

ORDINANCE NO. 2026-

AN ORDINANCE OF ORANGE COUNTY, FLORIDA
PERTAINING TO ANIMAL SERVICES AMENDING ARTICLE II,
CHAPTER 5 OF THE ORANGE COUNTY CODE; AMENDING
SECTION 5-29 (“DEFINITIONS”); AMENDING SECTION 5-32
 (“CLASSIFICATION OF DOGS AS DANGEROUS;
 CONFINEMENT AND QUARANTINE REQUIREMENTS OF
 DANGEROUS DOGS; EXEMPTIONS; REQUIREMENTS FOR
 OWNERS OF DANGEROUS DOGS; CONDUCT OF SPECIAL
 MAGISTRATE HEARINGS; AND APPEALS”); AMENDING
 SECTION 5-32.1 (“ATTACK OR BITE BY DANGEROUS DOG;
 ATTACK BY UNCLASSIFIED DOG THAT CAUSES DEATH;
 PENALTIES; APPEALS; CONFISCATION; DESTRUCTION”);
 AMENDING SECTION 5-34 (“IMPOUNDMENT OF ANIMALS;
 COMPULSORY STERILIZATION”); AMENDING SECTION 5-35
 (“DISPOSITION OF IMPOUNDED ANIMALS”); AMENDING
 SECTION 5-41 (“TRAPPING; EXPOSING POISON”); AMENDING
 SECTION 5-50 (“VIOLATIONS; CONSTRUCTION OF
 ARTICLE”); CREATING A NEW SECTION 5-54 (“MINIMUM
 REQUIREMENTS AND WARRANTY REQUIREMENTS FOR
 SALE OF DOGS AND CATS”); CREATING A NEW SECTION 5-55
 (“COMMUNITY CAT MANAGEMENT PROGRAM”); AND
 PROVIDING AN EFFECTIVE DATE.

WHEREAS, an amendment to Chapter 5, Article II of the Orange County Code is necessary to comply with changes to Chapter 767 of the Florida Statutes; and

WHEREAS, there has been growing concern throughout Florida and Orange County regarding the welfare of dogs and cats that are being bred and sold; and

WHEREAS, it is necessary to codify measures that Orange County uses to reduce the population of un-owned, free-roaming cats; and

WHEREAS, it has become vital to implement widely accepted measures to reduce the population of impounded animals in the Orange County Animal Services shelter and to promote responsible pet ownership.

40 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY, FLORIDA:

42 ***Section 1. Amendments; In General.*** Chapter 5, Article II (“Animal Services”) of the
Orange County Code is hereby amended as set forth in Section 2 through Section 10 below and
44 unless noted otherwise, with additions being shown as underlined and deletions being shown as
strike-throughs.

46 **Section 2. Amendments to Section 5-29 (“Definitions”).** Section 5-29 is amended to
read as follows:

ARTICLE II. ANIMAL SERVICES

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Sec. 5-29. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Community cat shall mean any un-owned, free-roaming cat that lives in an outdoor environment.

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Dangerous dog shall mean any dog that, according to animal services division records; other animal control or law enforcement authorities; or as attested to by sworn affidavit:

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Division shall mean Orange County Animal Services or its successor agency.

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Dunbar bite scale shall mean an objective assessment of the severity of a dog bite based on the following levels:

78 Level 1: Fearful, aggressive, or out-of-control behavior but no skin-contact by teeth.

80 Level 2: Skin-contact by teeth but no skin-puncture. However, there may be skin knicks (less than one tenth of an inch deep) and slight bleeding caused by lateral movement of teeth against skin.

84 Level 3: One (1) to four (4) punctures from a single bite with no puncture deeper than half (½) the length of the dog's canine teeth. May have slight bruising or lacerations in a single direction, often caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites and drops to floor). Level 3b. shall mean multiple Level 3a. bites.

90 Level 4: One (1) to four (4) punctures from a single bite with at least one (1) puncture deeper than half (½) the length of the dog's canine teeth and considerable bruising around the wound (dog held on for a number of seconds and bore down), or lacerations in both directions (dog held on and shook its head from side to side).

96 Level 5: Multiple-bite incident with at least two (2) Level 4 bites or multiple-attack incident with at least one (1) Level 4 bite in each.

