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# CITY COUNCIL WORKSHOP

## CITY OF LAKE CITY

May 18, 2026 at 5:00 PM

Venue: City Hall

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## AGENDA

This meeting will be held in the City Council Chambers on the second floor of City Hall located at 205 North Marion Avenue, Lake City, FL 32055. Members of the public may also view the meeting on our YouTube channel. YouTube channel information is located at the end of this agenda.

### Call to Order

### Pledge

**Invocation** - Mayor Noah Walker

### Roll Call

***Ladies and Gentlemen; The Lake City Council has opened its public meeting. Since 1968, the City Code has prohibited any person from making personal, impertinent, or slanderous remarks or becoming boisterous while addressing the City Council. Yelling or making audible comments from the audience constitutes boisterous conduct. Such conduct will not be tolerated. There is only one approved manner of addressing the City Council. That is, to be recognized and then speak from the podium.***

***Failure to abide by the rules of decorum will result in removal from the meeting.***

### Items for Discussion

1. Discussion: City Animal Control

### Public Participation - Public Comments

*Citizens are encouraged to participate in City of Lake City meetings. The City of Lake City encourages civility in public discourse and requests that speakers direct their comments to the Chair. Those attendees wishing to share a document and or comments in writing for inclusion into the public record must email the item to [submissions@lcfla.com](mailto:submissions@lcfla.com) no later than noon on the day of the meeting. Citizens may also provide input to individual council members via office visits, phone calls, letters and e-mail that will become public record.*

### YouTube Information

Members of the public may also view the meeting on our YouTube channel at:  
<https://www.youtube.com/c/CityofLakeCity>

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**Pursuant to 286.0105, Florida Statutes,** *the City hereby advises the public if a person decides to appeal any decision made by the City with respect to any matter considered at its meetings or hearings, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.*

**SPECIAL REQUIREMENTS:** *Pursuant to 286.26, Florida Statutes, persons needing special accommodations to participate in these meetings should contact the **City Manager's Office at (386) 719-5768.***

**File Attachments for Item:**

1. Discussion: City Animal Control

**CITY COUNCIL RESOLUTION NO.: 2022-101**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AUTHORIZING THE EXECUTION OF THE AGREEMENT FOR ANIMAL CONTROL AND ANIMAL CARE SERVICES WITH THE LAKE CITY - COLUMBIA COUNTY HUMANE SOCIETY, INC.; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Lake City, Florida (hereinafter the “City”) desires to engage the Lake City – Columbia County Humane Society, Inc. (hereinafter the “Humane Society”) to perform animal control and animal care services for and on behalf of the City; and

**WHEREAS**, the Humane Society provides animal control and animal care services, including adoptions, to lost and abandoned animals throughout Lake City and Columbia County; and

**WHEREAS**, the City and the Humane Society desire to memorialize their respective responsibilities in the attached *Agreement for Animal Control and Animal Care Services* (hereinafter the “Agreement”); and

**WHEREAS**, the City Council finds that it is in the best interests of the City and its citizens to enter into the Agreement with the Humane Society pursuant to and in accordance with the terms, provisions, conditions, and requirements of the Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:**

**Section 1.** The above recitals are all true and accurate and are incorporated herein and made a part of this resolution.

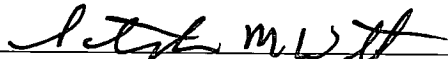
**Section 2.** The Mayor is hereby authorized to execute the Agreement.

**Section 3.** The City Manager and City Attorney are authorized to make such reasonable changes and modifications to the Agreement as may be deemed necessary to be in the best interest of the City and its citizens. The Mayor is authorized and directed to execute and deliver the Agreement in the name and on behalf of the City, with such changes, amendments, modifications, omissions, and additions made by the City Manager and City Attorney. Execution by the Mayor and the Humane Society shall be deemed to be conclusive evidence of approval of such changes, amendments, modifications, omissions, and additions.

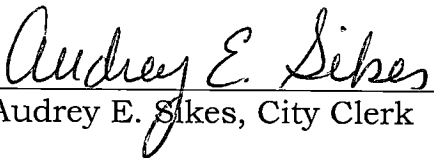
**Section 4.** Effective Date. This resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** at a meeting of the City Council this 6<sup>th</sup> day of September 2022.


**CITY OF LAKE CITY, FLORIDA**

By:   
Stephen M. Witt, Mayor

ATTEST:

By:   
Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By:   
Frederick L. Koberlein, Jr.,  
City Attorney

**AGREEMENT FOR ANIMAL CONTROL AND ANIMAL CARE SERVICES**

**THIS AGREEMENT FOR ANIMAL CONTROL AND ANIMAL CARE SERVICES** is entered into this 19<sup>th</sup> day of September, 2022, by and between **CITY OF LAKE CITY**, a municipal Corporation of the State of Florida, whose mailing address is 205 North Marion Street, Lake City, Florida 32055, (herein "City"), and the **LAKE CITY-COLUMBIA COUNTY HUMANE SOCIETY, INC.**, a Florida nonprofit corporation, whose mailing address is 1392 NW Shelter Glen, Lake City, Florida 32055, (herein "Contractor").

**RECITALS**

**WHEREAS**, City desires to engage Contractor to perform animal control and animal care services for and on behalf of the City under the terms of this Agreement;

**WHEREAS**, Contractor is a humane society providing animal control and animal care services, including adoptions, to lost and abandoned animals throughout Lake City and Columbia County;

**WHEREAS**, City has enacted Ordinances relating to the regulation and control of animals within the City;

**NOW, THEREFORE**, in consideration of the mutual covenants and conditions hereinafter provided, City and Contractor agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and accepted by the parties.
2. **Term**. The term of this contract shall be effective as of September 1, 2022 and shall continue for two (2) years until August 31, 2024, unless terminated as provided herein. This contract may be terminated by either party with or without cause.
3. **Services Provided**.
  - a. **Animal Control Services**. Contractor shall provide reasonable animal control services for and on behalf of the City, during the term of this contract. All services shall be provided in accordance with and subject to Florida Statutes and the City's Ordinances as may be amended from time to time, and other applicable local, state and federal laws, regulations and rules.
  - b. **Animal Care Services**. Contractor provides animal care services to lost and abandoned domestic animals throughout the City. The City recognizes the public importance of making animal care services available to the people of the City, and the Contractor agrees to continue providing this public service for the citizens of the City as further performance of this Agreement. For purposes of this Agreement, Animal Care Services shall include providing for the adoption of lost or abandoned domestic animals; the provision of necessary veterinary care (including immunization and spay/neutering); housing and feeding all non-

Animal Control animals in the custody of the Contractor; transporting animals in the non-Animal Control in the custody of the Contractor; and providing salary and benefits to those employees of the Contractor charged with providing care to animals.

4. **Compensation.** For Contractor's performance of this Agreement City shall pay to Contractor:
  - a. **Animal Control Services.** The City shall pay \$11,500 per month beginning with the month of September 2022 and ending with the month of August 2024 for provision of all Animal Control Services by the Contractor to the City. Animal Control Services are further described on Exhibit "A" attached hereto. In the event this contract is terminated, the monthly amount shall be prorated as of the effective date of termination. Contractor shall be responsible for all salaries, wages, costs, and expenses incurred by or through Contractor in the performance of its obligations herein described. Nothing herein shall prevent the Contractor from requesting additional upward adjustments as may be required by increases in operating costs, including but not limited to increases in minimum wages, energy costs, and insurance incurred by the Contractor in fulfillment of this Agreement.
  - b. **Animal Care Services.** The City shall pay \$3,500 per month beginning with the month of September 2022 and ending with the month of August 2024 for provision of all Animal Care Services by the Contractor to the City.
5. **Independent Contractor.** The Contractor's relationship to the City shall be that of an independent contractor. Contractor represents that it has, or will secure at its own expense, all necessary personnel required to perform the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the City.

All of the services required hereunder shall be performed by the Contractor or under its supervision, and all personnel engaged in performing the services shall be fully qualified and, if required, authorized or permitted under state or local law to perform such services. All personnel of Contractor shall be properly trained and supervised in accordance with the requirements of Section 828.27, Florida Statutes, and other applicable local, state and federal laws, regulations and rules. Any person employed by Contractor as an animal control officer as defined by Section 828.27(1)(b), Florida Statutes, shall meet the training requirements and be certified as required by Section 828.27(4)(a), Florida Statutes.

It is the intent of the parties hereto that, for purposes of any defense of sovereign immunity, that the Contractor is acting as an agency or instrumentality of the City as defined in Fla. Stat. Sec. 768.28 for purposes of provision of Animal Control services within the jurisdictional limits of the City of Lake City, Florida, and, as such, shall be entitled to assert that defense to the same extent as the City. This provision shall not be construed as creating any indemnity obligations among or between the parties other than

as provided herein.

6. **Subcontracting.** None of the services Contractor is required to provide the City under the terms of this contract may be subcontracted without the prior written consent of the City.
7. **Insurance.**
  - a. Contractor shall maintain during the term of this contract standard commercial liability insurance in an amount no less than One Million Dollars per occurrence to protect Contractor from claims for damages for bodily injury, including wrongful death, as well as for claims of property damages which may arise from any operations or services provided under this contract, whether such actions be by the Contractor or by anyone directly employed by or contracting with the Contractor.
  - b. Contractor shall maintain during the term of this contract comprehensive automobile liability insurance in an amount no less than One Million Dollars combined single limit for bodily injury and property damage liability to protect Contractor from claims for damages or bodily injury, including the ownership, use or maintenance of owned and non-owned automobiles, including rented automobiles, whether such operations be by the Contractor or by anyone directly or indirectly employed by the Contractor.
  - c. Contractor shall maintain during the term of this contract adequate workers' compensation insurance in at least such amounts as are required by the law for all its employees as required by and pursuant to Florida Statutes, Chapter 440.
  - d. All insurance policies shall be issued by companies authorized to do business under the laws of the State of Florida. The Contractor shall furnish certificates of insurance to the City prior to the commencement of operation. All insurance to be maintained by Contractor shall specifically include the City as an "additional insured" for the vicarious liability resulting from the conduct of the Contractor and others employed or utilized by the Contractor in the performance of the services. Compliance with the foregoing requirements shall not relieve the Contractor of its liability and obligations under this contract.
8. **Indemnification.** The Contractor shall defend, indemnify and hold harmless the City, its agents, employees, elected officers and representatives from liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees to the extent caused by the negligence, recklessness or intentional wrongful conduct of the Contractor and persons employed or utilized by the Contractor in the performance of this contract. This paragraph shall survive the termination of this contract and shall continue in full force and effect so long as the possibility of any liability, claim or loss exists, unless otherwise prohibited by law. Notwithstanding anything else in this contract to the contrary, nothing in this contract shall be construed to waive or otherwise affect the protections of sovereign immunity and/or Section 768.28, Florida Statutes, otherwise enjoyed by the

City.

9. **Nondiscrimination**. The Contractor agrees that it will not discriminate against any of its employees or applicants for employment because of their race, color, religion, sex, or national origin, and to abide by all federal and state laws regarding nondiscrimination. Any violation of such provision shall constitute a material breach of this contract.
10. **Enforcement Fees and Costs**. If any legal action or other proceeding is brought for the enforcement of this contract, or because of alleged dispute, breach, default or misrepresentation in connection with any provisions of this contract, the successful or prevailing party or parties shall be entitled to recover reasonable attorney fees, court costs, and all reasonable expense even if not taxable by the Court as court costs (including, without limitation, all reasonable fees, costs and expenses incident to appeals), incurred in that action or proceeding in addition to any other relief by which such party or parties may be entitled.
11. **Controlling Law**. This contract is to be governed by the laws of the State of Florida and sole and exclusive venue for any legal action shall be the state courts of Columbia County, Florida. Each party waives its right to any other venue.
12. **Amendment**. This contract constitutes the entire agreement between the City and Contractor, and all negotiations and oral understandings between the parties are merged herein. This contract may be supplemented and/or amended only by a written document executed by both the City and Contractor.
13. **Non-assignability**. Neither party shall assign any rights or delegate any duties arising under this contract without prior written consent of the other party.
14. **Severability**. If any term or provision of this contract or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable, the remainder of this contract or the application of such items or provision, to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected and every other term and provision of this contract shall be deemed valid and enforceable to the extent permitted by law.
15. **Miscellaneous**.
  - a. Annually and at Contractor's expense, Contractor shall provide City an independent auditor's compilation of its financial statements. This will include, but is not limited to, the Contractor's balance sheet and revenues and expenses. The compilation shall be prepared and submitted to the County no later than 150 days following the close of the Contractor's annual accounting period of December 31<sup>st</sup>.
  - b. Contractor shall comply with the minimum standards of operation as shown on Exhibit "A" attached hereto.

16. **E-Verify.** Contractor is obligated to comply with the provisions of Section 448.095, Fla. Stat., "Employment Eligibility." This includes but is not limited to utilization of the E-Verify System to verify the work authorization status of all newly hired employees, and requiring all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien.

Failure of Contractor to comply will lead to termination of this Agreement, or if a subcontractor knowingly violates the statute, Contractor must immediately terminate their subcontract with the subcontractor. Any challenge to termination under this provision must be filed in the Circuit Court no later than TWENTY (20) calendar days after the date of termination. If this contract is terminated for a violation of the statute by Contractor may not be awarded a public contract for a period of ONE (1) year after the date of termination.

