserved.

SEC. 2 - STATE STATUTE

CHAPTER 828

ANIMALS: CRUELTY; SALES; ANIMAL ENTERPRISE PROTECTION

828.02 Definitions.—In this chapter, and in every law of the state relating to or in any way affecting animals, the word “animal” shall be held to include every living dumb creature; the words “torture,” “torment,” and “cruelty” shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief; and the words “owner” and “person” shall be held to include corporations, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation, shall be held to be the knowledge and act of such corporation.

828.03 Agents of counties, societies, etc., may prosecute violators.—

(1) Any county or any society or association for the prevention of cruelty to children or animals, organized under the laws of this state, may appoint agents for the purpose of investigating violations of any of the provisions of this chapter or any other law of the state for the purpose of protecting children and animals or preventing any act of cruelty thereto.

(2) All appointments of such agents by such societies or corporations must have the approval of the mayor of the city in which the society or association exists, and if the society or association exists or works outside of any city, the appointment must be approved by the county court judge or the judge of the circuit court for the county, and the mayor or judge shall keep a record of such appointment. The approval of the appointment of any agent by a county for either the incorporated or unincorporated areas of such county shall be by the county commission.

828.05 Killing an injured or diseased domestic animal.—

(1) The purpose of this section is to provide a swift and merciful means whereby domestic animals which are suffering from an incurable or untreatable condition or are

imminently near death from injury or disease may be destroyed without unconscionable delay and in a humane and proficient manner.

(2) As used in this section, the term “officer” means:

(a) Any law enforcement officer;

(b) Any veterinarian; and

(c) Any officer or agent of any municipal or county animal control unit or of any society or association for the prevention of cruelty to animals, or the designee of such an officer or agent.

(3) Whenever any domestic animal is so injured or diseased as to appear useless and is suffering, and it reasonably appears to an officer that such animal is imminently near death or cannot be cured or rendered fit for service and the officer has made a reasonable and concerted, but unsuccessful, effort to locate the owner, the owner’s agent, or a veterinarian, then such officer, acting in good faith and upon reasonable belief, may immediately destroy such animal by shooting the animal or injecting it with a barbiturate drug. If the officer locates the owner or the owner’s agent, the officer shall notify him or her of the animal’s location and condition. If the officer locates only a veterinarian, the officer shall destroy the animal only upon the advice of the veterinarian. However, this section does not prohibit an owner from destroying his or her own domestic animal in a humane and proficient manner when the conditions described in this section exist.

(4) No officer or veterinarian acting in good faith and with due care pursuant to this section will be liable either criminally or civilly for such act, nor will any civil or criminal liability attach to the employer of the officer or veterinarian.

(5) A court order is not necessary to carry out the provisions of this section.

828.055 Controlled substances and legend drugs; permits for use.—

(1) The Board of Pharmacy shall adopt rules providing for the issuance of permits authorizing the purchase, possession, and use of sodium pentobarbital, sodium pentobarbital with lidocaine, tiletamine hydrochloride, alone or combined with zolazepam (including Telazol), xylazine (including Rompun), ketamine, acepromazine maleate (also acetylpromazine, and including Atravet or Acezine), alone or combined with etorphine (including Immobilon), and yohimbine hydrochloride, alone or combined with atipamezole (including Antisedan) by county or municipal animal control agencies

or humane societies registered with the Secretary of State for the purpose of euthanizing injured, sick, or abandoned domestic animals which are in their lawful possession or for the chemical immobilization of animals. The rules shall set forth guidelines for the proper storage and handling of these prescription drugs and such other provisions as may be necessary to ensure that the drugs are used solely for the purpose set forth in this section. The rules shall also provide for an application fee not to exceed \$50 and a biennial renewal fee not to exceed \$50. Upon formal, written request and recommendation adopted in a public meeting by the Board of Veterinary Medicine, the Board of Pharmacy may, by rule, add controlled substances and legend drugs to the list of prescription drugs in this subsection upon a finding that such additions are necessary for the humane and lawful euthanasia of injured, sick, or abandoned domestic animals or chemical immobilization of animals.

(2) Any county or municipal animal control agency or any humane society registered with the Secretary of State may apply to the Department of Health for a permit to purchase, possess, and use the prescription drugs authorized under subsection (1). Upon certification by the Board of Pharmacy that the applicant meets the qualifications set forth in the rules, the Department of Health shall issue the permit. The possession and use of the prescription drugs authorized under subsection (1) is limited to those employees or agents of the permittee certified in accordance with s. 828.058 or s. 828.27 while operating in the scope of their respective official or employment duties with the permittee.

(3) The department or the board may deny a permit, and revoke, suspend, or refuse to renew the permit of any permittee, and may fine, place on probation, or otherwise discipline any permittee, upon a determination that:

(a) The applicant or permittee or any of its employees or agents is using or has used a prescription drug authorized under subsection (1) for any purpose other than that set forth in this section;

(b) The applicant or permittee has failed to take reasonable precautions against misuse, theft, loss, or diversion of such prescription drugs;

(c) The applicant or permittee has failed to detect or to report to the Department of Health a significant loss, theft, or inventory shortage of such prescription drugs;

(d) The applicant or permittee has failed to follow the rules of the Board of Pharmacy regarding proper storage and handling of such prescription drugs; or

(e) The permittee has violated any provision of this section, chapter 465, chapter 499, or any rule adopted under those chapters.

(4) The board shall adopt rules implementing subsection (3), provided that disciplinary action may be taken only for a substantial violation of the provisions of this section or the rules adopted under this section. In determining the severity of an administrative penalty to be assessed under this section, the department or the Board of Pharmacy shall consider:

(a) The severity of the violation;

(b) Any actions taken by the person to correct the violation or to remedy complaints, and the timing of those actions; and

(c) Any previous violations.

(5) The Department of Health may issue an emergency order immediately suspending a permit issued under this section upon a determination that a permittee, as a result of any violation of any provision of this section or any rule adopted under this section, presents a danger to the public health, safety, and welfare.

(6) This section shall not apply to licensed pharmacies, veterinarians, or health care practitioners operating within the scope of the applicable professional act.

828.058 Euthanasia of dogs and cats.—

(1) Sodium pentobarbital, a sodium pentobarbital derivative, or other agent the Board of Veterinary Medicine may approve by rule shall be the only methods used for euthanasia of dogs and cats by public or private agencies, animal shelters, or other facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals. A lethal solution shall be used in the following order of preference:

(a) Intravenous injection by hypodermic needle;

(b) Intraperitoneal injection by hypodermic needle; or

(c) If the dog or cat is unconscious with no corneal reflex, intracardial injection by hypodermic needle.

(2) A dog or cat may be tranquilized with an approved and humane substance before euthanasia is performed.

(3) Succinylcholine chloride, curare, curariform mixtures, any substance which acts as a neuromuscular blocking agent, or a chamber which causes a change in body oxygen may not be used on a dog or cat for any purpose. However, whenever an emergency situation exists which requires the immediate euthanasia of an injured, diseased, or dangerous animal, a law enforcement officer, a veterinarian, or an agent of a local animal control unit or the designee of such an agent may humanely destroy the animal, as provided in s. 828.05.

(4)(a) Euthanasia shall be performed only by a licensed veterinarian or an employee or agent of a public or private agency, animal shelter, or other facility that is operated for the collection and care of stray, neglected, abandoned, or unwanted animals, provided the employee or agent has successfully completed a 16-hour euthanasia technician certification course. The curriculum for such course must be approved by the Board of Veterinary Medicine and must include, at a minimum, the pharmacology, proper administration, and storage of euthanasia solutions; federal and state laws regulating the storage and accountability of euthanasia solutions; euthanasia technician stress management; and proper disposal of euthanized animals. An employee or agent performing euthanasia before October 1, 1993, must obtain certification by October 1, 1994. An employee or agent who begins performing euthanasia on or after October 1, 1993, must obtain certification before performing any euthanasia. However, a certified veterinarian technician who is an employee or agent as defined in the subsection, may perform euthanasia without completing the certification course required by this subsection. Euthanasia must be performed in a humane and proficient manner.

(b) No dog or cat may be left unattended between the time euthanasia procedures are first begun and the time death occurs, nor may its body be disposed of until death is confirmed by a qualified person.

(5) The state attorney may bring an action to enjoin any violation of this act.

(6) Any person who violates the provisions of this act is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

828.065 Euthanasia of animals offered for sale by pet shops.—

(1)(a) A warm-blooded animal, except one held as food for another animal, offered for sale, or obtained for sale by a pet shop may be euthanized only by administering sodium pentobarbital, a sodium pentobarbital derivative, or a substance or procedure which acts on the central nervous system and is clinically proven to be humane.

(b) A lethal solution must be administered in the following order of preference:

1. By intravenous injection by hypodermic needle;
2. By intraperitoneal injection by hypodermic needle;
3. By intracardial injection by hypodermic needle; or
4. By solution or powder added to food.

(2) An animal may be tranquilized with an approved, humane substance before euthanasia is performed.

(3) Succinylcholine chloride, curare, a curariform mixture, a substance which acts as a neuromuscular blocking agent, or a chamber which causes a change in body oxygen, except a chamber which uses commercially bottled carbon monoxide gas, may not be used on a warm-blooded animal.

(4)(a) Euthanasia must be performed by a licensed veterinarian or layperson who is humane and proficient in the method used.

(b) An animal may not be left unattended between the time euthanasia procedures are commenced and the time death occurs, nor may its body be disposed of until death is confirmed by a qualified person.

(5) The state attorney may bring an action to enjoin a violation of this section.

(6) A person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

828.073 Animals found in distress.—

(1) The purpose of this section is to provide a means by which a neglected or mistreated animal may be:

(a) Removed from its present custody, or

(b) Made the subject of an order to provide care, issued to its owner by the county court, any law enforcement officer, any animal control officer certified pursuant to s. 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under s. 828.03,

and protected and disposed of appropriately and humanely.

(2) Any law enforcement officer, any animal control officer certified pursuant to s. 828.27, or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under s. 828.03 may:

(a) Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or

(b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location,

and shall file a petition seeking relief under this section in the county court of the county in which the animal is found within 10 days after the animal is seized or an order to provide care is issued. The court shall schedule and commence a hearing on the petition within 30 days after the petition is filed to determine whether the owner, if known, is able to adequately provide for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. The timeframes set forth in this subsection are not jurisdictional. However, if a failure to meet such timeframes is attributable to the officer or agent, the owner is not required to pay the officer or agent for care of the animal during any period of delay caused by the officer or agent. A fee may not be charged for filing the petition. This subsection does not require court action for taking custody and properly disposing of stray or abandoned animals as lawfully performed by animal control agents.

(3) The law enforcement officer, the animal control officer certified pursuant to s. 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall have written notice served, at least 3 days before the hearing scheduled under subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in accordance with chapter 48 relating to service of process. The sheriff of the county may not charge a fee for service of such notice.

(4)(a) The law enforcement officer, the animal control officer certified pursuant to s. 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody of an animal pursuant to this section shall provide for the animal until either:

1. The owner is adjudged by the court to be able to adequately provide for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent's or officer's custody; or

2. The animal is turned over to the officer or agent pursuant to paragraph (c) and humanely disposed of.

(b) If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or agent be claimed and removed by the owner within 7 days after the date of the order.