Level 6: Victim dead.

100 *Ear-tipping* means removing approximately a quarter (¼) inch off the tip of a cat's left ear while the cat is under anesthesia for sterilization. An ear-tip on the left ear shall be presumptive evidence that a cat has been vaccinated against rabies, sterilized and returned to the original point of pickup.

106 *Electronic animal identification device (EAID)* shall mean a microchip with an electronic frequency used and approved by the division.

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110 *Identification* shall mean a collar with tags with the owner's information and/or microchip identification implanted in the pet for the purpose of identifying a pet's owner.

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Notice of propensity shall mean a written document given by animal services division staff to a dog owner after any bite incident or demonstration of aggressive behavior by the dog to ensure that the dog owner is aware that the dog exhibited dangerous propensities in order for that behavior to be corrected or for any future bite incidents to be prevented.

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Official certificate of veterinary inspection shall mean 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 official certificate shall be on a form prescribed by the Florida Department of Agriculture and Consumer Services.

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Owner shall mean any person or legal entity possessing, harboring, keeping or having control or custody of an animal on or within their own real property or, if the animal is owned by a person under the age of eighteen (18), that person's parent or guardian. Any person or legal entity who provides food, water, shelter, or care for an animal for thirty (30) calendar days shall be considered to be the owner of said animal.

Propensity shall mean an inclination or natural tendency to behave in a particular way.

Proper enclosure of a dangerous dog shall mean that while on the owner's property a ~~dangerous~~ dog is securely confined either indoors or outdoors. When confined indoors, the dog shall be secure

156 at all times to prevent escape from the owner's property. When
158 confined outdoors, the dog shall be confined within a securely
160 constructed, enclosed and locked pen or structure, and Such pen or
162 structure shall be contained within a fenced or gated area that is in
164 good repair and condition, suitable to prevent entry of young
166 children. Such pen or structure shallmust additionally have secure
168 sides, top, and flooring to prevent the dog from escaping over, under
170 or through the structure and shallmust also provide adequate
172 ventilation and protection from the elements. The dog must be
unable to climb over, dig under, or in any way pass or reach through
the structure and fenced area. The owner may exercise the dog in a
securely fenced or enclosed area that does not have a top, without a
muzzle or leash, if the dog remains within his or her sight and only
members of the immediate household or persons eighteen (18) years
of age or older, if applicable, are allowed in the enclosure when the
dog is present. Exercise of the dog in this manner shall only occur
within the owner's property boundaries.

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174 Seller shall mean any person or entity that engages in the sale
176 of animals to the public or directly to a consumer.

178 Service animal shall mean any dog that is individually
180 trained to do work or perform tasks for the benefit of an individual
182 with a disability (as defined in the Americans with Disabilities Act
184 of 1990, 42 U.S.C. § 12102, and in 28 C.F.R. § 35.104, as may be
186 amended from time to time). The work or tasks performed by a
188 service animal must be directly related to the individual's disability.
190 Examples of work or tasks include, but are not limited to, assisting
192 individuals who are blind or have low vision with navigation and
194 other tasks, alerting individuals who are deaf or hard of hearing to
the presence of people or sounds, pulling a wheelchair, assisting an
individual during a seizure, alerting individuals to the presence of
allergens, retrieving items such as medicine or the telephone,
providing physical support and assistance with balance and stability
to individuals with mobility disabilities, and helping persons with
psychiatric and neurological disabilities by preventing or
interrupting impulsive or destructive behaviors. A dog whose work
or task is to provide comfort, emotional support, or companionship
does not meet the definition of a service animal under this chapter.

196 Severe injury shall mean any physical injury to a human
198 being or animal that results in broken bones, multiple/repeated bites

200 punctures, disfiguring lacerations or injuries requiring sutures or reconstructive surgery.