17. **Public Records.** Contractor shall comply with all public records laws.

**IF CONTRACTOR, HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTORS DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT:**

City Clerk, City of Lake City  
205 North Marion Avenue  
Lake City, Florida 32055  
386-719-5826 or 386-719-5756

- a. Contractor shall comply with public records laws, specifically Contractor shall:
- (1) Keep and maintain public records required by the City to perform the services.
  - (2) Upon request from the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in this Chapter 119 of Florida Statutes or as otherwise provided by law.
  - (3) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if Contractor does not transfer the records to the City.
  - (4) If Contractor considers any portion of any documents, data, or records submitted to the City to be confidential, proprietary, trade secret, or otherwise

not subject to disclosure pursuant to Chapter 119, Florida Statutes, the Florida Constitution, or other law, Contractor must simultaneously provide the City with a separate redacted copy of the information it claims as confidential and briefly describe in writing the grounds for claiming exemption from the public records law, including the specific statutory citation for such exemption. This redacted copy shall contain the Contract name and number, and it shall be clearly titled "Confidential." The redacted copy should only redact those portions of material that Contractor claim are confidential, proprietary, trade secret, or otherwise not subject to disclosure.

(5) Upon completion of the contract, transfer, at no cost, to the City all public records in possession of Contractor or keep and maintain public records required by the City to perform the service. If Contractor transfers all public records to the City upon completion of the contract, Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If Contractor keeps and maintains public records upon completion of the contract, Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the City, upon request from the City's custodian of public records, in a format that is compatible with the information technology systems of the City.

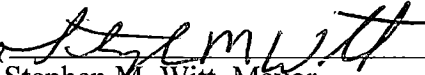
(6) Failure of Contractor to provide the above described public records to the City within a reasonable time may subject Contractor to penalties under 119.10, Florida Statutes, as amended.

18. **Annual Appropriation.** The City's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the City Council. The parties hereto understand that this Agreement is not a commitment to future appropriations. Authorization for continuation and completion of services and payment associated with the services may be rescinded with sixty (60) days advance written notice, or the elimination of appropriations.

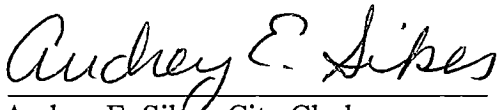
[Remainder of this page intentionally left blank.]

IN WITNESS WHEREOF the parties have caused this instrument to be signed by their respective duly authorized officers or representatives as of the day and year first above written.

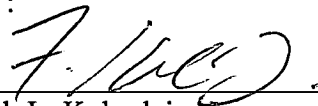
**CITY OF LAKE CITY, FLORIDA**

By:   
Stephen M. Witt, Mayor

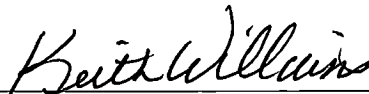
ATTEST:

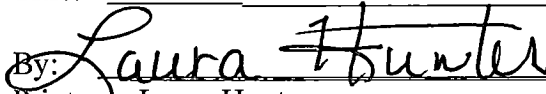
By:   
Audrey E. Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By:   
Frederick L. Koberlein, Jr.,  
City Attorney

**LAKE CITY HUMANE SOCIETY, INC.**

By:   
Print: Keith Williams  
Title: President

By:   
Print: Laura Hunter  
Title: Vice-President

## Minimum Standards of Operation

### OBJECTIVE OF ANIMAL CONTROL SERVICES

To protect the safety of the public and of property through the enforcement of animal control regulations and to improve the quality of life for City of Lake City residents and their pets.

The City provides for Animal Control services through a contractual relationship with the Contractor. The purpose of this document is to set forth a clear, concise set of policies and procedures. The City provides funding to the Contractor for expenses incurred to enforce local laws and regulations related to dogs, cats, and other domesticated animals in the incorporated area of the City of Lake City, Florida.

The Contractor and its employees are independent contractors and not employed by the City.

### SCOPE OF SERVICE

Animal Control enforcement will include services related to:

STRAY DOMESTIC ANIMALS  
CONFINED STRAY DOGS OR CATS  
DOMESTIC ANIMALS CREATING A NOISE DISTURBANCE  
DOMESTIC ANIMAL BITES including rabies reports (in conjunction with Environmental Health)  
ANIMAL CONTROL VIOLATIONS AS PROVIDED BY STATE LAW OR LOCAL ORDINANCE  
DANGEROUS DOGS AS DEFINED BY STATE LAW  
ANIMAL CRUELTY AS DEFINED BY STATE LAW  
ABANDONMENT IN ACCORDANCE WITH STATE LAW  
INJURED OR SICK ANIMALS  
CONFINED OWNER/DECEASED OWNER  
COURT APPEARANCES

### POLICIES

1. **CALLS FOR SERVICE:** Contractor shall answer all Animal Control calls for service in accordance with these standards during regular business hours Monday – Friday between the hours of 10:00am and 5:00pm, excluding Federal holidays. Contractor provides after-hours emergency service via an answering service. An Animal Control Officer will be available 24 hours a day to handle emergency calls.
2. **TRAINING:** Contractor will provide certified Animal Control Officers in accordance with F.S. 828.27(4) which requires animal control officers to successfully complete 40-hour minimum standards training course and an additional 4 hour of training every 2 years. They will be empowered to enforce all state and local laws pertaining to the proper care, treatment, and control of animals.

3. **REPORTING:** Contractor will provide service reports to the City as requested. Contractor maintains a computer data base for all calls for service and Animal Control activities and this database can be queried. Contractor will provide a response back to every complainant. Contractor will provide the City a monthly report on all animal control activities, including citations issued and their resolution.
4. **IDENTIFICATION:** Animal Control officers will dress appropriately for personal safety and to project a positive image for the City. Animal Control Officers shall carry identification and badges while in the field. Any other Contractor employee operating in the field pursuant to this Agreement will carry appropriate identification. Animal Control Officers should have a working knowledge of animal control issues in order to adequately provide assistance to the public.
5. **RESPONSE TIME:** Contractor is expected to answer all phone calls and to respond to all calls for service in a timely manner. Animal Control complaints will be disbursed based on information provided at the time a complaint, concern, or request for service is received. Based on the information provided each call will be assigned a priority response level conducive with following:
  - a. Priority Response Level 1 – Contractor shall provide Immediate Response, defined as being within one hour of the time of receipt of a complaint, to any Public or Animal Safety Issue. Public or Animal Safety issues include an aggressive attack or bite incident in progress; a stray dog or dogs on school or daycare property within the City; and response to Law Enforcement, Fire, EMS calls when so requested by an on-scene first responder. An animal control officer on duty and dispatched or receiving a Priority Response Level 1 call shall respond within the prescribed time. Response time includes drive time.
  - b. Priority Response Level 2 Contractor shall respond within 24 hours to complaints relating to an aggressive attack not then in progress, abandonment or cruelty to animals, confined strays, sick or injured animals, trap service, strays or at-large animals, barking, and vaccination follow up.
  - c. Priority Response Level 3 – For any call for services that is not Priority Response Level 1 or Level 2, the Contractor shall respond based upon availability as determined by the Contractor. Owner surrenders on a pick-up basis and trapping set-up and retrieval services as provided for herein shall be handled as Priority Response Level 3 calls.
6. **TRAP SERVICES:** Contractor shall provide a trap service for stray domestic animals. Contractor shall set and retrieve traps for senior citizens, disabled persons, and businesses as a Priority Response Level 3 call. The Contractor may offer this on-site service to others depending upon availability of equipment and resources. The Contractor will check all traps set on not less than a daily basis and will immediately address any calls from citizens or businesses where a trap has been placed. Additionally, the Contractor

shall provide the public with the opportunity to check out traps for short-term use from the Contractor when traps are not otherwise in use pursuant to this Agreement. This service shall be offered for stray or feral cats only. Contractor shall accept any cats trapped and returned inside the trap to the Contractor. When traps are unavailable the Contractor shall maintain a waiting list for trap checkout and shall notify those on the waiting list as soon as traps are available for checkout. An Animal Control Officer shall explain the rules for using a trap prior to checking out any trap for use. All traps that are checked out to the public will need to be returned not later than Friday of the week in which they are checked out by 4pm. The Contractor may charge a reasonable rental fee as approved by the City for checking out traps. Traps shall not be checked out during times of impending disasters (i.e. hurricanes, tropical storms, etc.) or weekends or holidays, and the public shall be instructed by the Contractor to refrain from using traps during these times.

7. **OWNER SURRENDER:** Contractor shall provide for owner surrender of animals at the Contractor's shelter and may charge a \$60.00 fee for this service. Contractor may set reasonable hours for owner surrenders to take place, but in no event shall it arbitrarily restrict or overburden the process of an owner voluntarily surrendering any animal to the Contractor. When so requested by the County or a member of the public, Contractor shall provide for on-site owner surrender on a Priority Response Level 3 basis where it appears the owner surrendering the animal is a disabled person or senior citizen.
8. **EQUIPMENT:** Contractor shall be responsible for any equipment necessary for the humane performance of all animal control duties hereunder. While response to an animal-related situation must be governed by the nature or emergency of the circumstance, Contractor personnel shall proceed at all times in a safe manner so as not to risk injury to the public. Animal Control Officers are not authorized to bear arms or make arrests.
9. **DEMEANOR:** City expects the Contractor's employees to be courteous and non-argumentative with the public regarding calls for service or performance of duties hereunder. Animal Control Officers will respond to the complaints reported and shall promptly and professionally assist in accordance with these standards.
10. **COMPLIANCE WITH LAWS AND REGULATIONS:** The Contractor shall ensure that its policies and procedures are in compliance with applicable local, state laws and regulations.
11. **COURT OR MAGISTRATE PRESENTATION:** The Contractor's Animal Control Officers shall appear and present cases before a Court or magistrate with appropriate jurisdiction whenever required by the City or subpoenaed to do so. The Contractor's Animal Control Officers will conduct themselves in a professional manner and always speak the truth and present factual information. The Contractor understands that the City may elect to amend its Ordinances while this Agreement is in effect to vest the magistrate with jurisdiction over these cases, and the Contractor shall not object to presenting cases before that magistrate.

12. **DUE PROCESS:** It shall be the policy of the City and Contractor alike to ensure that all citizens' civil and Constitutional rights are protected by the provision of due process in all aspects of Animal Control. The Contractor shall ensure its employees are familiar with due process concepts and understand their limitations when addressing animal control complaints on private property. When a citizen identifies another citizen as an alleged violator of any animal control ordinance, rule, law, or regulation, the Contractor's Animal Control Officer may approach the alleged violator and make it known that the Contractor has received complaints of such violations and that enforcement campaigns may follow until such violations are resolved.
13. **ON CALL OFFICER:** An On-Call Officer shall respond to any emergencies reported after normal business hours and relating to complaints affecting public health, safety, or well being. The On Call Officer shall respond according to the Priority Response Level assigned to the call as set forth above.
14. **ANIMAL RELEASE DATES:** The Contractor shall comply with existing ordinances regarding stray or nuisance Animals. Furthermore, the Contractor shall hold an animal not claimed by an owner for up to seven (7) business days (except legal holidays) and not counting the day of impoundment as the first day. After this holding period, the animal shall become the property of the Contractor and is no longer an Animal Control issue, nor shall Animal Control funds be applied to the care or custody of the animal. Any owner of a healthy domestic animal that has been impounded for any reason other than a pending cruelty, dangerous dog, or rabies investigation shall be entitled to have the animal returned only after all impounding fees have been paid and after providing proof of current rabies vaccination by a licensed veterinarian. Any domestic animal that is under rabies observation will not be returned to its owner prior to the expiration of the prior provided by Florida Law, which is 10 days at the time of the parties' Agreement. The owner claiming an animal shall be responsible for all impounding fees incurred and shall pay same at the time the animal is returned regardless of the reason for impoundment. The Contractor shall comply at all times with statutes concerning dangerous dogs, specifically Florida Statutes section 767.12.

**RESOLUTION NO 2024 – 093**  
**CITY OF LAKE CITY, FLORIDA**

**A RESOLUTION OF THE CITY OF LAKE CITY, FLORIDA APPROVING THAT CERTAIN AMENDMENT TO THE ANIMAL CONTROL AND ANIMAL CARE SERVICES AGREEMENT FOR ANIMAL CONTROL AND CARE SERVICES WITH THE LAKE CITY – COLUMBIA COUNTY HUMANE SOCIETY, INC, A FLORIDA NOT FOR PROFIT CORPORATION; MAKING CERTAIN FINDINGS OF FACT IN SUPPORT OF THE CITY APPROVING SAID AMENDMENT; RECOGNIZING THE AUTHORITY OF THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID AMENDMENT; DIRECTING THE MAYOR TO EXECUTE AND BIND THE CITY TO SAID AMENDMENT; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Lake City (“City”) and the Lake City - Columbia County Humane Society, Inc. (the “Agency”) are parties to that certain Animal Control and Animal Care Services Agreement dated September 19, 2022 (the “Original Agreement”); and

WHEREAS, the Original Agreement may be amended to adopt relevant and timely terms concerning, among other things, compensation; and

WHEREAS, the City and the Agency mutually desire to amend the terms of the Original Agreement to extend its term and to provide for new rates of compensation by the City to the Agency pursuant to that certain Amendment to the Animal Control and Animal Care Services Agreement (“Agreement”) in the form of the Exhibit attached hereto (the “Amendment”); and

WHEREAS, approving the Amendment is in the public interest and in the interests of the City; now therefore

BE IT RESOLVED by the City Council of the City of Lake City, Florida:

1. Approving the Amendment is in the public or community interest and for public welfare; and
2. In furtherance thereof, the Amendment in the form of the Exhibit attached hereto should be and is approved by the City Council of the City of Lake City; and
3. The Mayor of the City of Lake City is the officer of the City duly designated by the City’s Code of Ordinances to enforce such rules and regulations as are adopted by the City Council of the City of Lake City; and

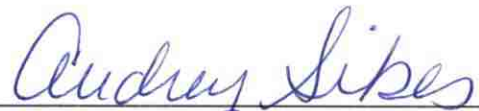
4. The Mayor of the City of Lake City is authorized and directed to execute on behalf of and bind the City to the terms of the Amendment; and
5. All prior resolutions of the City Council of the City of Lake City in conflict with this resolution are hereby repealed to the extent of such conflict; and
6. This resolution shall become effective and enforceable upon final passage by the City Council of the City of Lake City.