(c) Upon the court's judgment that the owner of the animal is unable or unfit to adequately provide for the animal:

1. The court may:

a. Order that the current owner have no further custody of the animal and that the animal be sold by the sheriff at public auction or remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to s. 828.27, or any agency or person the judge deems appropriate to be disposed of as the agency or person sees fit; or

b. Order that the animal be destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, the municipality with animal control officers certified pursuant to s. 828.27, or any agency or person the judge deems appropriate to be disposed of as the agency or person sees fit.

2. The court, upon proof of costs incurred by the officer or agent, may require that the owner pay for the care of the animal while in the custody of the officer or agent. A separate hearing may be held.

3. The court may order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or agent if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner's further possession or custody of other animals.

(5) In determining the person's fitness to have custody of an animal, the court may consider, among other matters:

- (a) Testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.
- (b) Testimony and evidence as to the veterinary care provided to the animal.
- (c) Testimony and evidence as to the type and amount of care provided to the animal.
- (d) Expert testimony as to the community standards for proper and reasonable care of the same type of animal.
- (e) Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.
- (f) The owner's past record of judgments pursuant to this chapter.
- (g) Convictions pursuant to applicable statutes prohibiting cruelty to animals.
- (h) Other evidence the court considers to be material or relevant.
- (6) If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and adequately provide for the animal.
- (7) In any case in which an animal is offered for auction under this section, the proceeds shall be:
 - (a) Applied, first, to the cost of the sale.
 - (b) Applied, secondly, to the care of and provision for the animal by the law enforcement officer, the animal control officer certified pursuant to s. 828.27, or the agent of any county or of any society or association for the prevention of cruelty to animals taking custody.
 - (c) Applied, thirdly, to the payment of the owner for the sale of the animal.
 - (d) Paid over to the court if the owner is not known.

828.08 Penalty for exposing poison.—Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

828.12 Cruelty to animals.—

(1) A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, commits animal cruelty, a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

(2) A person who intentionally commits an act to any animal, or a person who owns or has the custody or control of any animal and fails to act, which results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, commits aggravated animal cruelty, a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or both.

(a) A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of \$2,500 and undergo psychological counseling or complete an anger management treatment program.

(b) A person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of \$5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, is not eligible for parole, control release, or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

(3) A person who commits multiple acts of animal cruelty or aggravated animal cruelty against an animal may be charged with a separate offense for each such act. A person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal such cruelty was committed upon.

(4) A veterinarian licensed to practice in the state shall be held harmless from either criminal or civil liability for any decisions made or services rendered under the provisions of this section. Such a veterinarian is, therefore, under this subsection, immune from a lawsuit for his or her part in an investigation of cruelty to animals.

(5) A person who intentionally trips, fells, ropes, or lassos the legs of a horse by any means for the purpose of entertainment or sport commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term “trip” means any act that consists of the use of any wire, pole, stick, rope, or other apparatus to cause a horse to fall or lose its balance, and the term “horse” means any animal of any registered breed of the genus *Equus*, or any recognized hybrid thereof. This subsection does not apply when tripping is used:

(a) To control a horse that is posing an immediate threat to other livestock or human beings;

(b) For the purpose of identifying ownership of the horse when its ownership is unknown; or

(c) For the purpose of administering veterinary care to the horse.

(6) In addition to other penalties prescribed by law, a person who is convicted of a violation of this section may be prohibited by the court from owning, possessing, keeping, harboring, or having custody or control over any animal for a period of time determined by the court.

828.121 Conduct of simulated bullfighting exhibitions.—It shall be unlawful, and punishable as a misdemeanor, for any person to conduct or engage in a simulated or bloodless bullfighting exhibition.

828.122 Fighting or baiting animals; offenses; penalties.—

(1) This act may be cited as “The Animal Fighting Act.”

(2) As used in this section, the term:

(a) “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.

(b) “Baiting” means to attack with violence, to provoke, or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds.

(c) “Person” means every natural person, firm, copartnership, association, or corporation.

(3) Any person who knowingly commits any of the following acts commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) Baiting, breeding, training, transporting, selling, owning, possessing, or using any wild or domestic animal for the purpose of animal fighting or baiting;

(b) Owning, possessing, or selling equipment for use in any activity described in paragraph (a);

(c) Owning, leasing, managing, operating, or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b);

(d) Promoting, staging, advertising, or charging any admission fee to a fight or baiting between two or more animals;

(e) Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing, or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting;

(f) Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court;

(g) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals; or

(h) Attending the fighting or baiting of animals.

Notwithstanding any provision of this subsection to the contrary, possession of the animal alone does not constitute a violation of this section.

(4) If a court finds probable cause to believe that a violation of this section or s. 828.12 has occurred, the court shall order the seizure of any animals and equipment used in committing the violation and shall provide for appropriate and humane care or disposition of the animals. This subsection is not a limitation on the power to seize animals as evidence at the time of arrest.

(5) If an animal shelter or other location is unavailable, a court may order the animal to be impounded on the property of its owner or possessor and shall order such person to provide all necessary care for the animal and to allow regular inspections of the animal by a person designated by the court.

(6) If a veterinarian finds that an animal kept or used in violation of this section is suffering from an injury or a disease severe enough that it is not possible to humanely house and care for the animal pending completion of a hearing held under s. 828.073(2), final disposition of the criminal charges, or court-ordered forfeiture, the veterinarian may euthanize the animal as specified in s. 828.058. A veterinarian licensed to practice in this state shall be held harmless from criminal or civil liability for any decisions made or services rendered under this subsection.

(7) If an animal can be housed in a humane manner, the provisions of s. 828.073 shall apply. For the purpose of a hearing provided pursuant to s. 828.073(2), any animal baited, bred, trained, transported, sold, owned, possessed, or used for the purpose of animal fighting or baiting shall be considered mistreated.

(8) In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring, or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court.

(9) This section shall not apply to:

(a) Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s. 828.12 is not violated.

(b) Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.

(c) Any person using animals to work livestock for agricultural purposes.

(d) Any person violating s. 828.121.

(e) Any person using dogs to hunt wild hogs or to retrieve domestic hogs pursuant to customary hunting or agricultural practices.

(10) This section shall not prohibit, impede, or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

828.123 Killing dog or cat with intent of selling or giving away pelt; possession, sale, or importation of pelt with intent of selling or giving away; penalty.—

- (1) A person who kills any dog or cat with the sole intent of selling or giving away the pelt of such animal commits a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or by both imprisonment and a fine.
- (2) A person who possesses, imports into this state, sells, buys, gives away, or accepts any pelt of a dog or cat with the sole intent of selling or giving away the pelt of the dog or cat commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of \$5,000, or by both imprisonment and a fine.
- (3) A person who possesses, imports into the state, sells, buys, gives away, or accepts any dog or cat with the sole intent of killing such dog or cat, or having such dog or cat killed, for the purpose of selling or giving away the pelt of such animal commits a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than \$10,000, or by both imprisonment and a fine.
- (4) It is unlawful for any person to knowingly engage in the business of a dealer or buyer in the pelts or furs of any dog or cat in the state or to purchase such pelts or furs within the state. No common carrier shall knowingly ship or transport or receive for transportation any dog or cat pelts or furs within the state. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

828.1231 Sale of garments or items of clothing containing dog or cat fur prohibited; sale of pelt of any dog or cat prohibited; penalty.—

- (1) It is unlawful for any person to knowingly sell or offer for sale, directly or indirectly, at wholesale or at retail, in this state any garment, or any item of clothing or apparel that is made, in whole or in part, from the fur of any dog or cat, or which contains or to which is attached any dog or cat fur.
- (2) It is unlawful for any person to knowingly sell or offer for sale, directly or indirectly, at wholesale or at retail, or to give away, in this state the pelt of any dog or cat.
- (3) Any person who violates the provisions of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second or subsequent conviction for a violation of this subsection, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- (4) Any law enforcement agency, or humane officer as defined in s. 828.03, may institute proceedings in the appropriate circuit court to enforce compliance with the

provisions of this section. Any law enforcement agency, or humane officer as defined in s. 828.03, may seek a civil penalty of up to \$5,000 for each violation.

828.125 Killing or aggravated abuse of horses or cattle; offenses; penalties.—

Any other provisions of this chapter to the contrary notwithstanding:

(1) Any person who willfully and unlawfully, by any means whatsoever, kills, maims, mutilates, or causes great bodily harm or permanent breeding disability to any animal of the genus *Equus*(horse) or any animal of any registered breed or recognized registered hybrid of the genus *Bos*(cattle) commits a felony of the second degree, punishable as provided by s. 775.082, s. 775.083, or s. 775.084, except that any person who commits a violation of this subsection shall be sentenced to a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of 1 year.

(2) Any person who individually attempts or solicits, or jointly agrees, conspires, combines, or confederates with another person to commit, any act prohibited by subsection (1) and does an act in furtherance of said attempt, solicitation, or conspiracy shall be guilty of a felony of the second degree and is punishable as if the person or persons had actually committed such prohibited act as enumerated in subsection (1), notwithstanding any provisions found in s. 777.04. Nothing in this subsection shall be construed to prohibit separate convictions and sentences for a violation of this subsection and any violation of subsection (1).

(3) Any person who verbally or in writing threatens to commit any act prohibited by subsection (1) and has the apparent ability to carry out such threat and places the owner or custodian of said animal in fear that such an act as described in subsection (1) is about to take place shall be guilty of a felony of the third degree, punishable as provided by s. 775.082, s. 775.083 or s. 775.084.

(4) In addition to any other fines or penalties authorized by law, a person found guilty of violating any provision of subsection (1), subsection (2), or subsection (3) may be ordered by the court to make restitution to the aggrieved party in an amount not to exceed twice the gross fair market value of the said *Equus* or *Bos* killed or abused in an aggravated manner, or up to twice the gross loss caused, whichever is greater, plus attorney's fees and any and all related costs. Upon notice the court shall hold a hearing to determine the amount of fines, restitution, or costs to be imposed under this section, if not agreed upon by the parties.

(5) This section shall not be construed to abridge, impede, prohibit, or otherwise interfere in any way with the application, implementation, or conduct of recognized livestock husbandry practices or techniques by or at the direction of the owner of the livestock so husbanded; nor shall any person be held culpable for any act prohibited by this chapter which results from weather conditions or other acts of God, providing that the person is in compliance with recognized livestock husbandry practices.

828.126 Sexual activities involving animals.—

(1) As used in this section, the term:

(a) “Sexual conduct” means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal for the purpose of sexual gratification or arousal of the person.

(b) “Sexual contact” means any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or any penetration, however slight, of any part of the body of the person into the sex organ or anus of an animal, or any penetration of the sex organ or anus of the person into the mouth of the animal, for the purpose of sexual gratification or sexual arousal of the person.

(2) A person may not:

(a) Knowingly engage in any sexual conduct or sexual contact with an animal;

(b) Knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal;

(c) Knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; or

(d) Knowingly organize, promote, conduct, advertise, aid, abet, participate in as an observer, or perform any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose.

(3) A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) This section does not apply to accepted animal husbandry practices, conformation judging practices, or accepted veterinary medical practices.

828.13 Confinement of animals without sufficient food, water, or exercise; abandonment of animals.—

(1) As used in this section:

(a) “Abandon” means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.

(b) “Owner” includes any owner, custodian, or other person in charge of an animal.