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216 *Section 3. Amendments to Section 5-32 (“Classification of dogs as dangerous;
confinement and quarantine requirements of dangerous dogs; exemptions; requirements for
owners of dangerous dogs; conduct of special magistrate hearings; and appeals”). Section 5-32*
218 is amended to read as follows:

220	Sec. 5-32. Classification of dogs as dangerous; confinement and quarantine requirements of dangerous dogs; exemptions; requirements for owners of dangerous dogs; owner requirements; penalty; conduct of special magistrate hearings; and appeals.
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234 (b) An animal that is subject to a dangerous dog investigation
236 will be impounded at animal services pending the outcome of the
238 investigation. Alternative impoundment locations will only be
240 considered for extenuating circumstances and are subject to the
242 division manager's discretion and approval. An animal that is
244 impounded at an alternative impoundment location must be
246 confined by the owner in a proper enclosure pending the outcome of
248 the investigation and the resolution of any hearings or appeals
250 related to the dangerous dog classification or any penalty imposed
252 under this section. The owner shall provide the address at which the
254 animal resides to animal services division staff. An alternative
256 impoundment location will not be considered for a dog that is
258 already subject to dangerous dog restrictions and offends a second
260 time. An alternative impoundment location will additionally not be
262 considered for a dog that is the subject of a dangerous dog
264 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. A dog that is the subject of a dangerous dog investigation shall
not be relocated or have its ownership transferred until the
conclusion of the investigation or any legal or quasi-judicial
proceedings related to the classification of a dangerous dog. Before
ownership of a dangerous dog is transferred, ~~the new owner shall~~
~~comply with all dangerous dog requirements, including payment of~~
~~any outstanding fees, and the current owner shall~~ provide the name, address, and telephone number of the new owner to the division.
The new owner must comply with all dangerous dog restrictions and requirements in this section, ~~including payment of any outstanding fees~~, even if the animal is moved from one local jurisdiction to another within the state. The new owner must notify the division that
the dog is in the division's jurisdiction. A dog that is facing a humane euthanasia penalty because of reoffending shall not be relocated or have its ownership transferred.

266 (c) An animal that is the subject of a dangerous dog
268 investigation and that has killed a human being or has bitten a human
270 being and left a bite mark that scores 5 or higher on the Dunbar bite
272 scale must be immediately confiscated by the division; 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

276 costs and other fees as may be required to humanely and safely keep
the animal pending any hearing or appeal.

278 (d)(b) By resolution, the board of county commissioners will
 appoint a primary special magistrate and two alternate special
 magistrates, and delineate their duties and responsibilities.

280 (e)(e) The division manager shall make an initial determination as
 to whether there is sufficient cause to classify the dog as dangerous.
282 The division manager shall classify any dog as a dangerous dog if it
 is determined that the dog meets the requirements for a dangerous
284 dog as specified in section 5-29, Orange County Code. A dog shall
 not be classified as dangerous if the threat, injury, or damage was
286 sustained by a person who, at the time, was unlawfully on the
 property, or while lawfully on the property, provoked the animal or
288 its owner or a family member. No dog may be classified as
290 dangerous if the dog was protecting or defending a human being
 within the immediate vicinity of the dog from an unjustified attack
292 or assault. Any dog that is owned, or the service of which is
 employed by a law enforcement agency, is exempt from the
294 dangerous dog classification. Any dog used as a service dog for
 blind, hearing impaired, or disabled persons that bites another
296 animal or a human is exempt from any quarantine requirement
 following such bite if the dog is up to date on its annual rabies
298 vaccination that was administered as provided pursuant to F.S. §
 828.30., and the vaccination was administered by a licensed
 veterinarian.

300 (f)(d) The division manager shall provide written notice of the
 initial determination and sufficient cause finding to the owner or
302 keeper of such animal by certified mail, hand delivery, or service in
 conformance with the provisions of F.S. ch. 48 relating to service of
304 process. The written notice shall include the basis for declaring the
 dog dangerous, a description of the dog, the responsibility of the
306 owner or keeper for maintenance of the dog, and a notice informing
 the owner that they may contest the division manager's decision.

308 (g)(e) If the owner decides to contest the initial determination of
 dangerous, they may request a hearing before the special magistrate
310 to show cause why such dog should not be declared dangerous. The
 request for a hearing must be filed, in writing, with the division
312 manager within seven (7) calendar days after receipt of written
 notice of the division manager's initial determination and sufficient
314 cause finding.