APPROVED AND ADOPTED, by an affirmative vote of a majority of a quorum present of the City Council of the City of Lake City, Florida, at a regular meeting, this 3<sup>rd</sup> day of September, 2024.

BY THE MAYOR OF THE CITY OF LAKE CITY,  
FLORIDA

  
\_\_\_\_\_  
Stephen M. Wilt, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL  
OF THE CITY OF LAKE CITY, FLORIDA:

  
\_\_\_\_\_  
Audrey Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Clay Martin, City Attorney

**AMENDMENT TO AGREEMENT  
BETWEEN THE CITY OF LAKE CITY AND  
LAKE CITY – COLUMBIA COUNTY HUMANE SOCIETY**

This Amendment to the Agreement for Animal Control and Animal Care Services (the "Agreement") is made by and between the City of Lake City, Florida (the "City"), 205 North Marion Avenue, Lake City, Florida 32055, and Lake City-Columbia County Humane Society, Inc. (the "Agency"), 1392 NW Shelter Glen, Lake City, Florida, 32055.

WHEREAS, the City and the Agency did enter into an Agreement on September 19, 2022 (the "Original Agreement") for the Agency to provide animal control and care services to the City; and

WHEREAS, the term of said Original Agreement does end on August 31, 2024; and

WHEREAS; the City and the Agency do desire to extend the Original Agreement for twenty-five (25) months, starting September 1, 2024 through September 30, 2026; and

WHEREAS, the Agency proposes that the City shall pay \$12,600.00 per month for Animal Control services beginning with the month of September 2024 and ending with the month of September 2026; and

WHEREAS, the Agency proposes that the City shall pay \$4,150.00 for Animal Care services beginning with the month of September 2024 and ending with the month of September 2026.

NOW, THEREFORE, for good and valuable consideration, the adequacy, mutual receipt, and exchange of which is acknowledged by the parties hereto, the City and the Agency do agree as follows:

1. The foregoing recitals are adopted as material terms of this Agreement as if fully set forth herein.
2. Paragraph two of the Original Agreement is amended to read as follows:
  - 2. Term.** The term of this contract shall be effective as of September 1, 2024 and shall continue for twenty-five (25) months until September 30, 2026 unless terminated as provided herein. This contract may be terminated by either party with or without cause.
3. Paragraph four of the Original Agreement is amended to read as follows:
  - 4. Compensation.** For Contractor's performance of this Agreement City shall pay to Contractor:
    - a. **Animal Control Services.** The City shall pay \$12,600.00 per month beginning with the month of September 2024 and ending with the month of September 2026 for provision of all

**EXHIBIT TO  
RESOLUTION**

**NOT FOR  
EXECUTION**

Animal Control Services by the Contractor to the City. Animal Control Services are further described in Exhibit "A" attached hereto. In the event this contract is terminated, the monthly amount shall be prorated as of the effective date of termination. Contractor shall be responsible for all salaries, wages, costs, and expenses incurred by or through Contractor in the performance of its obligations herein described. Nothing herein shall prevent the Contractor from requesting additional upward adjustments as may be required by increases in operating costs, including but not limited to increases in minimum wages, energy costs, and insurance incurred by the Contractor in fulfillment of the Agreement.

b. **Animal Care Services.** The City shall pay \$4,150.00 per month beginning with the month of September 2024 and ending with the month of September 2026.

4. All other terms of the Agreement shall continue in full force and effect.
5. The effective date of this extension shall be the date this extension is last executed by a party hereto.

LAKE CITY – COLUMBIA COUNTY  
HUMANE SOCIETY, INC:

BY THE MAYOR OF THE CITY OF LAKE  
CITY, FLORIDA

By EXHIBIT-NOT FOR EXECUTION  
Its \_\_\_\_\_  
Date: \_\_\_\_\_

EXHIBIT-NOT FOR EXECUTION  
Stephen M. Witt, Mayor  
Date: \_\_\_\_\_

**EXHIBIT TO  
RESOLUTION**

**NOT FOR  
EXECUTION**

**AMENDMENT TO AGREEMENT  
BETWEEN THE CITY OF LAKE CITY AND  
LAKE CITY – COLUMBIA COUNTY HUMANE SOCIETY**

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b. **Animal Care Services.** The City shall pay \$4,150.00 per month beginning with the month of September 2024 and ending with the month of September 2026.

4. All other terms of the Agreement shall continue in full force and effect.
5. The effective date of this extension shall be the date this extension is last executed by a party hereto.

LAKE CITY – COLUMBIA COUNTY  
HUMANE SOCIETY, INC:

BY THE MAYOR OF THE CITY OF LAKE  
CITY, FLORIDA

Signed by:  
 By Elizabeth Halloran  
 Its EH 8C19C8BA670E4A4...  
 Date: 9/6/2024

Stephen M. Witt  
 Stephen M. Witt, Mayor  
 Date: 9.3.24

## PART II DANGEROUS DOGS

767.10 Legislative findings.

767.11 Definitions.

767.12 Classification of dogs as dangerous; owner requirements; penalty.

767.13 Attack or bite by dangerous dog; penalties; confiscation; destruction.

767.135 Attack or bite by unclassified dog that causes death; confiscation; destruction.

767.136 Attack or bite by unclassified dog that causes severe injury or death; penalties.

767.14 Additional local restrictions authorized.

767.15 Other provisions of chapter 767 not superseded.

767.16 Police canine or service dog; exemption.

**767.10 Legislative findings.**—The Legislature finds that dangerous dogs are an increasingly serious and widespread threat to the safety and welfare of the people of this state because of unprovoked attacks which cause injury to persons and domestic animals; that such attacks are in part attributable to the failure of owners to confine and properly train and control their dogs; that existing laws inadequately address this growing problem; and that it is appropriate and necessary to impose uniform requirements for dog owners.

**History.**—s. 1, ch. 90-180; s. 3, ch. 2025-61.

**767.11 Definitions.**—As used in this part, unless the context clearly requires otherwise:

(1) “Animal control authority” means an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. In those areas not served by an animal control authority, the sheriff shall carry out the duties of the animal control authority under this part.

(2) “Animal control officer” means any individual employed, contracted with, or appointed by the animal control authority for the purpose of aiding in the enforcement of this part or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of an animal.

(3) “Dangerous dog” means a dog that according to the records of the appropriate authority:

(a) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(b) Has more than once severely injured or killed a domestic animal while off the owner’s property; or

(c) 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 appropriate authority.

(4) “Owner” means a person, a firm, a corporation, or an organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person’s parent or guardian.

(5) “Proper enclosure” means, while on the owner’s property, a 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 dog from escaping. The pen or structure must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and must also provide protection from the elements.

(6) “Severe injury” means any physical injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

(7) “Unprovoked” means that the victim who has been conducting himself or herself peacefully and lawfully has been bitten or chased in a menacing fashion or attacked by a dog.

**History.**—s. 2, ch. 90-180; s. 2, ch. 93-13; s. 1156, ch. 97-102; s. 1, ch. 2011-211; s. 4, ch. 2025-61.

#### **767.12 Classification of dogs as dangerous; owner requirements; penalty.—**

(1) An animal control authority shall investigate reported incidents involving any dog that may be dangerous and, if possible, shall interview the owner and require a sworn affidavit from any person, including any animal control officer or enforcement officer, desiring to have a dog classified as dangerous.

(a) An animal that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale must be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held. The animal must be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If the dog is to be destroyed, the dog may not

be destroyed while an appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal pending any hearing or appeal.

(b) An animal that is the subject of any other dangerous dog investigation may be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held. An animal that is not impounded with the animal control authority must be confined by the owner in a proper enclosure pending the outcome of the investigation and the resolution of any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. The owner shall provide the address at which the animal resides to the animal control authority. A dog that is the subject of a dangerous dog investigation may not be relocated or have its ownership transferred pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this section. If a dog is to be destroyed, the dog may not be relocated or have its ownership transferred.

(2) A dog may not be declared dangerous if any of the following apply:

(a) The threat, injury, or damage was sustained by a person who, at the time, was unlawfully on the property or who, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member.

(b) The dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

(3) After the investigation, the animal control authority shall make an initial determination as to whether there is sufficient cause to classify the dog as dangerous and, if sufficient cause is found, as to the appropriate penalty. The animal control authority shall afford the owner an opportunity for a hearing before making a final determination regarding the classification or penalty. The animal control authority shall provide written notification of the sufficient cause finding and proposed penalty to the owner by registered mail or certified hand delivery or service in conformance with the provisions of chapter 48 relating to service of process. The owner may file a written request for a hearing regarding the dangerous dog classification, penalty, or both, within 7 calendar days after receipt of the notification of the sufficient cause finding and proposed penalty. If the owner requests a hearing, the hearing must be held as soon as possible, but not later than 21 calendar days and not sooner than 5 days after receipt of the request from the owner. If a hearing is not timely requested regarding the dangerous dog classification or proposed penalty, the determination of the animal control authority as to such matter is final. Each applicable local governing authority shall establish hearing procedures that conform to this subsection.

(4) Upon a dangerous dog classification and penalty becoming final after a hearing or by operation of law pursuant to subsection (3), the animal control authority shall provide a written final order to the owner by registered mail or certified hand delivery or service in conformance with the provisions of chapter 48 relating to service of process. The owner may appeal the classification or penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If the dog is not held by the animal control authority, the owner must confine the dog in a proper enclosure pending resolution of the appeal. Each applicable local governing authority must establish appeal procedures that conform to this subsection.

(5)(a) Except as otherwise provided in paragraph (b), the owner of a dog classified as a dangerous dog shall do all of the following:

1. Upon issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain a certificate of registration for the dog from the animal control authority serving the area in which he or she resides, and renew the certificate annually. Animal control authorities may issue such certificates of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the animal control authority sufficient evidence of all of the following:

- a. A current certificate of rabies vaccination for the dog.
- b. A proper enclosure to confine the dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property.
- c. Permanent identification of the dog by implantation of a microchip. Any person who knowingly and willfully removes a microchip implanted pursuant to this subparagraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- d. The dog having been spayed or neutered.
- e. Liability insurance as required by subparagraph 2.

The appropriate governmental unit may impose an annual fee for the issuance of certificates of registration required by this section.

2. Upon issuance of the final order classifying the dog as dangerous or the conclusion of any appeal that affirms such final order, obtain liability insurance coverage in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the

required liability insurance coverage to the animal control authority for the area in which the dog is kept.

3. Immediately notify the appropriate animal control authority when the dog:
  - a. Is loose or unconfined;
  - b. Has bitten a human being or attacked another animal;
  - c. Is sold, given away, or dies; or
  - d. Is moved to another address.
4. Before selling or giving away the dangerous dog, provide the name, address, and telephone number of the new owner to the animal control authority.
  - a. The new owner must comply with this section and any implementing local ordinances, even if the animal is moved from one local jurisdiction to another within this state, and must notify the animal control authority that the dog is in the authority's jurisdiction.
  - b. If a dangerous dog has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale and is surrendered to an animal control authority, the authority must humanely euthanize the dog.
  - c. For any other dangerous dog that is surrendered to an animal control authority, the authority may humanely euthanize the dog. If the animal control authority elects to place the animal for adoption, it must post signage on the dog's enclosure to inform potential adopters that the dog has been declared dangerous and inform any adopter of the dog owner's requirements under this section. The animal control authority must provide a person who adopts a dangerous dog with a copy of the declaration and must require them to sign a contract with the authority agreeing to abide by the requirements of the declaration.
5. Not allow the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting a person or an animal. The owner may exercise the dog on the owner's property in a proper enclosure without a muzzle or leash if the dog remains within the owner's sight and only members of the immediate household or persons 18 years of age or older, if applicable, are allowed in the enclosure when the dog is present. When being transported, such dogs must be safely and securely restrained within a vehicle.
  - (b) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.

(6) Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this and local laws. Dogs that have been classified as dangerous may not be used for hunting purposes.

(7) A person who violates this section commits a noncriminal infraction, punishable by a fine not to exceed \$1,000 per violation. In addition, any person who resists or obstructs an animal control authority in enforcing this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

**History.**—s. 3, ch. 90-180; s. 3, ch. 93-13; s. 3, ch. 94-339; s. 1157, ch. 97-102; s. 2, ch. 2016-16; s. 5, ch. 2025-61.