(2) Whoever:

(a) Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,

(b) Keeps any animals in any enclosure without wholesome exercise and change of air, or

(c) Abandons to die any animal that is maimed, sick, infirm, or diseased,

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.

(3) Any person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road, or public place without providing for the care, sustenance, protection, and shelter of such animal is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or by both imprisonment and a fine.

828.14 Water and food for stock on trains, vessels, etc.—

(1) No person or corporation, or agent of either, engaged in transporting livestock on railway trains or on steam or sailing vessels, or otherwise, shall detain such stock for a longer continuous period than 28 hours after the same are so placed without supplying the same with necessary food, water, and attention, or shall permit them to be crowded so as to overlie, crush, wound, or kill each other; and any person or agent as aforesaid violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and any corporation violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083.

(2) Nothing in this section shall apply to owners, officers, or crew of water craft detained on the navigable waters of this state by storms and prevented by bad weather from reaching port.

828.16 Contagious diseases.—Whoever, being the owner, or having the charge of any animal, knowing the same to have any contagious or infectious disease, or to have been recently exposed thereto, sells, barter, or disposes of such animal without first disclosing to the person to whom the same is sold, bartered, or disposed of, that such animal is so diseased, or has been exposed, as aforesaid, or knowingly permits such animal to run at large, or knowing such animal to be diseased as aforesaid, knowingly allows the same to come into contact with any such animal of another person without his or her knowledge or permission, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

828.1615 Prohibiting artificial coloring and sale of certain animals.—

(1) It is unlawful for a person to:

(a) Dye or artificially color an animal that is under 12 weeks of age, or a fowl or rabbit of any age;

(b) Bring a dyed or artificially colored animal that is under 12 weeks of age, or a fowl or rabbit of any age, into this state; or

(c) Sell, offer for sale, or give away as merchandising premiums, baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys, or retail premiums.

(2) The prohibitions in paragraphs (1)(a) and (b) do not apply to animals that are temporarily dyed by agricultural entities for protective health purposes.

(3) This section does not apply to an animal that is under 12 weeks of age, or a fowl or rabbit of any age, that is used or raised for agricultural purposes by a person with proper facilities to care for it or for the purpose of poultry or livestock exhibitions.

(4) A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

828.17 Officer to arrest without warrant.—Any sheriff or any other peace officer of the state, or any police officer of any city or town of the state, shall arrest without warrant any person found violating any of the provisions of ss. 828.08, 828.12, and

828.13-828.16, and the officer making the arrest shall hold the offender until a warrant can be procured, and he or she shall use proper diligence to procure such warrant.

828.22 Humane Slaughter Act; humane slaughter and livestock euthanasia; requirements.—

(1) Sections 828.22-828.26 may be cited as the “Humane Slaughter Act.”

(2)(a) The Legislature of this state finds that the use of humane methods in the killing of livestock prevents needless suffering, results in safer and better working conditions for persons engaged in the slaughtering industry or other livestock operations, brings about improvement of products and economy in slaughtering or other livestock operations, and produces other benefits for producers, processors, and consumers which tend to expedite the orderly flow of livestock and their products.

(b) It is therefore declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those employed in other states where humane slaughter is required by law and to those authorized by the federal Humane Slaughter Act of 1958, and regulations thereunder.

(3) Nothing in ss. 828.22-828.26 shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of ss. 828.22-828.26, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of ss. 828.22-828.26. For the purposes of this action the term “ritual slaughter” means slaughter in accordance with s. 828.23(3).

828.23 Definitions; ss. 828.22-828.26.—As used in ss. 828.22-828.26, the following words shall have the meanings indicated:

(1) “Department” means the Department of Agriculture and Consumer Services.

(2) “Person” means any individual, partnership, corporation, or association doing business in this state, in whole or in part.

(3) “Slaughter” means the act of killing one or more livestock animals for any purpose.

(4) “Slaughterer” means any person other than a licensed veterinarian, or an employee of a humane society or animal control agency, who kills livestock.

(5) “Livestock” means cattle, calves, sheep, swine, horses, mules, goats, ostriches, rheas, emus, and any other domestic animal that can or may be used in the preparation of animal products. For the purposes of ss. 828.22-828.26, “livestock” does not include poultry and aquatic species.

(6) “Humane method” means:

(a) A method whereby the animal is rapidly and effectively rendered insensitive to pain by electrical or chemical means or by a penetrating captive bolt or gunshot with appropriate caliber and placement; or

(b) A method in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

828.24 Prohibited acts; exemption.—

(1) No person shall kill an animal in any way except by an approved humane method.

(2) No person shall shackle or hoist with intent to kill any animal prior to rendering the animal insensitive to pain.

(3) Nothing in this section precludes the enforcement of s. 828.12 relating to cruelty to animals.

828.25 Administration; rules; inspection; fees.—

(1) The department shall administer the provisions of ss. 828.22-828.26. It shall adopt and may from time to time revise rules, which rules must conform substantially to and must not be less restrictive than the rules and regulations promulgated by the Secretary of Agriculture of the United States pursuant to the federal Humane Methods of Slaughter Act of 1958, Pub. L. No. 85-765, 72 Stat. 862, and any amendments thereto.

(2) The department may appoint any member of its staff as an official inspector for the purposes of ss. 828.22-828.26. Such inspector shall have the power to enter the premises of any slaughterer for the purposes of verifying compliance or noncompliance with the provisions of ss. 828.22-828.26.

(3) The department has the authority to conduct inspections of the premises of slaughterers at random intervals.

828.251 Instruction.—The department, in conjunction with the State University System, the American Veterinary Medical Association, and humane animal groups, shall make available to slaughterers the most current technical information. Such information may be in video or manual format, or another widely accepted media format.

828.252 Nonambulatory animals.—This section acknowledges that natural emergencies may arise and that, even under recognized best management practices, injury may occur. In all cases, nonambulatory animals must be dealt with in a humane manner.

(1) As used in this section, the term “nonambulatory animal” means any livestock that is unable to stand and walk unassisted.

(2) A person may not buy, sell, give, receive, transfer, market, hold without providing proper care within 24 hours, or drag any nonambulatory animal unless the nonambulatory animal has been humanely euthanized, except in such cases where providing proper care requires that the animal be moved.

828.26 Penalties.—

(1) Any person who violates the provisions of ss. 828.22-828.26 and any rule associated with these sections shall be subject to an administrative fine of up to \$10,000 for each violation.

(2) Unless otherwise provided, any person who violates any provision of ss. 828.22-828.26 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Nothing in this section precludes the enforcement of s. 828.12, relating to cruelty to animals.

828.27 Local animal control or cruelty ordinances; penalty.—

(1) As used in this section, the term:

(a) “Animal” means any living dumb creature.

(b) “Animal control officer” means any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. An animal control officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an

animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care, and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.

(c) "Control" means the regulation of the possession, ownership, care, and custody of animals.

(d) "Cruelty" means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

(e) "Officer" means any law enforcement officer defined in s. 943.10 or any animal control officer.

(f) "Citation" means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation must contain:

1. The date and time of issuance.
2. The name and address of the person.
3. The date and time the civil infraction was committed.
4. The facts constituting probable cause.
5. The ordinance violated.
6. The name and authority of the officer.
7. The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear in court as required under subsection (6).
8. The applicable civil penalty if the person elects to contest the citation.
9. The applicable civil penalty if the person elects not to contest the citation.
10. A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

11. A conspicuous statement that if the person is required to appear in court as mandated by subsection (6), he or she does not have the option of paying a fine in lieu of appearing in court.

(g) "Ordinance" means any ordinance relating to the control of or cruelty to animals enacted by the governing body of a county or municipality the violation of which is a civil infraction.

(2) The governing body of a county or municipality is authorized to enact ordinances relating to animal control or cruelty, which ordinances must provide:

(a) That a violation of such an ordinance is a civil infraction.

(b) A maximum civil penalty not to exceed \$500.

(c) A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.

(d) For the issuance of a citation by an officer who has probable cause to believe that a person has committed an act in violation of an ordinance.

(e) For the contesting of a citation in the county court.

(f) That, if a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by subsection (6), the court may issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

(g) Such procedures and provisions as are necessary to implement any ordinances enacted under the authority of this section.

(3) The commission of a charged infraction at a hearing authorized pursuant to this chapter must be proven by a preponderance of the evidence.

(4)(a)1. County-employed animal control officers must, and municipally employed animal control officers may, successfully complete a 40-hour minimum standards training course. Such course must include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations. The course curriculum must be approved by the Florida Animal Control

Association. An animal control officer who successfully completes such course shall be issued a certificate indicating that he or she has received a passing grade.

2. Any animal control officer who is authorized before January 1, 1990, by a county or municipality to issue citations is not required to complete the minimum standards training course.

3. In order to maintain valid certification, every 2 years each certified animal control officer must complete 4 hours of postcertification continuing education training. Such training may include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor, and civil citations.

(b) The governing body of a county or municipality may impose and collect a surcharge of up to \$5 upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty. The proceeds from such surcharges shall be used to pay the costs of training for animal control officers.

(5) Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The governing body of a county or municipality may require mandatory court appearances for certain aggravated violations of a local ordinance resulting in the unprovoked biting, attacking, or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The citation must clearly inform the person of the mandatory court appearance. The governing body of the county or municipality shall maintain records to prove the number of citations issued to the person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

(7) Nothing contained in this section shall prevent any county or municipality from enacting any ordinance relating to animal control or cruelty which is identical to the provisions of this chapter or any other state law, except as to penalty. However, no county or municipal ordinance relating to animal control or cruelty shall conflict with the provisions of this chapter or any other state law. Notwithstanding the provisions of this subsection, the governing body of any county or municipality is authorized to enact ordinances prohibiting or regulating noise from any domesticated animal, violation of which shall be punishable upon conviction by a fine not to exceed \$500 or by

imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment, for each violation of such ordinance. This subsection shall not apply to animals on land zoned for agricultural purposes.

(8) This section is an additional, supplemental, and alternative means of enforcing county or municipal codes or ordinances. This section does not prohibit a county or municipality from enforcing its codes or ordinances by any other means, including, but not limited to, the procedures provided in chapter 162.

828.28 Local animal licensing ordinances; notices.—

(1) Any county or municipality that has a licensing requirement for dogs must provide notice to dog owners at least 45 days prior to any licensure renewal deadline. The notice must contain information describing the licensing requirements and any associated penalties.

(2) Counties and municipalities with licensing requirements are encouraged to develop online licensing systems to provide a convenient and cost-effective licensing process.

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee.—

(1)(a) For each dog transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the dog's entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each dog transported into the state for sale.

(b) For each dog offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered

to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Canine distemper.
2. Leptospirosis.
3. Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale).
4. Parainfluenza.
5. Hepatitis.
6. Canine parvo.
7. Rabies, provided the dog is over 3 months of age and the inoculation is administered by a licensed veterinarian.
8. Roundworms.
9. Hookworms.

If the dog is under 4 months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before sale within the state. If the dog is 4 months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after 3 months of age, but no more than 1 year before sale within the state.

(2)(a) For each cat transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the cat's entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each cat transported into the state for sale.

(b) For each cat offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and

anthelmintics must be administered before the cat is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat. Each cat must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Panleukopenia.
2. Feline viral rhinotracheitis.
3. Calici virus.
4. Rabies, if the cat is over 3 months of age and the inoculation is administered by a licensed veterinarian.
5. Hookworms.
6. Roundworms.