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(1) All evidence intended to be used by the dog owner at the hearing, including the names and addresses of all witnesses the owner intends to call to testify, must be submitted to the division at least three (3) working days prior to the hearing. Evidence that is submitted outside of that timeframe may be excluded at the discretion of the special magistrate. The animal services division shall present evidence to support the initial determination of dangerous and sufficient cause finding. The owner may present evidence to show cause why such dog should not be declared dangerous. The special magistrate shall consider all relevant evidence that is presented at the hearing and shall make a final decision, by preponderance of the evidence, to determine if the dog shall continue its classification as dangerous or if the defenses outlined in subsection (ee) preclude such classification. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

(2) The special magistrate, county attorney or their designee, animal services staff, attorney for the dog owner, or the dog owner may inquire of any witness that testifies. Third party attendees will be allotted three (3) minutes to speak at the hearing if they wish to do so. The special magistrate may lessen the time at his or her discretion if the testimony is repetitive or irrelevant.

(h)(f) If the division manager receives a timely written request for a hearing regarding a dangerous dog classification, they shall immediately refer the request, completed investigation, and initial determination to the county attorney or designee for presentation to the special magistrate. The division manager shall must schedule a hearing to be held before the special magistrate not more than twenty-one (21) calendar days and no sooner than five (5) calendar days after the division manager's receipt of the request from the owner.

(1) If the owner fails to timely request a hearing before the special magistrate to contest the dangerous dog classification or proposed penalty, the initial

360 determination of the division manager shall become
362 final. The owner shall have fourteen (14) calendar
364 days to comply with the requirements outlined in
366 subsection (hj). If compliance within that timeframe
368 is not met, the dog shall be deemed abandoned, as
370 defined in section 5-29 of this article and F.S. §
372 705.19. There shall be no exceptions to this
374 provision.

376 (2) The hearing may be continued by the special
378 magistrate one (1) time, for good cause, by written
380 request from the dog owner. If the dog owner
382 requests to continue the hearing, the owner
384 voluntarily waives their right to have the case heard
386 within the timeframe outlined above. In the unlikely
388 event that the primary special magistrate or the
390 alternate special magistrates are unavailable to hear
392 the case within the timeframe outlined above, the
394 initial determination shall be rescinded by the
396 division manager, and all fees paid, excluding
398 quarantine fees and fees for any medical services
400 rendered, shall be refunded to the dog owner. A copy
402 of an order of continuance shall be made available to
all parties and witnesses. A continuance shall not
occur if the hearing requested before the special
magistrate is one to contest the penalty of euthanasia.

388 (i)(g) If the special magistrate upholds the division manager's
390 determination that the dog is dangerous, the special
392 magistrate shall prepare a written final order within five (5)
394 working days to be given to the division manager and the
396 division manager shall send a copy of said order by certified
398 mail with return receipt requested or certified hand delivery
400 or service in conformance with the provisions of F.S. chapter
48 relating to service of process to the owner of the dog
402 classified as dangerous. The dog owner may appeal the
special magistrate's order to the circuit court within thirty
(30) calendar days from receipt of the final order in
accordance with F.S. § 767.12(4) and the Florida Rules of
Appellate Procedure. Within fourteen (14) calendar days of
receipt of the special magistrate's final order or the
conclusion of any appeal that affirms such order, the owner
must present to the division a current rabies certificate
showing that the dog is up to date on its annual rabies

404 vaccine. Within fourteen (14) calendar days of receipt of the
406 special magistrate's final order or the conclusion of any
408 appeal that affirms such order, the owner must comply with
410 or show existing compliance with, the requirements outlined
412 in 1-6 of subsection (h) of this article. Within thirty (30)
414 calendar days of receipt of the special magistrate's final
416 order or the conclusion of any appeal that affirms such order,
418 the owner must comply with the remaining requirements
420 outlined in subsection (h). These timeframes shall run
concurrently with one another; however, no dog shall be
released to its owner until compliance with all requirements
outlined in subsection (h) are satisfied. If the owner appeals
the special magistrate's order but has met full compliance
with subsection (h) resulting in the release of the dog, the
owner must comply with all dangerous dog requirements and
restrictions outlined in subsection (h) of this article while
any appeal is pending.