### **767.13 Attack or bite by dangerous dog; penalties; confiscation; destruction.**

(1) If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal without provocation, the owner commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The dangerous dog must be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing under s. 767.12 during the 10 business days after such notification. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(2) If a dog that has previously been declared dangerous attacks and causes severe injury to or death of any human, the owner commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The dog must be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing under s. 767.12 during the 10 business days after such notification. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

(3) If the owner files a written appeal under s. 767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending.

(4) If a dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner is not guilty of any crime specified under this section.

**History.**—s. 4, ch. 90-180; s. 4, ch. 93-13; s. 4, ch. 94-339; s. 3, ch. 2016-16; s. 6, ch. 2025-61.

**767.135 Attack or bite by unclassified dog that causes death; confiscation; destruction.**—If a dog that has not been declared dangerous attacks and causes the death of a human, the dog must be immediately confiscated by an animal control authority; placed in quarantine, if necessary, for the proper length of time; impounded; and held for 10 business days after the owner is given written notification under s. 767.12, and thereafter destroyed in an expeditious and humane manner. The owner may request a hearing under s. 767.12 during the 10 business days after such notification. If the owner files a written appeal under s. 767.12 or this section, the dog must be held and may not be destroyed while the appeal is pending. The owner is responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

**History.**—s. 4, ch. 90-180; s. 4, ch. 93-13; s. 4, ch. 94-339; s. 3, ch. 2016-16; s. 7, ch. 2025-61.

**Note.**—Former s. 767.13(2).

**767.136 Attack or bite by unclassified dog that causes severe injury or death; penalties.**—

(1) If a dog that has not been declared dangerous attacks and causes severe injury to, or the death of, a human, and the owner of the dog had knowledge of the dog's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the owner of the dog commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) If the dog attacks or bites a person who is engaged in or attempting to engage in a criminal activity at the time of the attack, the owner of the dog is not guilty of any crime under this section.

**History.**—s. 4, ch. 2016-16; s. 8, ch. 2025-61.

**767.14 Additional local restrictions authorized.**—This act does not limit any local government or public housing authority from adopting an ordinance or a policy, respectively, to address the safety and welfare concerns caused by attacks on persons or domestic animals; placing further restrictions or additional requirements on owners of dogs that have bitten or attacked persons or domestic animals; or developing procedures and criteria for the implementation of this act, provided that no such regulation is specific to breed, weight, or size and that the provisions of this act are not lessened by such additional regulations or requirements.

**History.**—s. 5, ch. 90-180; s. 5, ch. 2016-16; s. 1, ch. 2023-253.

**767.15 Other provisions of chapter 767 not superseded.**—Nothing in this act shall supersede chapter 767, Florida Statutes 1989.

**History.**—s. 6, ch. 90-180.

**767.16 Police canine or service dog; exemption.**—

(1) Any canine that is owned, or the service of which is employed, by a law enforcement agency, is exempt from this part.

(2) Any dog used as a service dog for blind, hearing impaired, or disabled persons that bites another animal or a human is exempt from any quarantine requirement following such bite if the dog has a current rabies vaccination that was administered as provided in s. 828.30.

**History.**—s. 1, ch. 91-228; s. 6, ch. 2016-16; s. 2, ch. 2019-9; s. 3, ch. 2024-258.

ARTICLE II. - ANIMAL CONTROL

*Footnotes:*

--- (2) ---

**Note**— See the editor's note to Ch. 14.

Sec. 14-31. - Title of article.

This article shall be referred to and cited as the "Lake City Animal Control Article."

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-32. - Purpose.

The purpose and intent of this article is to protect the comfort, health, safety, and welfare of the citizens and inhabitants of the city by regulating, controlling, protecting, restricting and preventing certain animals from being kept within the city, and providing for the behavior of animals within the city to prevent such animals from creating or causing public nuisances or endangering the safety of its citizens. The keeping of dogs, cats, potbellied pigs and other animals within the city by any person, in many instances, is detrimental to the healthful and comfortable life for persons residing within the city. The city hereby declares that without providing for the regulation and control of such animals as provided for in this article, the keeping of such animals within the city can create a public nuisance and be detrimental to the health, welfare and safety of the citizens of the city.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-33. - Scope.

This article shall apply to and be enforced within the entire boundaries of the city presently existing, together with any additional areas subsequently annexed into the city.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-34. - Definitions.

As used in this article, the following terms shall be defined to mean:

*Animal* shall mean any living dumb creature, domestic or wild, including dogs, cats, Vietnamese potbellied pigs, livestock and poultry.

*Animal control officer* shall mean any individual or individuals employed by, contracted with, or appointed by the city manager for the purpose of aiding in the enforcement of this article, whose duties include and who shall be authorized to investigate on public or private property violations of this article and to issue citations for any such violations. The animal control officer shall not be required to investigate an anonymous complaint. An animal control officer is not authorized to bear arms or make arrests. An animal control officer, prior to writing citations, shall have successfully completed a 40-hour minimum standards training course. Such course shall 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 he or she has received a passing grade.

*Animal shelter* shall mean any premises or facility established by the city or designated by the city manager for the purposes of impounding and caring for all animals taken into custody for violation of, or pursuant to, this article, including, but not limited to, the Lake City/Columbia County Humane Society, Inc.

*At-large* shall mean:

- (1) That an animal, other than a cat, is off the property of its owner, unless restrained by leash, tether, or other physical control device not to exceed ten feet in length and under the physical control of a responsible person;
- (2) That the animal has entered upon the property of another person without authorization or permission of that person; or
- (3) That the animal has entered onto public property, street, or right-of-way while not properly restrained as in subsection (1).

*Board or enforcement board* shall mean the City of Lake City Code Enforcement Board.

*Cat* shall mean any domestic feline animal, male or female, sexed or neutered.

*Citation* shall mean a written notice issued to a person by an officer, that the officer has probable cause to believe the person has committed a civil infraction in violation of this article and the charge will be heard by the enforcement board. 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 or to contest the citation.
- (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 a person fails to pay the civil penalty within the time allowed, or fails to appear before the board to contest the citation, then he shall be deemed to have waived his 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. The entry of such judgment shall not preclude prosecution in accordance with this article.
- (11) A conspicuous statement that if a person is required to appear before the board as mandated in this article, he or she does not have the option of paying a fine in lieu of appearing before the board.

*City* shall mean the City of Lake City, Florida.

*Code inspector* shall mean any authorized agent or employee of the city whose duty it is to assure code compliance.

*Confined* shall mean the dog or Vietnamese potbellied pig is restricted to the property of its owner.

*Control* shall mean the regulation of the possession, ownership, care, and control of animals.

*Court or county court* shall mean the County Court for Columbia County, Florida.

*Cruelty* shall mean any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.

*Dangerous dog* shall mean any dog that according to the records of the appropriate authority:

- (1) Has aggressively bitten, attacked, or endangered or has inflicted severe injury on 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.
- (3) Has been used primarily or in part for the purpose of dogfighting, or is a dog trained for dogfighting; or
- (4) 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 such actions are attested to in a sworn statement by one or more persons and dutifully investigated by an animal control officer. This definition is intended to conform to the definition of "dangerous dog" as set forth in F.S. § 767.11 as it now exists or may be amended from time to time.

*Dog* shall mean any domestic canine animal, male or female, sexed or neutered.

*His* as used in this article shall mean and include both the masculine and feminine.

*Horse-drawn vehicle* shall mean a carriage or trolley powered or being pulled by one or more horses. For purposes of this article, the term will be used interchangeably to refer to both two-wheeled and four-wheeled vehicles, unless the context clearly indicates otherwise.

*Humane society* shall mean Lake City/Columbia County Humane Society, Inc.

*Injury* shall mean and include any physical injury caused by an animal.

*Kenel* shall mean any structure, building, enclosed area, cage or pen where one or more animals are housed or kept for breeding purposes or sale of more than one litter of offspring per year.

*Livestock* shall mean horses, cattle, sheep, donkeys, mules, emus, ostriches, buffaloes, llamas, goats, swine, rabbits and poultry; however, bona fide purebred miniature Vietnamese potbellied pigs kept for the sole purpose of providing human companionship and which are in compliance with all applicable provisions of this chapter are not considered livestock.

*Notice of violation* shall mean a written notice issued to a person by an officer whom the officer has probable cause to believe may have committed a violation of this article.

*Nuisance* shall mean anything done or permitted which injures, annoys, disturbs, or prevents another person in the free use, possession, or enjoyment of his or her property or has rendered its ordinary use or occupation physically uncomfortable or has caused damage to a person's property or has created obnoxious odors or noises.

*Nuisance animal* shall mean any dog, cat, Vietnamese potbellied pig, or other animal which:

- (1) Frequently or habitually howls, yelps, or barks excessively and without provocation, so as to create a serious annoyance or disturbance to any person or to the neighborhood.
- (2) Any cat, by crying loudly or calling loudly, shall cause a nuisance by creating a serious annoyance or disturbance to any person or to the neighborhood.
- (3) Has defecated on property not owned or controlled by the animal's owner, when said feces is not immediately removed by the animal's owner or agent.
- (4) Has destroyed or removed personal items from property not owned or controlled by its owner.
- (5) Has turned over garbage cans on property not owned or controlled by its owner.
- (6) Has chased or bitten children or adults.
- (7) Carries rabies.
- (8) Carried contagious disease on property not owned or controlled by its owner.
- (9)

Has chased cars or bicycles on property not owned or controlled by its owner.

- (10) Has destroyed clothing on clotheslines on property not owned or controlled by its owner.
- (11) Has dug holes or destroyed gardens on property not owned or controlled by its owner.
- (12) Has trespassed and eaten pet food on property not owned or controlled by its owner.
- (13) Has chased, harassed, or killed domestic animals, dogs or cats on property not owned or controlled by its owner.
- (14) Has barked or meowed without provocation excessively so as to disturb the peace of the occupants of adjacent properties.

*Nuisance stray cat* shall mean a cat which is off the premises of its owner and has entered upon the property of another person without authorization or consent of that person and has annoyed or disturbed another person in the free use, possession or enjoyment of his or her property or rendered its ordinary use or occupation physically uncomfortable or has caused damage to a person's property.

*Nuisance stray dog or pig* shall mean a dog or Vietnamese potbellied pig which is off the premises of its owner and not restrained by leash, tether, or other physical control device not to exceed ten feet in length and not under the physical control of a responsible person and has entered upon property of another person without authorization or consent of that person, or has entered upon public property, street or right-of-way and has annoyed or disturbed another person in the free use, possession or enjoyment of his or her property or rendered the ordinary use or occupation physically uncomfortable or has caused damage to a person's property.

*Officer* shall mean any law enforcement officer defined in F.S. § 943.10, any veterinarian defined in F.S. § 474.202, any animal control officer employed by, contracted with, or appointed by the city, or any city code enforcement officer, city code inspector, or animal control officer.

*Owner* shall mean:

- (1)

Any person or persons, firms, corporations, or organizations possessing, harboring, keeping, or having control or custody of any dog, cat, Vietnamese potbellied pig, animal or livestock or, if the dog, cat, Vietnamese potbellied pig, animal or livestock is owned by a person under the age of 18, that person's parent or guardian; and

- (2) Any person keeping, harboring or having charge or control of or permitting any animal habitually to be or remain on or be lodged or fed within such person's house, yard, or premises.

*Pig* shall mean a purebred Vietnamese potbellied pig which does not exceed 80 pounds, registered through a North American Vietnamese potbellied pig registry.

*Pound* shall mean the animal control shelter designated by the city to receive animals.

*Restraint* shall mean an animal shall be deemed under restraint within the meaning of this article if it is controlled by leash, cord, chain, fence, cage, pen or enclosure.

*Repeat violation* shall mean a violation of a provision of this article by a person who has been previously found by the code enforcement board to have violated or who has admitted violating the same provision within five years prior to the violation.

*Scratch* shall include an injury caused by an animal's claws which breaks the skin.

*Stray* shall mean any animal that is found to be at-large within the city limits, which does not contain an identification tag, tattoo or implanted microchip, and for which there is no identifiable owner.

*Veterinarian* shall mean any veterinarian as defined in F.S. § 474.202, as amended.

*Vietnamese potbellied pig* or *potbellied pig* shall mean a purebred Vietnamese potbellied pig, which does not exceed 80 pounds, registered through a North American Vietnamese potbellied pig registry.

*Written notification* shall mean any written notice of violation from an officer to any person given either by regular U.S. mail, if the mailing address of the person being notified is known, (the date of notice shall be deemed the day following the postmark of such notice) hand-delivery to the person being notified, or by prominently posting the written notice on residency or premises of the person being notified. The animal control officer or

other officer shall select the method of written notification deemed by him to be most practical and effective under existing circumstances. Nothing contained herein shall dictate that any one method of written notification be used over another.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-35. - Administration and enforcement by board.

- (a) Except as otherwise provided for herein, the provisions of this article shall be enforced by the city code enforcement board in accordance with and pursuant to the provisions, procedures and requirements of Ordinance No. 2002-954 (sections 2-411 et seq.) as may from time to time be amended.
- (b) Animal control officers and all other officers are authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations for violations of this article subject to the provisions provided herein. Animal control officers and other officers are also authorized to capture and impound animals found in violation of this article. Animal control officers are not authorized to bear arms or make arrest; however, they may carry a device to chemically subdue and tranquilize an animal, provided they have the prerequisite training pursuant to F.S. § 28.27.
- (c) Any animal control officer or other officer may not enter secured dwelling, but he or she is authorized to enter upon private property that is unfenced, or fenced but improperly secured, for the purpose of investigating a complaint or violation of this article or for the purpose of seizing and impounding any animal that the animal control officer observes to be in violation of this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-36. - City designated as a bird sanctuary.