If the cat is under 4 months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before sale within the state. If the cat is 4 months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after 3 months of age, but no more than 1 year before sale within the state.

(3)(a) Each dog or cat subject to subsection (1) or subsection (2) must be accompanied by a current official certificate of veterinary inspection at all times while being offered for sale within the state. The examining veterinarian must retain one copy of the official certificate of veterinary inspection on file for at least 1 year after the date of examination. At the time of sale of the animal, one copy of the official certificate of veterinary inspection must be given to the buyer. The seller must retain one copy of the official certificate of veterinary inspection on record for at least 1 year after the date of sale.

(b) The term “official certificate of veterinary inspection” means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows the age, sex, breed, color, and health record of the dog or cat, the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the

veterinarian's license number. The official certificate of veterinary inspection must list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof, and must state that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks. The Department of Agriculture and Consumer Services shall supply the official intrastate certificate of veterinary inspection required by this section at cost.

(c) The examination of each dog and cat by a veterinarian must take place no more than 30 days before the sale within the state. The examination must include, but not be limited to, a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. Each dog over 6 months of age must also be tested for heartworms. Each cat must also be tested for feline leukemia before being offered for sale in the state. All of these tests must be performed by or under the supervision of a licensed veterinarian, and the results of the tests must be listed on the official certificate of veterinary inspection.

(d) All dogs and cats offered for sale and copies of certificates held by the seller and veterinarian are subject to inspection by any agent of the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under s. 828.03.

(4) A person may not transport into the state for sale or offer for sale within the state any dog or cat that is less than 8 weeks of age.

(5) If, within 14 days following the sale by a pet dealer of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies that, at the time of the sale, the animal was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks; or if, within 1 year following the sale of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies such animal to be unfit for purchase due to a congenital or hereditary disorder which adversely affects the health of the animal; or if, within 1 year following the sale of an animal subject to this section, the breed, sex, or health of such animal is found to have

been misrepresented to the consumer, the pet dealer shall afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering;

(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

(c) The right to retain the animal and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

Reimbursement for veterinary costs may not exceed the purchase price of the animal. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

(6) A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including sales tax, but excluding the veterinary costs related to the certification that the dog or cat is unfit; or

(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, but not a refund of the veterinary costs related to the certification that the dog or cat is unfit.

(7) A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those disorders.

(8) The refund or exchange required by subsection (5) or subsection (6) shall be made by the pet dealer not later than 10 business days following receipt of a signed veterinary certification as required in subsection (5) or subsection (6). The consumer must notify the pet dealer within 2 business days after the veterinarian's determination that the animal is unfit. The written certification of unfitness must be presented to the pet dealer not later than 3 business days following receipt thereof by the consumer.

(9) An animal may not be determined unfit for sale on account of an injury sustained or illness contracted after the consumer takes possession of the animal. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the animal is clinically ill because of that condition.

(10) If a pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a consumer under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection (5) or subsection (6) within 10 business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

(11) This section does not in any way limit the rights or remedies that are otherwise available to a consumer under any other law.

(12) Every pet dealer who sells an animal to a consumer must provide the consumer at the time of sale with a written notice, printed or typed, which reads as follows:

It is the consumer's right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each dog or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination. In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer

within 2 business days of the veterinarian's determination that the animal was unfit. The consumer has the right to retain, return, or exchange the animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.

(13) For the purposes of subsections (5)-(12) and (16), the term "pet dealer" means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer.

(14) The state attorney may bring an action to enjoin any violator of this section or s. 828.12 or s. 828.13 from being a pet dealer.

(15) County-operated or city-operated animal control agencies and registered nonprofit humane organizations are exempt from this section.

(16) A pet dealer may not knowingly misrepresent the breed, sex, or health of any dog or cat offered for sale within the state.

(17) Except as otherwise provided in this chapter, a person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

828.30 Rabies vaccination of dogs, cats, and ferrets.—

(1) All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species. The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer's directions. The cost of vaccination must be borne by the animal's owner. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

(2) A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time vaccination would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

(3) Upon vaccination against rabies, the licensed veterinarian shall provide the animal's owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use the "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate. The veterinarian who administers the rabies vaccine to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.

(4) Each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

(5) An animal owner's name, street address, phone number, and animal tag number contained in a rabies vaccination certificate provided to the animal control authority is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease or the physician of such person; a veterinarian who is treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease; or the owner of an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease shall be provided with any information contained in a rabies vaccination certificate but only with respect to the particular animal biting, scratching, or otherwise causing exposure. Any person with an animal tag number may receive vaccination certificate information with regard to that animal. Law enforcement and prosecutorial agencies; other animal control authorities; emergency and medical response and disease control agencies; or other governmental health agencies shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, the receiving agencies and authorities must not release the exempt information.

(6) Violation of this section is a civil infraction, punishable as provided in s. 828.27(2).

(7) This section does not prohibit or limit municipalities or counties from establishing requirements similar to or more stringent than the provisions of this section for the implementation and enforcement of rabies-control ordinances. However, local governments shall not mandate revaccination of currently vaccinated animals except in instances involving postexposure treatment for rabies.

828.40 Short title.—Sections 828.40-828.43 may be cited as the "Florida Animal Enterprise Protection Act."

828.41 Definitions relating to Florida Animal Enterprise Protection Act.—As used in ss. 828.40-828.43, the term:

(1) “Animal enterprise” means:

(a) A commercial or academic enterprise that uses animals for food or fiber production, agriculture, research, or testing;

(b) A zoo, aquarium, circus, rodeo, or lawful competitive animal event; or

(c) Any fair or similar event intended to advance agricultural arts and sciences.

(2) “Physical disruption” does not include any lawful disruption that results from lawful public, governmental, or animal enterprise employee reaction to the disclosure of information about an animal enterprise.

(3) “Serious bodily injury” means bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(4) “Economic damage” means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, and the loss of profits.

828.42 Animal enterprise disruption; criminal penalties.—

(1) A person who intentionally causes physical disruption to the property, personnel, or operations of an animal enterprise by intentionally stealing, damaging, or causing the loss of, any property, including animals or records, used by the animal enterprise, and thereby causes economic damage, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person who in the course of a violation of subsection (1) causes serious bodily injury to another commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who violates subsection (1), if such violation results in economic damage exceeding \$10,000, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The offender must pay restitution under s. 775.089. Restitution includes, but is not limited to:

(a) The reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense.

(b) The loss of food production or farm income reasonably attributable to the offense.

828.43 Injunction.—In a case of ongoing animal enterprise disruption, the aggrieved animal enterprise may obtain injunctive relief.

SEC. ____ - DEAD ANIMAL

Animal Hit by Car

1. Find a safe place to stop and activate your emergency lights. This is usually on the side of the road. If the animal is in the middle of the road and there is a center lane, use it.
2. Put on rubber gloves.
3. Place dead animal in a body bag and return to your vehicle. Avoid all contact with animal bodily fluid.
 - a. If contact is made with bodily fluid, wash body part affected immediately and sanitize. Make note of the exposure in the “notes” section of the computer case.
4. Scan the body for a microchip. If microchip is found, please refer to the section “Running at Large”.
5. Create and complete computer case.
6. Fill out impound slip – make sure to note impound # in the computer case.
7. Take carcass to Haisley’s. Leave copy of the impound slip with the bag.

Wildlife

1. Put on rubber gloves.
2. Place dead animal in a body bag and return to your vehicle. Avoid all contact with animal bodily fluid.
 - a. If contact is made with bodily fluid, wash body part affected immediately and sanitize. Make note of the exposure in the “notes” section of the computer case.
3. If the animal is any type of protected species, notify the proper agency of the death.
4. Create and complete computer case.
5. Fill out impound slip – make sure to note impound # in the computer case.
6. If animal bit or scratched anyone or another animal before death, refer to the section “Bite Cases”.
7. If not, take carcass to Haisley’s. Leave copy of the impound slip with the bag.

Domestic Animals

1. Before exiting the vehicle, check the location history in the computer.
2. Conduct initial inspection and determine the proper protocol to follow:

Natural death – no sign of trauma, no call history, etc.

1. Animal owner is responsible for the safe removal of the body.
2. Create and complete computer case.
3. If circumstances warrant Animal Control to assist with the removal, after putting on rubber gloves, place dead animal in a body bag and place it in your vehicle. Avoid all contact with animal bodily fluid.
 - a. If contact is made with bodily fluid, wash body part affected immediately and sanitize. Make note of the exposure in the “notes” section of the computer case.
4. Fill out impound slip – make sure to note impound # is the computer case.
5. Take body to Haisley’s. Leave copy of the impound slip with the bag.

Animal attack – animal died due to injuries received

1. A bite report must be completed. Refer to the section “Bite Reports”.
2. Animal owner is responsible for the safe removal of the body.
3. Create and complete computer case.
4. If circumstances warrant Animal Control to assist with the removal, after putting on rubber gloves, place dead animal in a body bag and place it in your vehicle. Avoid all contact with animal bodily fluid.
 - a. If contact is made with bodily fluid, wash body part affected immediately and sanitize. Make note of the exposure in the “notes” section of the computer case.
5. Fill out impound slip – make sure to note impound # is the computer case.
6. Take carcass to Haisley’s. Leave copy of the impound slip with the bag.

Suspicious Death – animal died for unknown reasons

1. Immediately notify a supervisor of the situation.
2. Document the scene, taking photos with your tablet.
 - a. Start at the street and take overall photo of the property and front of the house.
 - b. Take several distance / overall photos as you approach the animal from different angles.

- c. Take close up / detailed photos of the body and any nearby items.
3. Speak with all witnesses available. Make sure to obtain their correct name and contact information. If they are willing, they may also provide a written witness statement.
4. If the evidence and testimony provide facts that may possibly support a criminal charge, request a Police Officer to respond. Refer to the section "Animal Abuse".
5. If the evidence and testimony provided do not support a criminal charge, issue Animal Control citations to address all violations found.
6. Create and complete computer case. Be sure to upload all the photos taken and include all witness statements.
7. After putting on rubber gloves, place dead animal in a body bag and place it in your vehicle. Avoid all contact with animal bodily fluid.
 - a. If contact is made with bodily fluid, wash body part affected immediately and sanitize. Make note of the exposure in the "notes" section of the computer case.
8. Fill out impound slip – make sure to note impound # is the computer case.
9. Take carcass to Haisley's. Leave copy of the impound slip with the bag.

Negligent or Intentional Death – obvious signs of abuse, cruelty or neglect

1. Immediately notify a supervisor of the situation.
2. Request FPPD to respond.
3. Refer to the section "Animal Abuse".

SEC. ____ - ABUSE, CRUELTY, NEGLECT

General

Animal abuse, cruelty and neglect covers a wide range of situations and may be addressed by city ordinances and/or state statutes. Refer to Section 1 – City Ordinances 4-22, 4-24, 4-25 and 4-26 and Section 2 – State Statutes 828.12 and 828.13.

Animal Assessment – Emergency Response

If during the initial assessment, you find the condition of the animal requires immediate intervention, you must:

1. Impound the animal and notify the Supervisor.
2. If another Animal Control Officer is on duty, request back-up.
3. Call for an Police Officer to respond.
4. If possible, take at least 1 photograph with either your phone or tablet to document the animal's condition. If not possible, begin documenting via photographs as soon as possible.
5. Animals may be taken to the following locations:
 - a. Animal Emergency & Referral Center
 - b. Veterinary Medical Center of St. Lucie County
 - c. Tri-County Animal Hospital
6. Return to the location and follow the procedures for Documenting and Reporting.