422 (j)(h) The owner of a dog declared as dangerous must sign the
424 dangerous dog registration form, pay all impoundment
426 registration and quarantine fees, obtain a dangerous dog
428 identification tag for the dog from the animal services
430 division, and pass a satisfactory home inspection. The dog
432 shall wear the identification tag at all times. The registration
434 shall be renewed annually upon a satisfactory home
inspection and payment of all renewal fees. Registration
shall only be issued to the dog owner, provided that the
individual is at least eighteen (18) years of age. The
requirements and restrictions to keep and maintain a
dangerous dog are:

- 436 (1) A current certificate of rabies vaccination for the
dog. The current rabies vaccination tag shall be
displayed on the dog at all times.
- 438 (2) An approved proper enclosure to confine ~~a~~ the
dangerous dog and the posting of the premises with
440 clearly visible "bad dog" signs at all entry points that
442 inform both children and adults of the presence of a
dangerous dog on the property.
- 444 (3) Permanent identification of the dog, ~~such as~~
~~electronic~~ ~~by~~ ~~implantation~~ ~~of an~~ ~~electronic~~ animal
identification device (EAID). Any person who

knowingly and willfully removes an electronic animal identification device (EAID) implanted pursuant to this sub-subparagraph commits a felony of the third degree, punishable as provided in F.S. §§ 775.082, 775.083, or 775.084.

- (4) Possession and use of a muzzle that is 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 animal. The dog must wear the muzzle at all times when outside of an approved enclosure and off of the owner's property.
- (5) Possession and use of a non-retractable leash with a maximum length of four (4) feet, that is controlled by a competent adult when the dog is outside of an approved proper enclosure and off of the owner's property.
- (6) Landlord's written and notarized acknowledgment that a dangerous dog is permitted to be housed on the property owned by the Landlord. This form shall be obtained from the animal services division. This requirement does not apply if the property where the dangerous dog is to be confined is owned by the owner of the dog.
- (7) Permanent sterilization of the dog.
- (8) Completion of the division's responsible pet ownership class.
- (9) *Liability insurance.* 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 division for the area in which the dog is kept.

If compliance with these requirements are not satisfied within the above timeframe, the dog shall be deemed abandoned as defined in section 5-29 of this article and F.S. § 705.19.

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486 (k)(i) The owner shall ~~notify the animal services division within twenty four (24) hours when a dog that has been classified as dangerous;~~ immediately notify the division when the dog:

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- 490 (1) Is loose or unconfined;
- 492 (2) Has bitten a human being or attacked another animal;
- 492 (3) Is sold, or given away, or dies; or
- 492 (4) Is moved to another address.

494 An animal control authority must be notified by the owner of a dog
496 classified as dangerous that the dog is in its jurisdiction. When a dog
498 has been declared dangerous in another jurisdiction and is relocated
500 to Orange County, the owner of the dangerous dog or dogs shall
have thirty (30) calendar days from receipt of written notification
from the division to comply with all restrictions and requirements
outlined in subsection (h). Failure to comply within that timeframe
is a violation of this article.

502 (l)(i) It is a violation of this article for the owner of a dangerous
504 dog to allow the dog to be off leash and unmuzzled when off
506 of the owner's property boundaries. It is a violation of this
article for the owner of a dangerous dog to allow the dog to
be left alone and unsupervised outside an approved
enclosure. When being transported, a dangerous dog shall be
safely and securely confined within a vehicle.

508 (m)(k) If any dog is not declared dangerous by the division manager
510 or if the initial determination of dangerous made by the
512 division manager is not upheld in further legal or quasi-
514 judicial proceedings, the dog will be released to the custody
516 of the owner. In such event, the owner shall not be liable for
518 impoundment costs of the dog; but shall be responsible for
all quarantine fees and any additional fees arising from any
veterinary services that were rendered to the dog either at the
request of the owner, or if immediate medical care was
necessary while the dog was in the care of the animal
services division. These fees may be waived at the division
manager's discretion.

520 (n)(i) The division manager or an animal services officer may
issue notice of propensity letters to dog owners subsequent

522 to an initial bite or documented aggressive behavior toward
524 a person or domestic animal. Regardless of whether a notice
526 of propensity letter has been issued, if a dog owner has
528 knowledge of a dog's dangerous propensities, the owner
must securely confine the dog in a proper enclosure. This
proper enclosure requirement applies even if the dog has not
been declared dangerous.