The entire area embraced within the boundaries of the city presently existing, together with any additional areas subsequently annexed into the city, is here designated as a bird sanctuary. It shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests.

*Exception:* Notwithstanding the foregoing, lawful waterfowl hunting is permitted on Alligator Lake.

(Ord. No. 2003-984, § 2, 11-1-03; Ord. No. 2019-2130, § 2, 11-4-19)

Sec. 14-37. - Nuisance birds; notice; meetings with bird groups.

If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property, in the opinion of the proper health authorities, the city manager or his designated representative shall meet with representatives of the Audubon Society, bird club, garden club, or humane society, or as many of such clubs as are found to exist within the city, after having given at least seven days' actual notice of the time and place of such meetings to the representatives of such clubs. If, as a result of such meetings, no satisfactory alternative is found to abate such nuisance, the birds may be destroyed in such number and in such manner as is deemed advisable by the health authorities, provided however, that no birds specified under the laws of the United States or the State of Florida as endangered species shall be destroyed.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-38. - Doghouses, pens.

No doghouse, pen or kennel shall be maintained upon a person's property closer than ten feet to any apartment house, residential condominium, residential house, or building used for business or other purposes, other than that occupied by the owner or occupant of the premises upon which said animals are kept.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-39. - Barking dogs.

It shall be unlawful for any person to own, keep, have in his possession, or harbor any dog which, by frequent or habitual howling, yelping, or barking, shall cause a nuisance by creating a serious annoyance or disturbance to any individual or to the neighborhood where such dog is kept.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-40. - Dangerous dogs.

Dangerous dogs as herein defined are subject to all the requirements and provisions of F.S. §§ 767.10 through 767.15, now existing or hereafter amended.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-41. - Crying cats.

It shall be unlawful for any person to keep any cat that, by crying loudly or calling loudly, shall cause a nuisance by creating a serious annoyance or disturbance to any individual or to the neighborhood where such cat is kept.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-42. - Nuisance stray cats; nuisance stray dogs and pigs.

Any owner of a cat, dog, or potbellied pig which is determined to be a nuisance stray cat or nuisance stray dog or pig shall be in violation of this article and shall be subject to the enforcement provisions and payment of fines as provided for herein.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-43. - Vietnamese potbellied pig.

It shall be unlawful for any person or persons to keep or maintain within the city a vietnamese potbellied pig upon such person's property without first having obtained a permit from the city and being in compliance with this article. No permit shall be issued for the keeping of a Vietnamese potbellied pig until a certificate of purebred registration is filed with the city and there is adequate means of restraining such animal from running at-large or disturbing the peace.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-44. - Dogs and pigs confined on owner's property.

A person who is the owner of or has the care, custody or control of any dog or potbellied pig has an absolute duty to keep the same confined upon the premises owned by or under the control of such person so that such animal shall not leave the premises upon which it is kept unless:

- (1) Such dog or pig is on a leash, tether, or other physical control device not to exceed ten feet in length and under the physical control of a responsible party; or
- (2) That the animal has entered upon the property of another person with the authorization and consent of that person.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-45. - Animals in heat.

Female dogs, cats, or potbellied pigs in heat shall be humanely confined in a suitable building or secure enclosure in a manner so as to prevent them from breeding with any intact male except for planned breeding. The owner of any female dog, cat or potbellied pig in heat not confining the animal as provided herein shall be guilty of a violation of this article, and may be issued a citation for the violation.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-46. - Dogs and pigs at-large; not constrained; lost.

It shall be unlawful for any person to permit any dog or pig to be at-large within the city at any time. Immediately after a dog or pig becomes lost or escapes from either the owner or the person having custody of the dog or pig, the owner or custodian of such dog or pig shall report the loss or escape of such dog or pig to the Lake City Animal Shelter and/or the animal control officer.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-47. - Dogs, cats, potbellied pigs constrained by leash in public areas.

It is unlawful for the owner or person having custody of any dog, cat, or potbellied pig to allow the dog, cat, or potbellied pig to be in a public park or other public property unless such animal is on a leash. No leash shall be more than ten feet in length.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-48. - Dog, cat, and animal defecation removal.

It shall be unlawful for an owner or person having custody of any dog, cat or any other animal to permit said dog, cat or other animal to defecate on any school grounds, public street, alley, sidewalk, tree bark, park, or any other public grounds or any private property within the city, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately and properly disposed of.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-49. - Disposal; feces container.

It shall be unlawful for any person to walk a dog, cat, or potbellied pig, or any other animal on public property of the city or upon the private property of another without carrying, at all times, a suitable container or other suitable instrument for the removal and disposal of animal feces. Handicapped persons who use seeing-eye dogs are exempt from the provisions of this section. Persons whose dogs are participating in dog shows or direct command obedience classes are exempt from this section while their animals are actually participating in such shows or classes, but all feces must be removed and disposed of immediately upon the conclusion of the show or class.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-50. - Animal cruelty.

No person shall commit an act of cruelty on any animal and no person shall wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog or horse used by the police department in the performance of the duties or functions of such department or to interfere with or meddle with any such dog or horse while being used by any officer or member of the police department.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-51. - Animals required to be vaccinated.

All dogs, cats and ferrets four months of age or older must be currently (in accordance with the particular type vaccine) vaccinated by a licensed veterinarian against rabies with a United States government approved vaccine. The cost of vaccination shall be borne by the animal's owner. With respect to vaccination against rabies, all of the requirements of F.S. § 828.30, as amended, shall apply and must be complied with and shall be subject to the provisions of said F.S. § 828.30.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-52. - Annual license; dogs; cats; pigs; collars and tags; tattoos; microchips.

Each owner of a dog, cat or pig more than four months of age on January 1 of any year, or which becomes four months of age during any license year, shall annually on January 1 of each year, or within 30 days from the date such dog, cat or pig becomes four months of age during any license year, shall apply to the city for a license and pay a license fee of \$5.00 per dog, cat, or pig and obtain a license therefor, provided that any license issued after June 30 during any license year, the license fee for the remainder of such license year shall be \$2.50. The license year shall commence January 1 and end on the following December 31. Upon making application for such license, the owner of the dog, cat, or pig, if applicable, shall provide city with a certificate issued by a licensed and practicing veterinarian showing that the dog, cat, or pig has been currently vaccinated against rabies with a U.S. government approved vaccine. The applicant for a dog, cat or pig license shall provide city with the name, address and telephone number, including area code, of the owner of each dog, cat, or pig, which information shall be contained on a metal tag which must be securely fastened to a collar or harness to be worn at all times by the dog, cat or pig for which the license is issued. In lieu of wearing a collar with the attached tag, cats may have its owner's identification and the other information required to be included on the collar tag, provided, at the owner's expense, by a tattoo on the cat or by an implanted microchip capable of being scanned. The city manager is authorized to engage the services of any agency or organization, including, but not limited to, the Lake City/Columbia County

Humane Society, Inc. or a licensed veterinarian, to process applications for and issue licenses and tags to owners of the dog, cat or pig and collect the fees for and on behalf of the city as provided and required herein.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-53. - Circus; parade events.

Notwithstanding any restrictions, limitations or prohibitions in this article, animals of any kind and in any number may be kept and exhibited for amusement purposes, temporarily by a circus or for any parade, event, or any other business to which the city has issued a permit.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-54. - Permit for parade or special event or sale of animal.

No person, organization or business shall be allowed to keep, display or offer for sale any animal on the streets and public property of the city for any purpose, including a parade or special event, without first obtaining from the city a permit for such parade, special event or purpose and shall comply with all requirements of the city relating to any parade, special event or purpose, including providing the city with general public liability insurance. Any person or organization issued a permit to use any animal in a parade or special event shall be responsible for and obligated to immediately remove all animal feces from the streets or public property and properly dispose of it.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-55. - Impounding; at-large animals; nuisance animals; nuisance stray cats; nuisance stray dogs and pigs; stray animals; unlicensed animals.

- (a) No owner shall allow his dog or pig to stray anywhere within the city limits of the city. All dogs and pigs at-large, nuisance animals, nuisance stray cats, nuisance stray dogs and pigs, stray animals, or unlicensed animals shall be taken into custody by the city animal control officer, or any other officer, and impounded in the city designated animal shelter, except livestock shall be dealt with by the Office of the Sheriff of Columbia County, Florida, pursuant to F.S. §§

588.13 through 588.25, inclusive. The animal control officer, or any other officer, shall make a reasonable effort, including looking for tattoos and/or scanning for microchips, to locate the owner of such stray animal. Upon a violation of this section by an owner, a citation may be issued to the owner. Any owner of a licensed stray animal that has been impounded shall be entitled to have the animal returned to him after all impounding fees have been paid in cash and proof of current rabies vaccination by a licensed veterinarian provided. If the stray animal is unlicensed, the owner must secure a license from the city before the animal is returned to its owner.

- (b) If the owner of the stray/nuisance animal is not known and the animal is not otherwise claimed within three working days (Monday through Friday, except legal holidays) of such impoundment, such animal shall come into the custody of the Lake City/Columbia County Humane Society, Inc., also known as the Lake City/Columbia County Animal Shelter, for adoption or other humane disposition.
- (c) When the owner of the stray/nuisance animal is known, if the animal is not claimed within three working days after a telephone contact with the owner, or within seven working days after written notification given to the owner, the animal shall come into the custody of the Lake City/Columbia County Humane Society, Inc., also known as the Lake City/Columbia County Animal Shelter, for adoption or other humane disposition. Notwithstanding anything herein to the contrary, if the animal control officer, or any other officer, shall discover any stray animal that is mortally injured and in such a condition that the animal control officer, or any other officer, believes the animal is suffering greatly and, without reasonable expectation of recovery, the animal control officer, or any other officer, shall immediately notify, if reasonably possible, the owner of such animal's condition. If the owner does not collect said animal within one hour of receiving such actual notice, or if the animal's owner is not known, or cannot be reasonably located within a 60-minute time period, then the animal control officer, or any other officer, shall humanely dispose of such injured animal. The animal control officer, or any other officer, shall use reasonable efforts to notify

as promptly as possible the owner of any such animal if known. When acting pursuant to this provision, no liability shall arise by reason of the act of this disposition of the animal.

- (d) If a person cannot show proof of current rabies vaccination by a licensed veterinarian, the person shall be given three working days in which to provide proof. If the animal has not been vaccinated, then the animal control officer, or any other officer, may allow the owner to take the animal to have its rabies vaccination and provide the animal control officer or his designee proof thereof within three working days.
- (e) After the receipt of a signed and sworn complaint from any person, in any form, of an at-large animal, nuisance animal, nuisance stray cat, nuisance stray dog or pig, stray animal, or unlicensed animal, the animal control officer, or any other officer, is authorized to determine if the animal is a stray/nuisance as herein defined. If the nuisance animal is a stray, the officer is authorized to immediately take the animal into custody and to handle the animal in accordance herewith as a stray animal. If the animal is not a stray, the animal control officer, or any other officer, shall give written notification to the owner of the animal of the nuisance complaint and establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If the animal continues to be a nuisance beyond the time period specified in such written notification, the animal control officer, or any other officer, is authorized to take said animal into custody, and to handle the animal in accordance herewith, and the owner shall be deemed in violation hereof of this article.
- (f) The city shall operate, either independently or in cooperation with others, or by contract with an animal shelter, including, but not limited to, animal shelter owned and operated by the Lake City/Columbia County Humane Society, Inc., a suitable place for the impounding, care and final disposal of all dogs, cats, potbellied pigs, or other animals picked up within the city pursuant to and in accordance with the provisions of this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-56. - Impounded animals; boarding fees.

When any animal shall be impounded pursuant to this article, the Lake City/Columbia County Humane Society, Inc. shall collect from the owner thereof such administrative and daily boarding fees established by the animal shelter from time to time and approved by the city manager, which schedule of such fees shall be on file in the office of the city manager.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-57. - Limited right to enter private property.

For the purpose of discharging the duties imposed by this article, and for enforcing its provisions, the animal control officer, or any other officer, is empowered to enter upon any private property, other than any dwelling, building, structure or fenced enclosure, except the animal control officer, or any other officer, may enter a fenced enclosure for the purpose of impounding any animal known or suspected (legal probable cause) of biting any person, or any animal infected with or suspected of showing suspicious symptoms of rabies. Whenever practicable, the officer shall make every reasonable effort to contact the property owner prior to entering a fenced enclosure for the purpose of enforcing this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-58. - Duty to report rabies.

- (a) It shall be the duty of the owner of and any person knowing of any animal infected with or showing suspicious symptoms of rabies or any unusual behavior to report the same within 12 hours to the animal control officer, law enforcement officer or county health department who shall promptly forward a copy of the report to the county health department within 12 hours.
- (b) It shall be the duty of any person knowing of or treating any person bitten by an animal having or suspected of having rabies to report the facts thereof within 12 hours to the animal control officer, law enforcement officer or county health department who shall promptly forward a copy of such report to the county health department.