Animal Assessment – Imminent Danger

If during the initial assessment, you find the animal is in imminent danger, you must:

1. Impound the animal and notify the Supervisor
2. Call for an Police Officer to respond.
3. Follow the procedures for Documenting and Reporting.
4. Take the animal to the Humane Society veterinarian for an official assessment of the animal's condition.

5. Complete an impound slip. Note the impound # in the computer and leave a copy with the animal.

Animal Assessment – Serious

1. Take whatever steps are needed to mitigate the situation (i.e. – put down food and/or clean water) and place a red tag on the door. If the owner does not contact animal control within 24 hours or the situation has not been remedied, the animal is to be impounded the following day.
2. Follow the procedures for Documenting and Reporting.

Document and Reporting

1. Assess the situation to determine the most appropriate response required.
2. If either an emergency response or imminent danger exist, make sure both a supervisor and the Police are notified.
3. Document the scene, taking photos with your tablet.
 - a. Start at the street and take overall photo of the property and front of the house.
 - b. Take several distance / overall photos as you approach the animal from different angles.
 - c. Take close up / detailed photos of the animal and any nearby items.
4. Speak with all witnesses available. Make sure to obtain their correct name and contact information. If they are willing, they may also provide a written witness statement.
5. If reporting an emergency or imminent danger case, submit your recommendation if the City is to initiate custody proceedings for review.
6. If the evidence and testimony provided do not support a criminal charge, issue Animal Control citations to address all violations found.
7. Create and complete computer case. Be sure to upload all the photos taken and include all witness statements.
8. If impounding the animal, fill out impound slip – make sure to note impound # is the computer case.

SEC. ____ - RUNNING AT LARGE

General

Any animal, except a community cat properly identified with a notched ear, that is freely roaming the community is considered running at large. This includes non-domestic animals such as horses, cows, chickens and hogs.

Response

1. Calls of aggressive dogs running at large are priority calls that must be responded to as quickly as possible.
2. Always activate your emergency lights when pursuing the animal.
3. Keep your focus open – see all around you including traffic, pedestrians and stationary objects.
4. When you stop, be sure to park in a safe manner.

Capture / Confine

The method for capturing and/or confining an animal running at large will vary greatly due to the circumstances. Below are the standard methods, but are not all inclusive.

1. Prior to handling any animal by hand, heavy duty protective gloves must be worn.
2. If the animal shows sign of aggression, request back-up.
3. Your catch pole must be within arm's reach at all times. If necessary, use in a defensive manner.
 - a. Once the animal is safely ensnared with the catch pole, carefully secure the animal in a cage.
 - b. Do not release the catch pole until the cage door is closed.
4. When using a net, keep the net secured to the ground until a secondary method is used to properly secure the animal.

Identify

All confined domestic animals are to be scanned for a microchip.

1. No microchip:

- a. Open a computer case and make sure to document the animal clearly including species, breed, sex (if known), and color. Name of the animal is NO ID – DOG / NO ID – CAT, etc.
 - b. Complete an impound slip, noting the impound # is the computer.
 - c. Impound the animal at the Humane Society, leaving a copy of the impound slip with the animal.
2. Microchip located:
- a. Check Comcate and PetData to see if the chip is registered with the City. If not, contact one of the online pet registries to try and locate the owner.
 - b. If an address / owner is identified, check the location / owner history in the computer to determine any previous events.
 - c. Attempt to return the animal to the owner by contacting the owner or making direct contact at the last known address.
 - d. Initiate the most appropriate enforcement and document it in the computer.
 - e. If unable to contact the owner, complete an impound slip, noting the impound # in the computer.
 - f. Impound the animal at the Humane Society, leaving a copy of the impound slip with the animal.

Non-domestic animals

1. Open a computer case and make sure to document the animal in general. Example – horse, goat, chicken. Unless the animal is special or out of the ordinary, there is no need to add the color. Name of the animal is NO ID – HORSE, NO ID – GOAT, etc.
2. Check computer to see if any registered exemptions are filed for the general location. If possible return to owner and initiate the proper enforcement action.

City Commission Conference Agenda

4.e.

Meeting Date: 08/12/2019

Re: Public Comment Procedures

Submitted For: Nick Mimms, City Manager, City Manager

SUBJECT:

Public Comments Procedures at City Commission Meetings

Attachments

Fort Pierce Rules
Port St. Lucie Rules
Orlando Rules
Tallahassee Rules

Form Review

Inbox	Reviewed By	Date
City Manager	Nick Mimms	08/07/2019 03:03 PM
City Manager	Nick Mimms	08/07/2019 03:03 PM
Form Started By: Jennifer Robinson		Started On: 07/18/2019 10:46 AM
Final Approval Date: 08/07/2019		

DIVISION 2. - MEETINGS

Sec. 2-26. - Public meetings.

- (a) All meetings of the city commission or of the committee or the whole thereof shall be public and shall comply with Florida Statutes Section 286.011, commonly referred to as the "government in the sunshine" law.
- (b) All discussions between the chief executive officer of the public employer or his representative and the legislative body of the public employer relative to collective bargaining shall be exempt from the provisions of Florida Statutes section 286.011 in accordance with Florida Statutes section 447.605.

(Code 1960, §§ 2-4, 2-5)

Charter reference— Meetings of city commission and committees thereof to be public, § 24.

Sec. 2-27. - Regular meetings; date and place.

The city commission shall meet regularly not less than twice each month. All meetings of the commission, whether regular or special, shall be held in the City Hall Commission Chambers, 100 North U.S. #1, unless a majority of the commission directs that a meeting be held at some other specified date, place, and time.

(Code 1920, §§ 2-1, 2-3; Ord. No. I-175, § 2, 8-18-86; Ord. No. J-15, § 1, 2-18-92; Ord. No. K-443, § 1, 9-18-06; Ord. No. 18-001, § 1, 2-5-18)

State Law reference— Legal time, F.S. § 1.02.

Sec. 2-28. - Special meetings.

The mayor-commissioner, or any three (3) members of the commission, or the city manager and any two (2) members of the commission, may call special meetings of the city commission, upon at least six (6) hours' written notice to each member, served personally, or left at his usual place of residence or business.

(Code 1960, § 2-2)

Charter reference— Special meetings, how called, § 24.

Sec. 2-29. - Procedure—Generally.

- (a) *Order of business.* Promptly at the hour set on the day of each meeting, the members of the commission, city manager, city clerk and city attorney shall take their regular stations in the commission chambers, and the business of the commission shall be taken up for consideration and disposition in substantially the following order:

- (1) Meeting called to order.
 - (2) Roll call.
 - (3) Approval of minutes.
 - (4) Comments from the public, relating to agenda items which do not require public hearings.
 - (5) Additions or deletions to agenda and approval of agenda.
 - (6) Miscellaneous reports.
 - (7) Consent agenda.
 - (8) Items requiring public hearings.
 - (9) New business, matters of public interest.
 - (10) Comments from the public.
 - (11) Comments of city manager and city attorney.
 - (12) Comments of commissioners.
 - (13) Adjourn.
- (b) *Robert's Rules.* In all matters coming before the commission, the parliamentary conduct thereof shall be governed by Robert's Rules of Order, as revised, except as otherwise provided by state law, the charter or ordinances of the city.
- (c) *Request for placement on agenda.* Any person desiring to appear before the city commission on a matter set for public hearing may appear and speak for a reasonable length of time as determined by the commission. As to any subject which is either not set for public hearing or does not otherwise appear on the agenda, persons desiring to place an item on the agenda may make written request to the city manager no later than 5:00 p.m. fifteen (15) days preceding the regular city commission meeting. Such request must state the subject matter of the individual's appearance and should include any background materials pertinent to the issue. The city manager shall review the request to determine if the item might be handled administratively; or, determine whether the subject matter is an item of city business. If so, the city manager shall submit the item for placement on the agenda to the city clerk no later than 5:00 p.m. ten (10) days preceding the regular city commission meeting and shall direct appropriate staff to be prepared to answer any questions the commission may have. The mayor may impose a time limitation of five (5) minutes, or allow such additional time he or she determines necessary and appropriate for such person to make presentation. Such person shall state his or her name, address, and the subject on which he or she wishes to speak.
- (d) *Agenda.* All reports, communications, ordinances, resolutions, contracts, documents or other materials to be submitted to the commission shall, no later than 12:00 noon on Wednesday prior to each meeting, be delivered to the city clerk, who shall arrange a list of such matters and furnish each member thereof with a copy of the same prior to the regular meeting, and as far in advance of the meeting as time for preparation will permit.
- (e) *Writing; debate.* Ordinances and resolutions shall be reduced to writing before the same are

read by the city clerk; however, amendments thereto may be made orally. The presiding officer shall require a motion and a second before allowing general debate thereon.

(Code 1960, § 2-5; Ord. No. K-443, §§ 2—4, 9-18-06; Ord. No. L-05, § 1, 3-3-08; Ord. No. L-283, §§ 1, 2, 11-5-12; Ord. No. L-292, § 1, 7-15-13; Ord. No. 14-006, § 1, 3-3-14; Ord. No. 15-005, § 1, 3-2-15; Ord. No. 16-001, § 1, 2-16-16; Ord. No. 17-025, § 1, 9-18-17)

State Law reference— Procedure for adoption of ordinances and resolutions, F.S. § 166.041.

Sec. 2-30. - Same—Special meetings.

Rules at special meetings of the commission shall be the same as for regular meetings except that no minutes of any meeting shall be finally approved except at a regular meeting.

(Code 1960, § 2-9.1)

Sec. 2-31. - Withdrawal of resolutions and motions.

Withdrawal of any resolution, motion or amendment by the member offering it shall be permitted at any time.

(Code 1960, § 2-6)

Sec. 2-32. - Voting.

- (a) Voting on all motions, resolutions and amendments except adjournment shall be by "yeas" and "nays" upon call of the roll of members in alphabetical order of surnames, except that the name of the mayor-commissioner may be called last. The record of the vote shall be recorded.
- (b) Any member may orally state the reason for his vote and may insert in the record his reason in writing in not to exceed twenty-five (25) words.

(Code 1960, § 2-7)

Charter reference— Quorum, voting by commission, § 25.

Sec. 2-33. - Minutes—Contents.

The city clerk shall keep and enter on the minutes of the meeting a record of all resolutions, motions and amendments passed, together with the vote of each member thereon. A brief statement of the substance or character of those not passed with the vote thereon will suffice.

(Code 1960, § 2-8)

Sec. 2-34. - Same—Attestation.

All minutes after approval and recording shall be attested by the signatures of the mayor-commissioner, or of the mayor pro tem who presided at the meeting, and the city clerk.

(Code 1960, § 2-9)

Sec. 2-35. - Addressing the commission generally.