530 (o) Hunting dogs are exempt from this section when engaged in
532 any legal hunt or training procedure. Dogs engaged in
534 training or exhibiting in legal sports such as obedience trials,
536 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.

538 (p) Notwithstanding the penalties listed under section 5-52, a
540 person who violates the dangerous dog requirements of this
542 section commits a civil infraction, punishable by a fine not
544 to exceed \$1,000 per violation in accordance with F.S. §
546 767.12. In addition, any person who resists or obstructs an
animal control authority in enforcing the dangerous dog
requirements of this section commits a misdemeanor of the
first degree, punishable as provided in F.S. §§ 775.082 or
775.083.

548 **Section 4. Amendments to Section 5-32.1 (“Attack or bite by dangerous dog; attack**
550 **by unclassified dog that causes death; penalties; appeals; confiscation; destruction”).** Section
552 5-32.1 is amended to read as follows:

554 **Sec. 5-32.1. Attack or bite by dangerous dog; attack by**
unclassified dog that causes severe injury or
death; penalties; appeals; confiscation;
destruction.

556 (a) If a dog that has previously been declared dangerous attacks
558 or bites a person or domestic animal without provocation,
the owner ~~of the dog, upon conviction, is guilty of~~ ~~commits~~ a
misdemeanor of the first degree, punishable as provided in

560 F.S. §§ 775.082 or 775.083. ~~In addition, the~~ The dangerous
562 dog ~~must~~shall be immediately confiscated by the animal
564 services division; placed in quarantine, if necessary, for the
566 proper length of time; impounded; and held for ten (10)
568 ~~working~~ business days after the owner is given written
570 notification under section 5-32(d)~~f~~ of this article and F.S. §
572 767.12 and thereafter destroyed in an expeditious and
humane manner. ~~This ten-day time period shall allow the~~ The
owner ~~to~~may request a hearing before the special magistrate
under section 5-32(e)~~g~~ and F.S. § 767.12 during the 10
business days after such notification. The owner ~~shall be~~is
responsible for payment of all boarding costs and other fees
as may be required to humanely and safely keep the dog until
the conclusion of any legal or quasi-judicial proceedings.

574 (b) If a dangerous dog has killed a human being or has bitten a
576 human being and left a bite mark that scores 5 or higher on
the Dunbar bite scale and is surrendered to the division, the
division must humanely euthanize the dog.

578 (c) For any other dangerous dog that is surrendered to the
division, the division may humanely euthanize the dog.

580 (d) If a dog is classified as a dangerous dog due to an incident
582 that causes severe injury to a human being, based upon the
584 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.

586 (e)(b) Pursuant to F.S. § 767.13, if a dog that has been previously
588 declared dangerous aggressively attacks and causes severe
590 injury to or death of any human, the owner ~~of the dog, upon~~
592 ~~conviction, is guilty of~~commits a felony of the ~~second~~third
594 degree, punishable as provided in F.S. §§ 775.082, 775.083
596 or 775.084. In addition, the dog ~~must~~shall be immediately
600 confiscated by the animal services division; placed in
quarantine, if necessary, for the proper length of time;
~~impounded; or and~~ held for ten (10) working business days
after the owner is given written notification under section 5-
32(d)~~f~~ and F.S. § 767.12, and thereafter destroyed in an
expeditious and humane manner. ~~This ten-day time period~~
~~shall allow the owner to~~The owner may request a hearing
under section 5-32(e)~~g~~ and F.S. § 767.12 during the 10
business days after such notification. The owner ~~shall be~~is

602 responsible for payment of all boarding costs and such other
604 fees as may be required to humanely and safely keep the dog
until the conclusion of any legal or quasi-judicial
proceedings.

606 (f)(e) If the owner files a written appeal to the circuit court under
608 F.S. §§ 767.12(4) or 767.13(3), to contest the proposed
610 penalty of humane euthanasia, the dog must be held and may
not be destroyed while the appeal is pending.

612 (g)(d) If a dog attacks or bites a person who is engaged in or
614 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.