- (c) Whenever the animal control officer, or any other officer, shall be informed that any animal has bitten or scratched any person or is suspected of having or has shown suspicious symptoms of rabies or any other zoonotic infectious or contagious disease, the following procedure shall be followed:
- (1) The owner of such animal shall surrender it to the animal control officer or licensed veterinarian, or if the animal is running at-large, the animal control officer, or any other officer, shall capture such animal. In the capture of such animal, the officer shall not kill such animal unless in its capture a clear and present danger upon or injury to the officer or other persons exists. If captured, such animal shall be placed in quarantine for observation for a period of at least ten days from the date of bite or scratch. If such animal's rabies vaccination is current by a licensed veterinarian, home quarantine shall be allowed. As to any wild animal or any animal tamed from a wild environment which has bitten or scratched any person, the Columbia County Health Department Administrator shall cause the detachment of such animal's head without mutilation, and send it to the proper state department of health laboratory for pathological examination, if in the opinion of such county health department such injury was the result of an aggressive and overt act, and if in the opinion of the said county health department, such animal exhibits any symptoms of rabies, or if the physician of the person bitten or scratched requests such action.
  - (2) The quarantine of any animal when required pursuant to this article shall be as provided by the Florida Administrative Code, section 10D-3.91(4), as the same now exists or may be hereafter amended. No animal shall be released or removed from the initial quarantine or confinement unless permission is obtained from the county health department. If quarantined outside the home, the owner shall bear the cost of the care, feeding and maintenance of the quarantined animal, and pay any medical and veterinarian expenses reasonably incurred for the animal.
  - (3) If rabies is diagnosed, or if the animal in quarantine dies, or if the animal exhibits any symptoms of rabies within the quarantine period, it shall be the duty of the county health department to cause the detachment without

mutilation of the head of the animal and forward it to the proper state department of health laboratory for pathological examination.

- (4) When the report of the pathological examination indicates a positive diagnosis, the county health department may, in its discretion, invoke an area wide quarantine for a period determined to be prudent under the circumstances, not to exceed 120 days, and shall take such steps as are reasonably necessary to advise area residents of such area wide quarantine. During such quarantine, each owner within the quarantined area shall confine his animals or otherwise maintain his animals under restraint.
- (5) Any person who shall fail to surrender an animal for quarantine, or any person who shall fail to surrender any animal for destruction as provided herein shall be guilty of a violation of this article and shall be issued a citation for the violation.
- (6) Any person upon demand, shall surrender to the animal control officer, or the county health department, the carcass of any dead animal exposed to or suspected of having been exposed to rabies. Refusal by any person to surrender such animal carcass shall be a violation of this article and shall be issued a citation for the violation.
- (7) No person shall intentionally abandon any animal on any public or private lands. Such intentional abandonment shall be a violation of this article, and the perpetrator may be issued a citation for the violation. This shall include no dumping of live or dead animals on public roads, private property, or in any dumpster.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-59. - Interference with officers.

It shall be a violation of this article for any person or persons to interfere with, hinder, resist, obstruct, or molest any animal control officer, or any other officer, in the performance of his official duties. It shall also be a violation of this article for any person or persons to seek to release or remove any animal from the custody of the animal control officer or the animal control vehicle or a designated impoundment facility or to otherwise

tear down, burn, deface, destroy, or otherwise injure any property, vehicle, or equipment of any designated impoundment facility. A violation as provided in this section shall be in addition to and not in lieu of all other violations provided by law.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-60. - Violation; civil offense; enforcement.

- (a) Except as to the provisions for a dangerous dog in section 14-10 of this article, the violation of this article is a civil infraction.
- (b) If a person who has received a citation fails to pay the civil penalty, fails to appear before the board to contest the citation, or fails to appear before the board when the citation requires the person to do so, the board may issue a subpoena or take such other or further action authorized by law. A subpoena shall require such person to appear before the board to explain why action on the citation has not been taken and why the person should not be subject to other lawful action authorized by law. If any person who is issued such order fails to appear in response to the board's directive, that person may be held in civil contempt and be subject to paying the maximum fine permitted by section 14-66 hereof. This subsection is not intended to limit, but is in addition to all other lawful actions which the board may take when a citation has been issued.
- (c) Any citation issued pursuant to this article may require mandatory board appearances for violations resulting in a public nuisance, the unprovoked biting, attacking, wounding, or killing of a human or domestic animal; violations resulting in the destruction or loss of personal property; 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 such mandatory board appearance. The animal control officer or the city manager or his authorized representatives shall maintain sufficient records to prove the number of citations issued to the person. Persons required to appear before the board shall not have the option of paying the fine instead of appearing before the board.
- (d)

In the event of a violation of section 14-10 of this article with respect to a dangerous dog, the owner of a dangerous dog shall be subject to all the penalties provided by F.S. §§ 767.10 through 767.15, now existing or hereafter amended.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-61. - Public nuisances.

- (a) No owner or keeper of any animal shall permit the animal to become a public nuisance. The following can become a public nuisance and the owner or keeper of the animal can be cited for any instance of:
- (1) An animal found to be at-large;
  - (2) An animal damaging or depositing fecal matter on the property of others;
  - (3) Any animal molesting or biting any person, unless that person is trespassing on the property of the owner or keeper of the animal or that person provokes the animal;
  - (4) An animal creating odors that are detectable and offensive to a person of reasonable sensibilities on nearby property, or attracting flies detected on nearby properties;
  - (5) An animal which frequently or habitually howls, yips, barks excessively and without provocation or by crying loudly, or calling loudly whereas to create a serious annoyance or disturbance to any person or to the neighborhood.
- (b) Repeated instances of violations of subsection 14-61(a) adversely affect the rights of nearby residents to the quiet enjoyment of their property and therefore constitute a public nuisance. To this end:
- (1) If there are two or more citations given for violation of any of the provisions of subsections 14-61(a)(1) through (5) within a six-month period on the same premises, the city attorney, if there are reasonable grounds for the action, may, if directed by the city, seek an injunction in the name of the city from the appropriate court to abate the nuisance.
  - (2) Adjudication of guilt, withholding of adjudication, or plea of no contest (including, but not limited to, payment of fine) in a 12-month period for two violations of any of provisions of subsections 14-61(a)(1) through (5) on the same premises, plus a third such citation within the 12-month period, shall

be presumptive evidence of a public nuisance. However, the judge may find a public nuisance without any such presumptive evidence based on other evidence presented.

- (3) The judge may fashion an injunction that will abate the particular nuisance being found, up to and including removal of one or more animals from the premises.
- (4) This remedy shall be in addition to any other penalties provided for by this article.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-62. - Providing notice of violation with reasonable time to correct; providing for citations issued by officers.

- (a) Any officer, animal control officer, or code enforcement officer who has personal knowledge of, or who has probable cause to believe a person has committed an act in violation of this article, may issue a citation for such violation. Any person having personal knowledge that a person or persons have committed an act in violation of this article may file with the animal control officer, or any other officer, a sworn affidavit stating the name of the person violating the article, the specific violation, the date of such violation, and the names of witnesses, if any, to the violation, and requesting a citation be issued to such person for the violation. Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of the city code or article and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no more than 30 days. If, upon personal inspection, a code enforcement officer finds the person has not corrected the violation within the time period, the code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer shall not be required to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe the violation presents a serious threat to the public health, safety, or welfare, or if the conditions present are inhumane or life-threatening to the animal, or if a repeat violation is found or if the violation is

irreparable or irreversible. Any person who willfully refuses to sign and accept a citation issued by an animal control officer shall be guilty of a misdemeanor of the second degree, punishable as provided by F.S. § 775.082 or 775.083.

- (b) If a person does not contest a citation received pursuant to this article and shall pay the applicable civil penalty prior to the date specified on the citation, then the applicable civil penalty for a violation involving a dangerous dog shall be \$500.00 and for each other violation shall be \$100.00, plus all applicable costs.
- (c) If a person elects to contest a violation received pursuant to this article, upon a finding by the greater weight of the evidence by the board that the person so cited did commit the violation as described in the citation, the board shall impose a penalty not to exceed the penalty as set forth in section 14-66 herein, plus costs. Upon such a finding, a judgment shall issue against the violator in the name of the city in the amount of the civil penalty together with such costs as imposed by the board, which shall be collected as any civil judgment.
- (d) In accordance with F.S. § 828.27(4)(b), in addition to the foregoing penalties, a surcharge of \$5.00 shall be imposed for each violation, the proceeds of which shall be used to pay the cost of training for animal control officers.
- (e) All penalties for citations together with applicable fees or costs issued pursuant to this article shall be paid to the city as general revenue for the city, together with the \$5.00 surcharge as provided in F.S. § 828.27(4)(a)(3)(b).
- (f) In addition to all other penalties provided herein, in the case of a second or subsequent conviction, the board may order the animal taken into the custody of the Lake City/Columbia County Humane Society, Inc., also known as the Lake City/Columbia County Animal Shelter, for adoption or other humane disposition.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-63. - Citations contested; appeals.

- (a) To contest any citation, the violator must appear before the board on the date shown on the citation for the purpose of hearing the case. The rules of evidence applicable in all hearings for contested civil citations shall be the same as small claims rules in civil cases except to the extent inconsistent with this article, and

may be liberally construed by the board. The citation shall constitute the statement of claim. Delivery of the citation shall constitute service of process and notice of the hearing date.

- (b) Any aggrieved party, including the city, may appeal a final administrative order of the board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-64. - Provisions liberally construed.

The provisions of this article may be liberally construed in order to effectively carry out the purpose of this article in the interest of the public health, welfare and safety of the citizens and residents of the city.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-65. - Requirement to appear before board.

Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this article shall, after being issued a notice by the code enforcement officer to appear at a hearing conducted by the board, upon conviction by said board, shall be fined not less than \$100.00 nor more than \$500.00.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-66. - Civil penalties.

- (a) The maximum fine for each civil infraction under this chapter is \$500.00, unless otherwise provided by law.
- (b) Whenever a provision of this chapter does not establish a specific fine for failing to do any act or thing required or for doing any act or thing prohibited, in addition to cost, the civil fine for such civil infraction shall be no less than \$100.00 nor more than \$500.00 for each infraction and a separate offense shall be deemed committed on each day during or on which an infraction occurs or

continues. Except when otherwise provided for, the civil fines to be paid by a person for a violation of this article when the citation issued to such person is uncontested, shall be \$100.00, if such fine is paid in a timely manner.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-67. - Injunctive restraining order.

Any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided in this article, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this article. Such application for relief may include seeking a temporary restraining order, a temporary injunction, a permanent injunction, and an order to abate any nuisance.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-68. - Code enforcement officers; designation; citations; hearing.

- (a) For the purpose of this article, the term "code enforcement officer" shall mean any employee or agent of the city, designated by the city manager, whose duty it is to enforce codes and articles enacted by the city and who has received appropriate training as required by law. This shall include, but not be limited to, code inspectors, including building inspectors, law enforcement officers, and municipal fire safety inspectors as defined in F.S. Ch. 633. Designation of a code enforcement officer and appropriate training for such officer shall be determined by the city manager.
- (b) A citation issued by a code enforcement officer shall be in a form prescribed by the city and shall contain the information required by subsection 14-34(g) of this article.
- (c) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original and one copy of the citation with the board. A copy of the citation shall be hand delivered to the violator whenever possible. Whenever the code enforcement officer is unable to hand deliver the citation, a letter shall be sent by mail to the violator giving the violator ten days to arrange to meet

with the officer to permit delivery of the citation. Failure to contact the officer shall be considered a willful refusal to sign for and accept issuance of the citation.

(d) [Penalties.]

- (1) A violation of a code or ordinance cited and enforced under the provisions of this article shall be deemed a civil infraction.
- (2) The maximum civil penalty shall not exceed \$500.00.
- (3) A civil penalty of less than the maximum civil penalty shall be assessed if the person who has committed the civil infraction does not contest the citation.
- (4) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. § 775.082 or 775.083.

- (e) If a person fails to pay the civil penalty or to request a hearing, fails to appear before the board to contest the citation when a hearing has been requested or fails to appear before the board as may be required, the board may enter judgment for an amount not to exceed \$500.00 per infraction. The city, as an additional remedy, may refer cases of violations not paid and not contested within 15 days of issuance to a collection agency for processing, collection and notification of failure of payment to the credit bureau.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-69. - Enforcement by other means.

The provisions of this article are additional and supplemental means of enforcing the city codes or articles and nothing contained in this article shall prohibit the city from enforcing this article by other means as may be lawfully authorized, except as may be prohibited by the laws of Florida.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-70. - Animal control board.

The city may, by resolution, create an animal control board which shall both advise the city from time to time regarding the control and protection of animals within the city and to review complaints of violations of this article and assist in the enforcement thereof.

Alternatively, the city may enter into a contract through an interlocal agreement with the county to authorize the Columbia County Animal Control Board to extend its authority within the city.

(Ord. No. 2003-984, § 2, 11-1-03)

Sec. 14-71. - Certain animals prohibited in city.

It shall be unlawful for any person to keep, raise, breed, maintain or sell livestock on any property within the city limits. No livestock shall be permitted to run or roam at-large upon any of the public streets, highways, parks, or private property within the city.