- (a) *Limited participation.* The city manager, city clerk, and the city attorney shall have the right to take part in discussion but may not vote.
- (b) *Written communications by others.* Any person may address the commission concerning items on the agenda by submitting written communications. Such communications shall be received by the presiding officer and entered into the record of the meeting by the city clerk.
- (c) *Oral communication by others.* After first securing permission from the presiding officer, any person may address the commission orally on specific matters, at the appropriate times as designated by the order of business provided in code subsection 2-29(a).
 - (1) *Manner of addressing the commission; time limit.* Each person recognized by the presiding officer and granted leave to address the commission shall: (i) step up to the microphone; (ii) shall provide the city clerk with his name and address for the record; and (iii) unless further time is granted by majority vote of the commission, shall limit his address to three (3) minutes. All remarks shall be addressed to the commission as a body and not to any individual member thereof. No person, other than the commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the commission, without the permission of the presiding officer. No question shall be asked by a commission member. No person from the audience shall address the commission.
 - (2) *Decorum generally:*
 - a. *By commission members.* While the commission is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the commission, or disturb any member while speaking or refuse to obey the orders of the commission or its presiding officer, except as otherwise provided in this article.
 - b. *By all persons.* Any person making personal, impertinent, slanderous, obscene, profane, inflammatory, irrelevant or immaterial remarks, or who shall become boisterous while in the commission chambers, or shall incite violence or fighting, whether or not addressing the commission, shall be declared by the presiding officer to be out of order. Any person who refuses to obey an order of the presiding officer in relation to preserving order and decorum shall be banned from further

attendance at the meeting in question, unless permission to remain is granted by a majority vote of the commission. No heckling or verbal outbursts in support or opposition to a speaker or his remarks shall be permitted.

- (3) *Enforcement of decorum.* The chief of police, or such member of the police department as he may designate, shall be sergeant-at-arms of the commission meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the commission meeting.

(Ord. No. 14-006, § 2, 3-3-14; Ord. No. 15-005, § 2, 3-2-15.)

Secs. 2-36—2-45. - Reserved.

RESOLUTION 14-R111

A RESOLUTION PROVIDING FOR THE ADOPTION OF THE RULES OF COUNCIL, REPEALING THE PREVIOUSLY ADOPTED RULES OF COUNCIL; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, AS FOLLOWS:

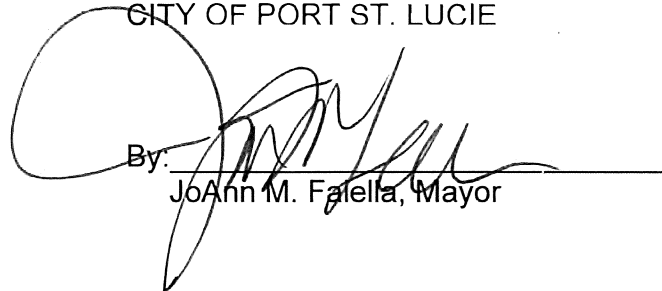
Section 1. The City Council hereby approves and adopts those Rules of Council as set forth in Exhibit "A" attached hereto and by reference incorporated herein.

Section 2. That the Rules of Council previously adopted and amended be and the same are hereby repealed including, but not limited to, Resolution 13-R99.

Section 3. This resolution shall become effective immediately upon its adoption.


PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 14th day of July, 2014.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: 
JoAnn M. Faella, Mayor

ATTEST:


Karen A. Phillips, City Clerk

APPROVED AS TO FORM: 
Pam E. Booker, City Attorney



Resolution 14-R¹¹¹
Approved 7/14/14

CITY OF PORT ST. LUCIE
RULES OF COUNCIL

SECTION 1. DECLARATION OF PUBLIC POLICY. It is the intent of these rules that the deliberations and actions of the Council be conducted and taken openly in order that the citizens may be fully informed, it being the finding of the Council that the citizens must be fully informed if they are to be intelligently advised as to the conduct of public business by the Council.

SECTION 2. DEFINITIONS. For the purpose of these rules, the following definitions shall prevail:

(a) A "meeting" is a gathering of a quorum of the membership of the Council for the purpose of receiving information relating to public business, or for discussion of public business, or for final action upon public business.

(b) A "regular meeting" is a meeting held pursuant to a schedule of such meetings as approved by the Council to enact ordinances and resolutions, conduct public hearings and otherwise discuss and act upon matters of public interest.

(c) A "special meeting" is a meeting held on the call of the Mayor or upon the request of a Councilmember to the City Manager with the concurrence of a majority of the members of the Council which shall be ascertained by the City Manager. A "special meeting" is held for the purpose of addressing matters requiring the immediate attention of the Council or for the purpose of addressing matters which the Council has determined are best addressed at a special meeting. When a special meeting is called, the Mayor or members of the Council shall specifically state the purpose of the meeting and the Council shall address only those matters for which the meeting was called.

(d) A "Workshop Meeting" is a meeting held for the study and discussion of affairs of the City. Workshop meetings will be held pursuant to a schedule of such meetings as approved by the Council. No formal or binding action may be taken at these meetings other than to direct further consideration at a regular meeting.

(e) The "Council" shall refer to the City Council of the City of Port St. Lucie.

(f) "Councilman (Councilmen), Councilwoman (Councilwomen) and Councilmember(s)" shall refer to the Mayor and members of the City Council of the City of Port St. Lucie.

SECTION 3. MEETINGS.

(a) Location. All meetings of the Council shall be held in city hall, unless the Council indicates another location, and shall be open to the public as required by law.

(b) Regular Meetings. The Council shall hold regular monthly meetings on the second and fourth Monday night of each month beginning with the second Monday in January of each year. Unless otherwise noticed, regular meetings shall commence at 7:00 p.m. When the day fixed for regular meetings falls on a day designated by law as a legal holiday, the meeting shall be held on the Tuesday following that Monday holiday or as otherwise designated by the Council.

(c) Public Notice. The Council shall give public notice of the schedule of meetings and shall state the dates, times and places for such meetings. Public notice of any special meeting or of any reconvened meeting shall be given before such meeting. Public notice shall be given by posting a copy of the notice at City Hall. The City shall supply copies of the notices of its meetings to any local newspaper of general circulation, or any local radio or television station that has filed an annual request with the City Clerk for such notice.

SECTION 4. MINUTES, AGENDAS AND REPORTS.

(a) Minutes identifying all matters coming before the Council and setting forth the action, if any, thereof, shall be promptly recorded and transcribed by the City Clerk and such records shall be open to public inspection.

(b) At the direction of the City Manager, the City Clerk shall prepare an agenda for all regular and special meetings. The agendas for all meetings will be prepared and made available to the public, the press and to each Councilmember on the Wednesday preceding each regular meeting providing, however, that when Council meeting dates have been changed due to holidays, or otherwise, the preparation and distribution of the agenda shall be adjusted accordingly. A copy of the agenda shall be posted at the entrance to the meeting room or place prior to the commencement of such meeting.

SECTION 5. PRESIDING OFFICER. The Mayor shall preside at all meetings, if present, and if absent, the Vice-Mayor, and in his absence the Mayor Pro Tem of the Council shall preside.

SECTION 6. ORDER OF BUSINESS. All meetings of the Council shall be open to the public promptly at the hour set on the date of each meeting. The members of the Council, City Manager, City Clerk, and City Attorney shall take their regular stations and the business of the Council shall be taken up for consideration and disposition in substantially the following order:

- (a) Meeting called to order.
- (b) Roll call.
- (c) Invocation.
- (d) Pledge of Allegiance.
- (e) Proclamations and special presentations.

- (f) Public to be Heard. (~~Agenda items only~~)
- (g) Additions or deletions to agenda and approval of agenda.
- (h) Approval of consent agenda.
- (i) Second reading, public hearing of ordinances.
- (j) Other public hearings.
- (k) First reading of ordinances.
- (l) Resolutions.
- (m) Unfinished business.
- (n) New business.
- (o) Determination of excused absences.
- (p) City Manager's Report.
- (q) Councilmembers report on committee assignments.
- (r) Public to be heard (if necessary as determined by City Council at conclusion of Public to be Heard).
- (s) Adjourn.

The above form the headings for the agenda for regular meetings. Staff and Council members desiring to have a particular subject matter placed upon the agenda may make a request therefor to the City Manager. Members of the public must have a Councilmember or the Mayor agree to sponsor their request before submission to the City Manager. All requests shall be accompanied by any information or documentation supporting the subject matter of the request and shall indicate the approximate length of time required for any presentation to the Council. Except in unusual circumstances, no item shall be placed on the meeting agenda until the subject has been referred for comment to whatever department, advisory board or combination of them that has an

interest in the subject matter. Any such request shall be promptly considered and placed upon the agenda without undue delay.

SECTION 7. PREPARATION OF ORDINANCES, RESOLUTIONS.

(a) No ordinance shall be prepared for presentation to the Council unless directed by a majority of the Council, requested by the City Manager, or prepared by the City Attorney on his her own initiative, unless otherwise provided by ordinance or by the City Charter.

(b) All ordinances and resolutions shall, before presentation to the Council, have been approved as to form by the City Attorney, or his her authorized representative. All those instruments shall first be referred to the head of the department under whose jurisdiction the administration of the subject matter of the ordinance or resolution would be involved and shall be approved by the department head. If approval is not given, then the instrument shall be returned to the City Manager with a written memorandum of the reasons why approval is withheld. In the event the questioned instrument is not redrafted to meet a department head objection or the objection is not withdrawn and approval in writing given, then the City Manager shall so advise the Council and give the reasons advanced by the department head for withholding approval.

SECTION 8. VOTING. When a motion that is in order has been made and seconded, the Mayor formally places it before the Council by having the Clerk read the exact motion into the record. Thereafter the motion is open to debate.

Voting on all motions, resolutions and ordinances, except adjournment, shall be by "yes" and "no" upon call of the roll of members by districts. Any comments by Councilmembers as to the subject matter of a motion should be made during the debate thereon rather than at the time the Councilmember's vote is cast so that other members of

the Council may have the benefit of those comments during the debate and before their vote is cast. The call of the roll shall be rotated as items come up for vote.

SECTION 9. CONDUCT OF MEETING.

(a) The presiding officer shall preserve order and decorum at all meetings.

(b) When considering matters noticed for a public hearing, the applicable ordinances or resolution shall first be read by its title only. The presiding officer shall declare the public hearing open and receive comments from the public.

(c) During Council meetings, Councilmembers shall maintain order and decorum. Every Councilmember desiring to speak shall address the chair and, upon recognition by the chair, shall confine himself to the question under debate. Each Councilmember desiring to speak shall be recognized once before a Councilmember shall be recognized a second time. Every Councilmember desiring to question the administrative staff shall address his question to the City Manager or attending Department representative. During Council discussion, Councilmembers may also, with leave of the presiding officer, direct questions to others in attendance at the Council meeting. A Councilmember once recognized shall not be interrupted while speaking unless called to order by the presiding officer, unless a point of order is raised by another member, or unless the speaker chooses to yield to questions of another member.

(d) City staff and citizens must be recognized by the Mayor before speaking or asking questions. The purpose of this requirement is so that there is order and so that the recording equipment will properly record all comments made by individuals wishing to comment on a specific subject.

(e) All comments must be made from the podium which is located at the front of the City Council Chambers or by other reasonable accommodations and shall address the

subject of the agenda item. Individuals that appear before the City Council are required to state their name and their address for the public record. The purpose of this requirement is so that they are properly reflected in the Council minutes and are available for future reference.