616 (h)(e) Pursuant to F.S. § 767.135, if a dog that has not been
618 declared dangerous under section 5-32 of this article attacks
620 and causes the death of any human, the dog must~~shall~~ be
622 immediately confiscated by the animal services division;~~;~~
624 placed in quarantine, if necessary, for the proper length of
626 time; impounded; and ~~or~~ held for ten (10) working~~business~~
628 days after the owner has been given written notification
630 under section 5-32(d), and thereafter shall be destroyed in
632 an expeditious and humane manner. ~~This ten-day time~~
634 ~~period shall allow the owner to~~ The owner may request a
hearing before the special magistrate, under section 5-32(e)
and F.S. § 767.12 during the 10 business days after such
notification. If the owner files an appeal to the circuit court
to contest the decision of the special magistrate, the dog must
be held by animal services and may not be destroyed while
the appeal is pending. The owner ~~shall be~~ is responsible for
payment of all boarding costs and any other fees as may be
required to humanely and safely keep the dog during any
appeal procedure.

636 (f) Pursuant to F.S. § 767.136(1), if the owner of the dog ~~had~~
638 ~~prior knowledge of the dog's dangerous propensities, yet~~
640 ~~demonstrated a reckless disregard for such propensities~~
~~under the circumstances. the owner of the dog is guilty of a~~
642 ~~misdemeanor of the second degree, punishable as provided~~
644 ~~in F.S. §§ 775.082 or 775.083.~~

(i) Pursuant to F.S. § 767.136(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 F.S. §§ 775.082 or 775.083.

652 **Section 5. Amendments to Section 5-34 (“Impoundment of animals; compulsory sterilization”).** Section 5-34 is amended to read as follows:

Sec. 5-34. Impoundment of animals; compulsory sterilization.

* * * *

660 (d) Starting one (1) year from the effective date of this section,
662 upon first impoundment, dogs and cats that have been found
664 at large shall be spayed/neutered at the owner's expense
prior to being released to the owner, unless the division
determines that one of the following exemptions applies:

(1) A licensed veterinarian with whom the pet owner has a previously established doctor-patient-client relationship certifies in writing that the surgery would endanger the animal's health.

(2) A licensed veterinarian with whom the pet owner has a previously established doctor-patient-client relationship certifies in writing that the animal is of appropriate health, conformation, and temperament to be bred. Such certification shall be made on a sworn affidavit prior to the conclusion of the animal's stray hold. The owner of the animal shall also certify on a sworn affidavit that the owner will comply with the provisions of this chapter or all laws and ordinances governing the regulation of breeders prior to the animal being released to the owner. An owner shall not use this exemption more than one time per animal.

(3) The dog or cat had been registered prior to impound with an association that the division recognizes. The

684 owner must provide the division with a written
686 certification confirming the animal is being actively
688 used, trained, or considered for use in a show,
sporting competition, or similar competitive event
held by one (1) or more of these recognized groups.

690 (4) The dog is currently being utilized by a law
enforcement agency for law enforcement purposes.

692 (5) The dog is a service animal as defined in section 5-29
of this chapter.

694 (e) Upon second impoundment, mandatory sterilization is
696 required for every dog and cat, regardless of intake type.
698 Exemptions to the mandatory sterilization requirement for
700 dogs and cats upon second impoundment will only be
granted when a licensed veterinarian with whom the pet
owner has a previously established doctor-patient-client
relationship certifies in a sworn affidavit that the animal is
medically unfit for sterilization.

702 (f) All certifications required to be made in writing under this
section shall be made on an affidavit form provided to the
owner by Animal Services division staff.

704 (d) An owned fertile dog or cat impounded by animal services
706 may be spayed or neutered by the animal services division
spay/neuter clinic, in accordance with the provision of this
subsection and prior to the release of the dog or cat.

708 (1) An initial citation for Category II violations, as
710 identified in section 5-50, may be waived by the
division manager if, prior to release, spay or neuter
procedures are completed.

712 (2) Upon second impoundment of an owned dog or cat,
714 written notification of intent to sterilize the animal
716 shall be given to the owner or keeper of this animal.
The cost of the spay or neuter shall be charged to the
owner prior to release of the animal to the owner.

718 (3) Any owner of an impounded animal subject to
720 mandatory spay/neuter may petition in writing for a
hearing to be conducted by the division manager or
his designee. Such petition must be made by the

722 owner within three (3) working days of the division's
724 issuance of a notice of impoundment. The hearing
726 must be held within four (4) working days of receipt
728 of such petition. After the hearing, the division
manager or designee shall require the animal to be
spayed or neutered unless the division manager has
determined that good cause exists for not requiring
that the animal be spayed or neutered.