(Ord. No. 2003-984, § 2, 11-1-03)

<a href="#">Title</a> <a href="#">XLVI</a> CRIMES	<a href="#">Chapter 828</a> ANIMALS: CRUELTY; SALES; ANIMAL ENTERPRISE PROTECTION	<a href="#">View Entire Chapter</a>
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**CHAPTER 828**  
**ANIMALS: CRUELTY; SALES; ANIMAL ENTERPRISE PROTECTION**

- 828.02 Definitions.
- 828.03 Agents of counties, societies, etc., may prosecute violators.
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828.43 Injunction.

**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.

**History.**—s. 10, ch. 4971, 1901; GS 3156; RGS 4982; CGL 7071; s. 2, ch. 86-179.

**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.

**History.**—s. 12, ch. 4971, 1901; GS 3158; RGS 4984; CGL 7073; s. 32, ch. 73-334; s. 1, ch. 75-223; s. 1, ch. 76-102; s. 1, ch. 77-174.

**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.

**History.**—s. 2, ch. 4151, 1893; GS 3159; RGS 4985; CGL 7074; s. 1, ch. 80-188; s. 1, ch. 84-105; s. 5, ch. 93-13; s. 1284, ch. 97-102.

**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.

**History.**—s. 1, ch. 79-346; s. 35, ch. 82-225; s. 1, ch. 87-398; s. 249, ch. 94-218; s. 2, ch. 2012-173.

**Note.**—Former s. 500.1518.

### **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.

*History.*—ss. 2, 3, 4, 5, 6, 7, 8, 9, ch. 84-105; s. 201, ch. 91-224; s. 6, ch. 93-13; s. 3, ch. 2012-173.

#### **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.

History.—s. 1, ch. 91-29.

#### **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.

**History.**—s. 2, ch. 75-223; s. 2, ch. 76-102; s. 1, ch. 78-12; s. 1, ch. 79-234; s. 1, ch. 87-389; s. 1, ch. 89-194; s. 1285, ch. 97-102; s. 4, ch. 2010-87; s. 4, ch. 2015-18.

**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.

**History.**—s. 8, ch. 4971, 1901; GS 3399; RGS 5248; CGL 7367; s. 945, ch. 71-136; s. 66, ch. 74-383; s. 1, ch. 75-24; s. 41, ch. 75-298.

**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.

(7) Beginning January 1, 2026, the Department of Law Enforcement shall post on its website, in a searchable format prescribed by the department, the names of those individuals who have

been convicted of, or who have entered a plea of guilty or nolo contendere to, regardless of adjudication, a violation of this section.

**History.**—s. 4, ch. 4971, 1901; GS 3395; RGS 5244; CGL 7363; s. 2, ch. 70-50; s. 4, ch. 71-12; s. 949, ch. 71-136; s. 1, ch. 82-116; s. 2, ch. 89-194; s. 5, ch. 94-339; s. 1286, ch. 97-102; s. 26, ch. 99-391; s. 35, ch. 2000-308; s. 1, ch. 2002-51; s. 1, ch. 2013-245; s. 2, ch. 2018-87; s. 2, ch. 2025-102.

**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.

**History.**—s. 3, ch. 71-12.

**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.

**History.**—ss. 1, 2, ch. 76-59; s. 1, ch. 81-224; s. 2, ch. 82-116; s. 1, ch. 85-289; ss. 1, 3, ch. 86-179; s. 202, ch. 91-224; s. 7, ch. 93-13; s. 230, ch. 99-245; s. 2, ch. 2002-51; s. 1, ch. 2003-188.

**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.

History.—s. 1, ch. 2000-194.

**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.

History.—s. 2, ch. 2000-194; s. 25, ch. 2001-64.

**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.

**History.**—s. 1, ch. 86-14; s. 42, ch. 91-110; s. 28, ch. 99-391; s. 5, ch. 2010-87.

#### **828.126 Sexual activities involving animals.—**

(1) As used in this section, the term “sexual contact with an animal” means any act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:

- (a) Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;
- (b) The fondling of the sex organ or anus of an animal; or

(c) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person.

(2) A person may not:

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

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

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

(d) Knowingly organize, promote, conduct, aid, abet, participate in as an observer, or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal, or perform any service in the furtherance of an act involving any sexual contact with an animal; or

(e) Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section.

(3) A person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. The order may be effective for up to 5 years after the date of the conviction, regardless of whether adjudication is withheld.

(5) This section does not apply to accepted animal husbandry practices, including, but not limited to, bona fide agricultural purposes, assistance with the birthing process or artificial insemination of an animal for reproductive purposes, accepted conformation judging practices, or accepted veterinary medical practices.

History.—s. 1, ch. 2011-42; s. 4, ch. 2022-212.

**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) “Natural disaster” means a situation in which a hurricane, tropical storm, or tornado warning has been issued for a municipality or a county by the National Weather Service, or the municipality or county is under a mandatory or voluntary evacuation order.

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

(d) “Restrain” means to attach a dog to a stationary object or trolley system by way of a chain, rope, tether, leash, cable, or other device.

(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,

commits 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.

(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 commits 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.

(4) Any person who restrains a dog outside during a natural disaster and thereafter abandons the dog 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 both.

**History.**—ss. 2, 4, ch. 3921, 1889; RS 2510; GS 3396; RGS 5245; CGL 7364; s. 950, ch. 71-136; s. 1, ch. 81-17; s. 3, ch. 82-116; s. 203, ch. 91-224; s. 2, ch. 2025-101.

#### **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.

**History.**—s. 6, ch. 4971, 1901; GS 3397; RGS 5246; CGL 7365; s. 951, ch. 71-136.

**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.

**History.**—s. 9, ch. 4971, 1901; GS 3400; RGS 5249; CGL 7368; s. 952, ch. 71-136; s. 1287, ch. 97-102.

#### **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.

*History.*—s. 2, ch. 2013-245.

**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.

*History.*—s. 15, ch. 4971, 1901; GS 3401; RGS 5250; CGL 7369; s. 1, ch. 28060, 1953; s. 32, ch. 73-334; s. 1288, ch. 97-102; s. 2, ch. 2002-51; s. 6, ch. 2010-117.

**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).

**History.**—s. 1, ch. 61-254; s. 37, ch. 2001-279.

**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.

**History.**—s. 1, ch. 61-254; ss. 14, 35, ch. 69-106; s. 282, ch. 71-377; s. 4, ch. 92-206; s. 38, ch. 2001-279.

**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.

**History.**—s. 1, ch. 61-254; ss. 14, 35, ch. 69-106; s. 241, ch. 77-104; s. 39, ch. 2001-279; s. 2, ch. 2002-51.

**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.

*History.*—s. 1, ch. 61-254; ss. 14, 35, ch. 69-106; s. 40, ch. 2001-279; s. 92, ch. 2009-21.

**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.

*History.*—s. 41, ch. 2001-279.

**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.

*History.*—s. 42, ch. 2001-279.

**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.

*History.*—s. 1, ch. 61-254; ss. 14, 35, ch. 69-106; s. 958, ch. 71-136; s. 43, ch. 2001-279; s. 2, ch. 2002-51.

**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. County-employed and municipally-employed animal control officers must successfully complete the 1-hour training course developed by the Department of Children and Families pursuant to s. 39.208(5). Animal control officers must be provided with opportunities to attend the training during their normal work hours.

3. 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.

4. 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.

**History.**—s. 1, ch. 86-96; s. 1, ch. 89-108; s. 43, ch. 91-110; s. 204, ch. 91-224; s. 2, ch. 91-228; s. 6, ch. 94-339; s. 1289, ch. 97-102; s. 103, ch. 99-3; s. 36, ch. 2000-308; s. 3, ch. 2013-245; s. 24, ch. 2015-3; s. 5, ch. 2015-18; s. 28, ch. 2021-170.

#### **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.

**History.**—s. 6, ch. 2010-87.

#### **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 as provided in s. 828.30.
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 as provided in s. 828.30.
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.

**History.**—s. 1, ch. 81-234; s. 1, ch. 90-154; s. 23, ch. 90-321; s. 9, ch. 91-294; s. 8, ch. 93-13; s. 1290, ch. 97-102; s. 2, ch. 2002-51; s. 4, ch. 2024-258.

**Note.**—Former s. 585.195; s. 828.31; s. 585.95.

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

(1)(a) All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian or a person authorized under paragraph (b) against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species.

(b) Acting under the indirect supervision of a veterinarian, an employee, an agent, or a contractor of a county or municipal animal control authority or sheriff may vaccinate against rabies dogs, cats, and ferrets that are in the custody of an animal control authority or a sheriff and which will be transferred, rescued, fostered, adopted, or reclaimed by the owner. The supervising veterinarian assumes responsibility for any person vaccinating animals at his or her direction or under his or her direct or indirect supervision. As used in this paragraph, the term “indirect supervision” means that the supervising veterinarian is required to be available for consultation through telecommunications but is not required to be physically present during such consultation.

(c) 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 may 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 vaccination or who supervises the administration of the rabies vaccination as provided in paragraph (1)(b) to an animal as authorized 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.

**History.**—s. 7, ch. 94-339; s. 3, ch. 95-220; s. 1, ch. 98-178; s. 1, ch. 98-213; s. 1, ch. 2003-170; s. 1, ch. 2005-74; s. 9, ch. 2006-289; s. 1, ch. 2024-258; s. 89, ch. 2025-6.

**Note.**—Former s. 585.69.

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

**History.**—s. 9, ch. 93-13.

**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.

History.—s. 10, ch. 93-13.

#### **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.

History.—s. 11, ch. 93-13.

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

History.—s. 12, ch. 93-13.

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1  
2 An act relating to domestic animals; amending s.  
3 828.12, F.S.; requiring the Department of Law  
4 Enforcement to post on its website specified  
5 information relating to each individual convicted of  
6 specified animal cruelty offenses; requiring the clerk  
7 of each court and county detention facility to provide  
8 the Department of Law Enforcement with such  
9 information; amending s. 828.29, F.S.; extending the  
10 timeframe for which a consumer may pursue remedies for  
11 the sale of an animal certifiably unfit for purchase;  
12 revising such remedies; requiring that all financing  
13 terms be disclosed to the consumer by the pet dealer  
14 before the sale of the animal; deleting certain  
15 provisions relating to a consumer's waiver  
16 relinquishing his or her rights to return an animal;  
17 requiring a pet dealer to provide copies of specified  
18 medical records to a consumer; denying a consumer the  
19 right to a refund or an exchange for a pet sale under  
20 certain circumstances; extending the timeframe within  
21 which a consumer must notify the pet dealer of a  
22 veterinarian's determination that the animal is unfit;  
23 authorizing the consumer to initiate an action in  
24 certain courts for any contestation of veterinary  
25 expenses or demands of the pet dealer for a refund or  
26 exchange; providing for the award of punitive damages;  
27 revising requirements for a required notice to a  
28 consumer; revising the text of the required notice;  
29 revising the definition of the term "pet dealer";

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30 requiring a pet dealer to retain a copy of a specified  
31 notice for a specified period; providing that  
32 violations constitute an unfair method of competition  
33 or an unfair or deceptive act or practice in violation  
34 of specified provisions and subject to penalties;  
35 creating s. 828.291, F.S.; providing a legislative  
36 purpose; providing construction; requiring the  
37 Department of Business and Professional Regulation to  
38 develop a list of best management practices for  
39 adoption and implementation; specifying requirements  
40 for such best management practices; requiring the  
41 department to post guidance on its website related to  
42 the selection of breeders and the purchase of an  
43 animal; requiring the department to post information  
44 on its website relating to animal cruelty; providing  
45 requirements for such information; providing an  
46 effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Subsection (7) of section 828.12, Florida  
51 Statutes, is amended, and subsection (8) is added to that  
52 section, to read:

53 828.12 Cruelty to animals.—

54 (7) By ~~Beginning~~ January 1, ~~2027~~ 2026, the Department of  
55 Law Enforcement shall post on its website, in a searchable  
56 format prescribed by the department, the names and any aliases,  
57 the date of birth, the race, the counties of conviction, the  
58 charges, the case numbers, the dispositions, the description of

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59 any identifying marks and tattoos, and a photograph taken at the  
60 time of booking related to the animal cruelty offense of each  
61 individual ~~those individuals~~ who has ~~have~~ been convicted of, or  
62 who has ~~have~~ entered a plea of guilty or nolo contendere to,  
63 regardless of adjudication, a violation of this section.

64 (8) Each clerk of court and county detention facility must  
65 provide the Department of Law Enforcement with the information,  
66 data, and images required in subsection (7).