(f) In order to address the Council regarding an agenda item citizens are required to complete a public participation card indicating the agenda item(s) they wish to address. Public comments will be limited to three (3) minutes per person so that all may be heard on the matter and the presiding officer, or his designee, shall in such instances monitor the timing and give the speaker a thirty (30) second notice prior to the expiration of the time allotted. The presiding officer may, at his discretion, or at the direction of a majority of the Council, extend the time allowed for an individual to speak or to allow a speaker a single opportunity to rebut comments made by another speaker. Any such rebuttal shall be limited to three (3) minutes. After receiving public comments as provided herein, the public hearing shall be closed and all further discussion on the matter shall be limited to members of the Council. One participant's allotted time for addressing the Council may not be donated to another participant.

(g) Those persons wanting to express his or her opinion on an agenda item noticed for public hearing without addressing the Council may do so on the appropriate color-coded participation card which the City Clerk shall make available, and when completed and returned to the City Clerk shall be made part of the public record of the proceedings. Individuals may express on the card that they are "FOR", "AGAINST", or "UNDECIDED" regarding the agenda item they reference on the card.

(h) As the Council considers agenda items, other than items noticed for public hearing, the presiding officer shall accept comments from those who have presented public

participation cards to the clerk at the commencement of the meeting and may, at his discretion, or at the direction of a majority of the Council, accept comments from those in attendance.

(i) The Council shall follow the order of business as established by the agenda for that meeting; however, in the event a Council meeting continues past the hour of 11:00 o'clock p.m. it shall be the policy of the Council to complete, if possible, the item then under consideration and thereafter table all other agenda items scheduled for that meeting to a meeting to be scheduled by the City Council for the purpose of completing those agenda items or, if the Council is unable to convene such a meeting, then the Council shall table the remaining agenda items to the next immediately available Council meeting.

(j) The Council may reconsider an item, that is, bring back for further consideration, a motion which has already been voted on. To provide usefulness, and protection against abuse, the motion to reconsider can only be made by a Councilmember who voted on the prevailing side of the original motion.

SECTION 10. PUBLIC PARTICIPATION.

Avenues for Citizens to Participate in Decision Making Process:

- (i) Public to be Heard
- (ii) Submission of Petitions
- (iii) Citizen Agenda Items
- (iv) Public Hearings
- (v) Regular Agenda Items
- (vi) City Council Discussion items

(a) Public to be Heard

~~(i) The Council recognizes that some citizens wanting to comment on agenda items may not be able to stay throughout the meeting. Therefore, the Council allocates 30 minutes at the beginning of each City Council meeting for citizens who wish to~~

~~appear before the City Council to and comment on any agenda item for that meeting. The Mayor will divide the time equally between all who have signed up to speak; but in no case may a citizen speak longer than three (3) minutes. Citizens addressing an agenda item at this time will not be recognized when that agenda item is later called during the meeting.~~

(ii)(i) The City Council also allocates thirty (30) minutes at the ~~end~~ beginning of each Council meeting for citizens who wish to appear before the City Council to make a request of the City Council, voice a complaint or concern, express an opinion or for some other type of recognition but in no case may a citizen speak longer than (3) minutes. If an item brought forward under Public to be Heard requires a longer presentation by the citizen or will require staff research or materials, the item may be scheduled by the Mayor for a future City Council meeting as an Agenda item. Citizens who signed up to address the City Council but were unable to do so because of the expiration of the thirty (30) minute limitation will be given an opportunity to address the City Council at the conclusion of the regular Council business agenda.

(ii) During this item, citizens will not be permitted to address matters that are on the agenda for the regular portion of the meeting.

(iii) In order to address the Council on an agenda item, other than a Public hearing or to speak during Public to be Heard, the appropriate color-coded participation card must be completed prior to the beginning of the City Council meeting and given to the City Clerk. The City Clerk will be responsible for making sure that cards are located outside the City Council Chambers 30 minutes prior to the Council meeting. Citizens can also pick up cards during business hours prior to a City Council meeting at the City Clerk's office. The City Clerk, or a person designated by the City Clerk, will be responsible for assisting individuals in completing the card and presenting the cards to the Mayor prior to convening

the City Council meeting.

(iv) During the Public to be Heard portion of the Council meeting, no dialogue will occur between Council members and the public. Council members may comment at the close of this item.

(b) Submission of Petitions to the City Council

(i) When submitting petitions to the City Council, the petition should state clearly its purpose. The person presenting the petition must provide it to the Mayor at the beginning of the presentation and state a brief overview of its purpose. If not submitted on an item already on the agenda, the City Council will accept the petition and may schedule the item for discussion on the next available agenda.

(ii) When petitions are received by the City by mail, a copy of the petition will be presented to the City Council and it will be placed on the next available City Council Meeting for discussion by the City Council.

(c) Citizen Agenda Items

(i) Agenda items proposed by citizens may be placed on the City Council Agenda under two (2) circumstances:

(A) An item brought before the City Council during Public to be Heard and is unable to be presented within the three (3) minute time frame or needs additional research or materials so that the City Council can properly respond, may be rescheduled by the Mayor for a future City Council meeting as an Agenda item.

(B) A citizen may request in writing to appear on the City Council Agenda and file such request with the City Clerk's office a minimum of two (2) weeks in advance of the City Council meeting. The letter shall state the nature of the request and ask that the item be placed on an upcoming City Council Agenda. A copy of the letter will

be provided to the City Council on the day that it is received by Clerk's Office, but no action will be taken by the Clerk until said copy is endorsed or sponsored by at least one (1) council member or the Mayor. Thereafter, a copy of the letter will be provided to the proper City department so that research can be conducted and information provided to the City Council.

(ii) Agenda items are to be considered like all other items on the City Council Agenda. The format for consideration will be as follows:

- Presentation by the individual asking to address the City Council
- Questions of the individual by the City Council
- Presentation by City staff, if necessary
- Questions of the City staff by the City Council
- Public comment
- Discussion by the City Council
- Motion and vote on the item, if necessary

(d) Public Hearings

Public Hearings are formal, legally-noticed hearings which the City Council conducts pursuant to State or Federal law. Some Public Hearings are advertised hearings for specific items scheduled on the City Council Agenda. Some hearings are quasi-judicial, while others are legislative in nature. Some public hearings have specific formats that must be followed and are established by law. All Second Readings of Ordinances are conducted as formal public hearings as a normal agenda item. In those cases, the Mayor will announce that this is a public hearing.

The applicant may have as much time as necessary to make the presentation before the City Council. City staff may have as much time as necessary to make a presentation on the subject before the City Council. As with all agenda items, persons wishing to address the issue should have completed an appropriate participation card prior to the beginning of the meeting.

The order of a Public Hearing will be as follows:

- Presentation by City staff
- Questions of the City staff by the City Council
- Presentation by the applicant, if applicable
- Questions of the applicant by the City Council, if applicable
- Public comments
- Questions of citizens by the City Council or applicant
- Final Comments by applicant, if applicable
- Discussion by the City Council (City Council members may request additional information from both the applicant and staff during this phase of discussion)
- Decision by the City Council

(e) Regular Agenda Items

The City Council provides an avenue for citizens to address all other agenda items. This allows citizens to speak in favor of, in opposition to, or ask questions about a normal agenda item. If the item is on Consent Agenda, the City Council may withdraw the item from the Consent Agenda. If the item is on Consent Agenda, the citizen will need to complete the appropriate color-coded participation card and give the card to the City Clerk prior to the beginning of the meeting. The Mayor will inform the City Council that a citizen has requested that an item be removed from the Consent Agenda. If the City Council desires to remove the item from the Consent Agenda, the City Council will need to remove the item for discussion purposes. If the item is removed from the Consent Agenda, the citizen is allowed to address the item. When an item is removed from the Consent Agenda, citizens will be allowed three (3) minutes to comment or ask questions about the item. If the citizen's questions cannot be answered quickly, the City Council may table the item and schedule it as a regular City Council Agenda item, or may take final action on the item.

If the item is on the non-Consent Agenda portion of the Agenda, citizens will be given up to three (3) minutes to comment or ask questions about the agenda item. The

Mayor must recognize all who wish to speak and have signed participation cards.

The order of consideration of an agenda item that has been removed from the consent agenda and all other regular agenda items will be the same as a regular public hearing item, above.

(f) City Council Reports and Comments

The City Council has scheduled an item where the Council reports on the various committees and groups on which they represent the City, and to make comments in general.

(g) Documents

All documents submitted to the City Council become public records when given to the City Council for their consideration and shall be maintained by the City Clerk in accordance with the public records law.

SECTION 11. DECORUM. The presiding officer shall preserve strict order and decorum at all meetings.

(a) In conducting the public's business, the City Council is committed to the principles of civility, honor, and dignity. Individuals appearing before the City Council are expected to observe the same principles when making comments on items and issues presented to the City Council for their consideration.

(b) Staff members and citizens are required to use proper language when addressing the Council or the audience. Staff members and citizens shall not use profanity or cursing, aggressive or threatening behavior when addressing the City Council or other participants. All comments are directed to the Mayor and not to individual members of the City Council or to the audience. [City Council meetings are business meetings where the business of the City is conducted.] No personal verbal attacks toward any individual will be

allowed during the conduct of a City Council meeting. The Mayor or Chair may have individual(s) removed from the podium and/or City Council Chambers if such conduct persists after a warning has been issued.

(c) All members of the Council shall accord the utmost courtesy to each other, the City employees and the public members appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities. During Council meetings cell phones are to be turned off or silenced. Use of cell phones by Council members and City staff for talking, texting, emailing or otherwise will not be allowed during meetings while at the dais, except for emergency communications or while on breaks.

(d) In addition to the prohibitions in (c), above, Section 871.01, Florida Statutes, declares that any person who willfully interrupts or disturbs any assembly of people meeting for any lawful purpose shall be guilty of a misdemeanor of the second degree, and may be arrested by police officers present. This may be done in the absence of the conduct being noted, or of the offender being called to order, by the presiding officer.

(e) In the case that any person is declared out of order by the presiding officer and ordered expelled, and does not immediately leave the Council Chambers, the following steps shall be taken:

(i) The Mayor or chair shall declare a recess.

(ii) The person shall be approached by a police officer and advised that he has been ordered expelled.

(iii) In case the person does not remove himself from the area he may be placed under arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

(iv) In the event any person who is ordered expelled leaves the Council Chambers voluntarily and then returns to the same meeting, he is subject to arrest for violation of Section 871.01, Florida Statutes, should the person continue to willfully interrupt or disturb the meeting.

The City Manager shall, during all public meetings, have a uniformed certified law enforcement officer present.

SECTION 12. BOARDS AND COMMITTEES. Members of the City Council have the opportunity and responsibility to represent the interest of the City on various boards and committees that may, from time to time, be established. Participation in these boards and committees is an opportunity for the City to present points of view that are beneficial to the City and an opportunity to participate in decision making processes that may be of significant importance to the City. The standing committees presently established wherein Councilmembers participate are as follows:

- (a) Treasure Coast Council of Local Government (TCCLG)
- (b) Tourist Development Council (TDC)
- (c) St. Lucie Transportation Planning Organization (TPO)
- (d) Council on Aging
- (e) St. Lucie County Fire District
- (f) Treasure Coast Regional Planning Council (TCRPC)
- (g) St. Lucie County Chamber Board of Directors
- (h) Roundtable of St. Lucie County
- (i) Treasure Coast Regional League of Cities (TCRLC)

Each Councilmember shall be responsible to accept appointment to at least two (2) of these committees and, once appointed, shall attend duly called meetings of these

committees and report back to the Council the activities of and actions taken by the respective boards and committees. The failure to fulfill committee responsibilities may result in censure against the Councilmember involved.