67 Section 2. Subsections (5) through (8), (10), (12), (13),  
68 and (17) of section 828.29, Florida Statutes, are amended, and  
69 subsections (18) and (19) are added to that section, to read:

70 828.29 Dogs and cats transported or offered for sale;  
71 health requirements; consumer guarantee; disclosures.—

72 (5) If, within 30 ~~14~~ days after ~~following~~ the sale by a pet  
73 dealer of an animal subject to this section, a licensed  
74 veterinarian of the consumer's choosing certifies that, at the  
75 time of the sale, the animal was unfit for purchase due to  
76 illness or disease, the presence of symptoms of a contagious or  
77 infectious disease, or the presence of internal or external  
78 parasites, excluding fleas and ticks; or if, within 1 year after  
79 ~~following~~ the sale of an animal subject to this section, a  
80 licensed veterinarian of the consumer's choosing certifies such  
81 animal to be unfit for purchase due to a congenital or  
82 hereditary disorder which adversely affects the health of the  
83 animal; or if, within 1 year after ~~following~~ the sale of an  
84 animal subject to this section, the breed, sex, or health of  
85 such animal is found to have been misrepresented to the  
86 consumer, the pet dealer shall afford the consumer the right to  
87 choose one of the following options:

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88 (a) The right to return the animal and receive a refund of  
89 the purchase price, including any interest accrued and ~~the~~ sales  
90 tax or fees paid or due from the purchaser, and reimbursement  
91 for reasonable veterinary costs directly related to the  
92 veterinarian's examination and certification that the animal ~~dog~~  
93 ~~or cat~~ is unfit for purchase pursuant to this section or ~~and~~  
94 directly related to necessary emergency services and treatment  
95 undertaken to relieve the suffering of such animal. If the  
96 consumer financed the animal pursuant to a financing agreement  
97 with the pet dealer, the pet dealer must ensure that the  
98 financing agreement is terminated without penalty to the  
99 consumer;

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

108 (c) The right to retain the animal and receive  
109 reimbursement for reasonable veterinary costs for necessary  
110 services and treatment related to the attempt to cure or curing  
111 of the animal, or necessary emergency services or treatment  
112 undertaken to relieve the suffering of such animal received  
113 within 1 year after purchase ~~dog or cat.~~

114  
115 ~~Reimbursement for veterinary costs may not exceed the purchase~~  
116 ~~price of the animal.~~ The cost of veterinary services is

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117 reasonable if comparable to the cost of similar services  
118 rendered by other licensed veterinarians in proximity to the  
119 treating veterinarian and the services rendered are appropriate  
120 for the certification by the veterinarian.

121 (6) All financing terms must be disclosed by the pet dealer  
122 to the consumer before the sale of the animal ~~A consumer may~~  
123 ~~sign a waiver relinquishing his or her right to return the dog~~  
124 ~~or cat for congenital or hereditary disorders. In the case of~~  
125 ~~such waiver, the consumer has 48 normal business hours,~~  
126 ~~excluding weekends and holidays, in which to have the animal~~  
127 ~~examined by a licensed veterinarian of the consumer's choosing.~~  
128 ~~If the veterinarian certifies that, at the time of sale, the dog~~  
129 ~~or cat was unfit for purchase due to a congenital or hereditary~~  
130 ~~disorder, the pet dealer must afford the consumer the right to~~  
131 ~~choose one of the following options:~~

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

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

140 (7) Before the sale of an animal, a pet dealer must provide  
141 to the consumer copies of records of all medical examinations or  
142 tests that were conducted on the animal or any medication given  
143 before the purchase of the animal. A pet dealer may specifically  
144 state at the time of sale, in writing to the consumer, the  
145 presence of specific congenital or hereditary disorders, in

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146 which case the consumer has no right to any refund or exchange  
147 for those identified disorders, if such consumer signs a  
148 notification that indicates that the animal has been examined by  
149 a veterinarian who determined that the animal has the identified  
150 congenital or hereditary disorder.

151 (8) The refund or exchange required by subsection (5) must  
152 ~~or subsection (6) shall~~ be made by the pet dealer not later than  
153 10 business days after following receipt of a signed veterinary  
154 certification as required in subsection (5) ~~or subsection (6)~~.  
155 The consumer must notify the pet dealer within 7 ~~2~~ business days  
156 after receipt of the veterinarian's determination that the  
157 animal is unfit. The written certification of unfitness must be  
158 presented to the pet dealer not later than 3 business days  
159 following receipt thereof by the consumer.

160 (10) If a pet dealer wishes to contest a demand for  
161 veterinary expenses, refund, or exchange made by a consumer  
162 under this section, the dealer may require the consumer to  
163 produce the animal for examination by a licensed veterinarian  
164 designated by the dealer. Upon such examination, if the consumer  
165 and the dealer are unable to reach an agreement that constitutes  
166 one of the options set forth in subsection (5) ~~or subsection (6)~~  
167 within 10 business days after following receipt of the animal  
168 for such examination, the consumer may initiate an action in a  
169 court of competent jurisdiction, or the county court small  
170 claims court division, in the county where the animal owner  
171 resides, to recover or obtain reimbursement of veterinary  
172 expenses and a ~~7~~ refund, or exchange, as set forth in subsection  
173 (5), and may collect punitive damages in an amount not less than  
174 \$2,500 at the discretion of the court.

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175 (12) Every pet dealer who sells an animal to a consumer  
176 must provide the consumer at the time of sale with a printed,  
177 written notice in 14-point boldface type to be signed by the  
178 consumer, ~~printed or typed,~~ which is separate from the contract  
179 and reads as follows:

181 RIGHT TO CANCEL

182 Florida consumers have certain rights under section  
183 828.29, Florida Statutes. You have the right to: 1)  
184 return the animal; 2) exchange the animal; and 3)  
185 receive reimbursement for certain veterinary expenses  
186 under certain circumstances. Please have your new pet  
187 seen by a veterinarian immediately. A copy of this law  
188 is attached to this notice.

189  
190 It is the consumer's right, pursuant to section  
191 828.29, Florida Statutes, to receive a certificate of  
192 veterinary inspection with each animal ~~dog or cat~~  
193 purchased from a pet dealer. Such certificate shall  
194 list all vaccines and deworming medications  
195 administered to the animal and list any medical  
196 diagnosis and treatments ~~and shall state that the~~  
197 ~~animal has been examined by a Florida-licensed~~  
198 ~~veterinarian who certifies that, to the best of the~~  
199 ~~veterinarian's knowledge, the animal was found to have~~  
200 ~~been healthy at the time of the veterinary~~  
201 ~~examination.~~ In the event that the consumer purchases  
202 the animal and finds it to have been unfit for  
203 purchase as provided in section 828.29(5), Florida

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204 Statutes, the consumer must notify the pet dealer  
205 within 7 ~~2~~ ~~business~~ days after ~~of~~ the veterinarian's  
206 determination that the animal was unfit. The consumer  
207 has the right to retain, return, or exchange the  
208 animal and receive reimbursement for certain related  
209 veterinary services rendered to the animal, subject to  
210 the right of the dealer to have the animal examined by  
211 another veterinarian.

212  
213 ...(Signature of Animal owner or Lessee, or Owner's or  
214 Lessee's Authorized Person)...

215  
216 (13) For the purposes of this section ~~subsections (5) (12)~~  
217 ~~and (16)~~, the term "pet dealer" means any person, firm,  
218 partnership, corporation, or other association which, in the  
219 ordinary course of business, engages in the sale of more than  
220 three ~~two~~ litters, or 30 ~~20~~ dogs or cats, per year, whichever is  
221 greater, to the public. This definition includes breeders of  
222 animals who sell such animals directly to a consumer. This  
223 definition does not include not-for-profit entities that do not  
224 purchase dogs or cats from a breeder or broker.

225 (17) Except as otherwise provided in this chapter, a person  
226 who violates ~~any provision of~~ this section commits a misdemeanor  
227 of the first degree, punishable as provided in s. 775.082 or s.  
228 775.083.

229 (18) Any record provided to a consumer pursuant to the sale  
230 of an animal under this section must be maintained by the pet  
231 dealer for a period of at least 7 years after the sale.

232 (19) A pet dealer who violates this section commits an

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233 unfair method of competition or an unfair or deceptive act or  
234 practice in violation of part II of chapter 501 and is subject  
235 to the penalties and remedies provided for such violations.

236 Section 3. Section 828.291, Florida Statutes, is created to  
237 read:

238 828.291 Best management practices for dog breeding.—

239 (1) The purpose of this section is to allow voluntary  
240 participation in best management practices relating to minimum  
241 standards of care, facility operations, and breeding practices  
242 for individuals or entities engaged in the breeding of dogs in  
243 order to protect animal welfare, promote responsible breeding,  
244 and ensure the health and safety of animals and consumers.

245 (2) This section may not be construed to prohibit a local  
246 jurisdiction from implementing requirements for individuals or  
247 entities engaged in the breeding of dogs.

248 (3) The Department of Business and Professional Regulation  
249 shall develop a list of best management practices that  
250 individuals or entities engaged in the breeding of dogs may  
251 voluntarily adopt and implement. Such best management practices  
252 must include minimum standards of care, facility operations, and  
253 breeding practices for individuals or entities engaged in the  
254 breeding of dogs, including, but not limited to, standards  
255 relating to all of the following:

256 (a) Breeding.

257 (b) Feeding.

258 (c) Housing.

259 (d) Health.

260 (e) Enrichment.

261 (f) Selling and transferring, in accordance with s. 828.29.

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262 (g) Recordkeeping, in accordance with s. 828.29.

263 (4) The Department of Business and Professional Regulation  
264 shall post on its website guidance for the public about how to  
265 identify the breeders that are following best management  
266 practices and provide a checklist to use when purchasing an  
267 animal.

268 (5) The Department of Business and Professional Regulation  
269 shall post on its website information regarding animal cruelty,  
270 including a description of conduct constituting animal cruelty  
271 under ss. 828.12 and 828.13, the penalties for such conduct, and  
272 instructions for reporting suspected animal cruelty or abuse to  
273 the appropriate local authorities, including the contact  
274 information for at least one appropriate authority for each  
275 county in the state.

276 Section 4. This act shall take effect July 1, 2026.



Gerald Butler  
Chief of Police

LAKE CITY OFFICER  
**POLICE**  
DEPARTMENT



[www.lcfla.com/police](http://www.lcfla.com/police)

f @LcFlaPd

**MEMORANDUM 26-I-041**

TO: City Manager Don Rosenthal  
FROM: Chief Gerald Butler *GB*  
RE: Animal Control Agreement  
DATE: March 25, 2026

I have reviewed the contract (contract # 2022-094) between the City of Lake City and Lake City Humane Society titled "AGREEMENT FOR ANIMAL CONTROL AND ANIMAL CARE SERVICES."

Based on the services being provided, I report on the following and make the below listed suggestions for modification to the current agreement. These recommendations will stand regardless of the vendor.

Per Section 3 of City Council Resolution 2022-101 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AUTHORIZING THE EXECUTION OF THE AGREEMENT FOR ANIMAL CONTROL AND ANIMAL CARE SERVICES WITH THE LAKE CITY - COLUMBIA COUNTY HUMANE SOCIETY, INC.; AND PROVIDING FOR AN EFFECTIVE DATE" which states: "The City Manager and City Attorney are authorized to make such reasonable changes and modifications to the Agreement as may be deemed necessary to be in the best interest of the City and its citizens. The Mayor is authorized and directed to execute and deliver the Agreement in the name and on behalf of the City, with such changes, amendments, modifications, omissions, and additions made by the City Manager and City Attorney. Execution by the Mayor and the Humane Society shall be deemed to be conclusive evidence of approval of such changes, amendments, modifications, omissions, and additions." This resolution/agreement was extended to 9/30/26 per City Council Resolution 2024-093.

I report on the following:



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## MEMORANDUM 26-I-041

### Page Two

- Section 15: To the best of my knowledge, the contractor is not in compliance with Section 15 "Miscellaneous" which states: *"Annually and at Contractor's expense, Contractor shall provide City an independent auditor's compilation of its financial statements. This will include, but is not limited to, the Contractor's balance sheet and revenues and expenses. The compilation shall be prepared and submitted to the County no later than 150 days following the close of the Contractor's annual accounting period of December 31<sup>st</sup>".* I note this section says this financial statement goes to the County. I believe this is a scrivener's error and the statement should go to the City. I have checked with the City's Finance Director, and they find no reports received under this Section.
- Exhibit A, Sub 3 "Reporting:"
  - Reports not being done; recommend monthly reports be forwarded to PD by the 10th of each month.

I request consideration for the following changes/modifications to the current agreement:

- Section 17 "Public Records"
  - Final decision on release and/or redaction of records under FS 119 will be with the City Clerk for the City of Lake City.

Under Exhibit A, "Minimum Standards of Operation:"

- Scope of Service
  - Would like to add "per request from LCPD" (there is no way to completely list all situations where LCPD would require services of an ACO).
  - ACOs need to be mandated to patrol areas of the City for stray animals and to seize the animal.
    - This should be listed/documentated in monthly report to PD.
- Policies
  - 1. Calls for Service:
    - Should be 0800-1700 Monday through Friday (Not 10am-5pm)
  - 2. Training
    - Animal Control Officers (ACOs)
      - Level 2 background check through City of Lake City
      - Contractor maintains a minimum of two ACOs who live within the one hour after-hours response time



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## MEMORANDUM 26-I-041

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- 3. Reporting (monthly reports not being done)
  - Report should be forwarded to PD for inclusion in PD monthly report to City Manager. Also allows PD to monitor ACO response times/calls for service from citizens to contractor.
- 4. Identification
  - City issued photo ID cards for ACOs
- 5. Response Time:
  - a. Priority Level 1
    - should be 30 minutes (not one hour), during normal business hours.
    - Can get anywhere in City within 15 minutes
    - One hour response after hours
  - b. Priority Response Level 2
    - Should only be from public; all calls from PD/FD priority one
    - One hour during normal business hours
    - After hours call, one hour after start of normal business hours not to exceed 24 hours
  - c. Priority Response Level 3
    - Not to exceed 72 hours
- 15. Miscellaneous (New Section)
  - Any Non-Disclosure Agreements (NDAs) involving the contractor, contractor's employees and/or volunteers are non-binding on the individuals under this agreement.

Cc: City Attorney Clay Martin  
Asst. City Manager Dee Johnson  
File



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