SECTION 13. ATTENDANCE. Three unexcused absences by a Councilmember during the current term of office of that Councilmember from meetings of the City Council, including regularly scheduled meetings and special meetings duly called and noticed, shall constitute grounds for forfeiture of the said Councilmember's office pursuant to Section 3.02 of the Charter of the City of Port St. Lucie. The City Council shall review any reasons or excuses presented by a Councilmember related to that Councilmember's absence at the next preceding meeting and by majority of the Council determine whether that absence should be excused.

Members in attendance at a Council meeting must be present when votes are taken and must cast a ballot or, pursuant to Section 28.012, Florida Statutes, declare that there is, or appears to be, a possible conflict of interest according to Florida law and thereupon comply with the disclosure requirements of Section 112.3143, Florida Statutes.

SECTION 14. COUNCILMEMBER CONDUCT. Members of the Council must at all times recognize that their actions, both public and private, may reflect upon the Council as a whole and further may reflect upon the City of Port St. Lucie. Conduct unbecoming of a public official may result in appropriate action taken by the City Council including, pursuant to Section 3.02 of the Charter of Port St. Lucie, forfeiture of the office of Councilmember.

SECTION 15. WAIVER OF RULES. The Council may, at any time, upon a motion and majority approval, waive all or a portion of these rules of procedure during the course of a meeting.

121.5 SUBJECT: CITY COUNCIL RULES OF ORDER AND DECORUM

:1 OBJECTIVE:

Maintain order and decorum in City Council Meetings.

:2 AUTHORITY:

This procedure adopted by City Council September 23, 2013.

:3 DIRECTION:

The Mayor and Commissioners, as elected officials, serve at the pleasure of the qualified electors of the City. The Mayor is presiding officer.

:4 FUNCTIONS:

A. Rules of Order and Decorum:

1. Members of the public shall have a reasonable opportunity to be heard on any proposition pending before the City Council, with the exception of ministerial actions such as approval of the Council's meeting minutes and ceremonial proclamations. Time will be set aside during City Council's Agenda Review meeting for public comment on matters on the Council agenda, but not set for public hearing at the regular City Council meeting. Each member of the public will be limited to five (5) minutes. The total time for public comment at any one meeting will not exceed thirty (30) minutes. Groups or factions with the same interests will be requested to designate a representative or representatives to present the views of the group to the Council. Should the Agenda Review meeting not take place for any reason, time for this public comment will be provided at the regular City Council meeting, prior to any action on the Consent Agenda.
2. City Council may establish time limits for members of the public to address Council at its regular meeting. Unless such time limit is otherwise established, each member of the public shall be limited to five (5) minutes. Each person addressing the Council shall step to the microphone at the podium and shall give his/her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Council as a body and not to any member thereof.
3. Except for applause after an award or presentation, no member of the audience shall make or cause to be made any disruptive sound during a Council Meeting. No member of the audience shall make personal or slanderous remarks or become otherwise disorderly while the Council is in session.
4. No demonstrations of approval or disapproval from the audience shall be permitted.
5. Due to limited seating capacity of Council Chambers and to ensure good visibility and safe ingress and egress, no signs or graphic displays of any kind shall be displayed in Council Chambers except in connection with a presentation made to Council by a speaker at the podium.
6. All cell phones and pagers shall either be turned off or placed in silent mode during City Council Meetings.

7. No food or beverage shall be consumed in Council Chambers.
 8. Any violation of paragraphs 1 – 6 above shall be considered a violation of order and decorum of the meeting.
 9. The presiding officer may declare a person in violation of the order and decorum of the meeting and warn them to depart the premises. If the individual refuses to leave after receiving a warning from the presiding officer, he/she shall be removed from the meeting room by the Sergeant-at-Arms and may be arrested for trespass after warning.
- B. Presentations to Council: Any information presented to City Council for its consideration in formats such as PowerPoint, Video VHS, or DVD must be submitted to the City Clerk's office no later than the Wednesday immediately prior to the Council meeting in order to have the presentation facilitated for Council viewing and broadcast. If presentations are submitted after that deadline, it may not be possible for them to be played or displayed during the meeting, although ten (10) hard copies can be submitted to the City Clerk for distribution to Council. Documents and presentations displayed during the City Council meeting shall become a public record and must be submitted to the City Clerk for retention.

:5 FORMS:

None

:6 COMMITTEE RESPONSIBILITIES:

Not applicable

:7 REFERENCE:

City Code Sections 2.38, 2.44 and 2.46, s. 286.0114, Florida Statutes.

:8 EFFECTIVE DATE:

This procedure effective October 1, 2013.

City Commission Policy 108

Public Participation at Meetings

DEPARTMENT: City Treasurer-Clerk

DATE ADOPTED: September 25, 2013

DATE OF LAST REVISION: January 30, 2019

108.01 Authority: City Commission and Section 286.0114, Florida Statutes.

108.02 Purpose: To provide for citizen input on propositions pending before the City Commission, or Advisory Boards or Committees, as defined herein.

108.03 Definitions:

- **Regular Meetings:** Refers to regularly scheduled meetings of the City Commission.
- **Workshop Meetings:** Refers to the City Commission meetings which are conducted for issues requiring a workshop setting.
- **Special Meetings:** Refers to the City Commission meetings which are called or conducted to address time sensitive or emergency business or for any other purpose not addressed by a Regular or Workshop Meeting.
- **Advisory Board or Committee:** Advisory Board means a joint-governmental, legislated, or City-created board, committee, panel, commission, council, agency, bureau, authority, corporation, etc.

108.04 General Statement:

It is the City Commission's policy to provide meaningful opportunities for members of the public to participate in City meetings. Citizen participation in the program and policy development of the City of Tallahassee is recognized as an important element in providing quality public services to the Tallahassee community. It is important to the City's elected and appointed leaders that citizens have meaningful opportunities to participate in meetings.

108.05 Scope and Applicability:

This policy shall govern public participation at all Regular, Workshop, Special Meetings and Advisory Board meetings, as defined herein.

The City Treasurer-Clerk's office shall prepare and maintain a list of Advisory Boards to which this policy applies. The City Treasurer-Clerk may revise or update the list from time to time as needed.

108.06 Citizen Participation relative to Agendaed business

Agendaed Items: At the beginning of each Regular meeting, Workshop, Special meeting or Advisory Board meeting, an opportunity shall be provided for members of the public to speak on any proposition on the agenda or pending before the body. This time is a courtesy for persons who may not be able to stay the entire meeting, but who wish to address the governing body relative to an item on the agenda.

In addition to the opportunity provided at the beginning of each Regular meeting, Workshop, Special meeting, or Advisory Board meeting, an opportunity shall be provided for members of the public to speak on each agendaed item as each item is taken up. Speakers who speak on an item at the beginning of a meeting are not entitled to speak again when that specific item is taken up; a speaker is not afforded two opportunities to comment on a single item.

The Chair of a meeting may require, at a meeting in which a large number of individuals wish to be heard, that a representative of a group or faction on an item speak on behalf of the group or faction rather than each individual speaking; and may designate the length of time the representative may speak.

If the topic a speaker wishes to address is a matter set for public hearing, the speaker must speak during the scheduled public hearing; a speaker is not afforded two opportunities to comment on matters set for public hearing.

Public comment on an agendaed item need only be provided at some time during the decision-making process prior to the point at which the Commission, Committee or Advisory Board takes official action. Accordingly, the Chair may elect not to receive public input at a given meeting on a specific item on the agenda as long as a reasonable opportunity to be heard on that item was or is provided in a prior or subsequent meeting. In all cases, official action shall not occur until after an opportunity to be heard has been provided.

At each opportunity to speak, speaker's comments shall be limited to 3 minutes. Speakers must adhere to a standard of public decorum and must speak only to that which relates to the common good of the City, City policy, or City business, and refrain from personal attacks. Speakers may be interrupted by the Chair if said standard is not met. A civility oath is displayed in the City Commission Chambers and attached hereto.

108.07 Citizen Participation relative to Unagendaed business

As to Regular Meetings of the City Commission, members of the public with an issue of special interest that is not on the meeting agenda who desire to address the City Commission may be heard at the conclusion of the meeting by submitting a Speaker Form to the City Treasurer-Clerk during the meeting. Individual speakers shall adhere to a 3-minute time limit, unless extended by the Chair.

For all other meetings, the Chair shall not be required to take public comment on items not on the published meeting agenda or pending before the body. However, at the discretion of the Chair, such comments may be permitted. In such instances, individual speakers shall adhere to a 3-minute time limit, unless extended by the Chair.

Speakers must adhere to a standard of public decorum and must speak only to that which relates to the common good of the City, City policy, or City business, and refrain from personal attacks. Speakers may be interrupted by the Chair if said standard is not met. A civility oath is displayed in the City Commission Chambers and is available on the City's website.

108.08 Speaker Form

Each speaker must complete a speaker form provided by the City Treasurer-Clerk or Clerk of the meeting, providing his/her name, address, the topic or agenda item on which they wish to speak, and designating a representative, if appropriate. Speaker Forms will be made available to the public prior to the start of each meeting.

Speaker Forms submitted by the public shall be collected and filed in the official record of the proceedings and the content thereof included in the meeting minutes.

108.09 Disclosure of Representation.

In compliance with City Commission Policy No. 126, persons appearing before the City Commission or Advisory Board or Committee must disclose the person(s), firm(s), or company(s) he or she is representing for direct or indirect compensation.

The Speaker Form shall provide a means for speakers to disclose if they are being compensated to represent other persons or entities.

Persons registered as a lobbyist with the City Treasurer-Clerk pursuant to Section 2-339 of the General Code of Ordinances must disclose their status in the space provided on the Speaker Form.

108.10 Exemptions

The requirements of this policy shall not apply to ministerial items on a meeting agenda, such as the approval of minutes or presentation of ceremonial proclamations. The requirements of this policy shall not apply when the City Commission, Committee, or Advisory Board is acting in a quasi-judicial capacity.

108.11 Staff responsibilities – Advisory Boards.

In compliance with City Commission Policy No. 110, City staff for each Advisory Board governed by this policy shall ensure that the committee's procedures include an opportunity for public participation as required by this policy.

Staff shall place in a conspicuous location a sufficient number of Speaker Forms prior to each meeting.

108.12 Sunset Review:

This policy is subject to sunset review by the City Commission no later than five (5) years from the date of adoption. Subsequent reviews by the City Commission are to occur no later than five (5) years from the date of the prior review. Revisions will become effective immediately upon City Commission approval.

108.13 Effective Date:

This policy shall become effective immediately upon adoption.

108.14 Responsible Agency:

The City Treasurer-Clerk shall be responsible for this policy.

Attachments:

A. Civility Oath

Revisions:

September 25, 2013

November 9, 2016

January 30, 2019



PLEDGE OF CIVILITY

WE WILL BE RESPECTFUL OF

ONE ANOTHER

EVEN WHEN WE DISAGREE.

WE WILL DIRECT ALL

COMMENTS

TO THE ISSUES.

WE WILL AVOID PERSONAL

ATTACKS.

"Politeness costs so little." – ABRAHAM LINCOLN