730 (e) An initial citation for Category II violations, as identified in
732 section 5-50, may be waived by the division manager,
pending completion of either spay or neuter surgery of the
animal, within seven (7) working days of the initial notice of
violation.

734 In all other respects, Section 5-34 shall remain unchanged.

Section 6. Amendments to Section 5-35 ("Disposition of impounded animals").

736 Section 5-35 is amended to read as follows:

Sec. 5-35. Disposition of impounded animals.

* * * * *

738 (b) Upon compliance with the following provisions, the animal
740 services division shall be deemed to have complied fully
742 with due process of law, and the owner shall not be entitled
to compensation for loss of the animal.

744 (1) Any dog exhibiting a form of identification shall be
held a minimum of five (5) calendar days that the
division is open for public access.

746 (1) Any dog or cat not exhibiting any form of
748 identification shall be held a minimum of three (3)
working days, excluding day of impoundment, and
then made available for adoption.

750 (2) Any dog not exhibiting a form of identification shall
752 be held a minimum of three (3) calendar days that the
division is open for public access.

754 (2) A dog or cat shall be held a minimum of five (5)
working days excluding day of impoundment.

756 (3) Any cat exhibiting a form of identification shall be
held a minimum of three (3) calendar days that the
division is open for public access.

758 (3) When a potential owner has been identified, animal
760 services division staff shall either make a minimum
762 of three (3) diaried telephonic attempts or one (1)
764 written notice by certified mail, return receipt
766 requested, informing the owner of the impoundment
768 of an animal. Notice by mail shall be completed prior
770 to the end of the next working day, excluding
772 Sundays and county holidays, following the
impoundment. An animal whose alleged owner has
been mailed a certified letter will be held for ten (10)
working days, excluding day of impoundment,
following the date the letter was mailed. Attempts to
give an owner notice by physical contact, or
veterinarian contact, shall qualify as attempted
telephone contact.

774 (4) Any cat not exhibiting a form of identification shall
be held a minimum of one (1) calendar day that the
division is open for public access.

776 (4) Notwithstanding the aforesaid impoundment
778 periods, upon certification by a veterinarian, or, in
780 the event that a veterinarian is not available for
immediate diagnosis, then, an employee designated
by the division manager, may humanely euthanize an
animal to prevent needless pain and suffering.

782 (5) There shall be no confinement period before
784 disposition of puppies and kittens less than four (4)
786 months of age. The puppy or kitten may be placed at
a foster home or can be transferred to an appropriate
location to protect the health of the puppy or kitten.

788 (6) Cats participating in the division's trap-neuter-return
790 (TNR) program shall have no confinement period
792 prior to disposition.

(7) The division shall be required to make at least one
(1) attempt to contact the owner of any pet with
traceable identification. Pets not claimed within the
confinement periods by the owner shall become the

794 property of the County and may be placed for
796 adoption, transferred to a non-profit organization,
placed in foster care or disposed of in a humane
manner.

798 (8) Notwithstanding the aforesaid confinement periods,
800 upon certification by a veterinarian, or, in the event
802 that a veterinarian is not available for immediate
diagnosis, then, an employee designated by the
804 division manager, may humanely euthanize an
animal to prevent needless pain and suffering. Pets
806 infected with a contagious disease that pose a
significant threat to the animals or staff at the shelter
or to the public may be humanely euthanized.

808 (c) Impounded animals shall be released when the following conditions have been satisfied:

(1) Proof of ownership. Proof of ownership shall be established by way of a rabies vaccination certificate, bill of sale, photographs or other reliable evidence.

812 (2) Rabies vaccination. No dog or cat shall be released
814 from the division without a current rabies
816 vaccination unless the division's veterinarian has
818 determined the vaccination would endanger the
animal's health because of age, infirmity, disability,
illness or other medical considerations. Such animal
must be vaccinated against rabies as soon as its
health permits.

(3) Microchip identification. No dog or cat shall be released to its owner unless it has been implanted with an electronic animal identification device (EAID) at the owner's expense.

(4) Mandatory sterilization. No dog or cat shall be released to its owner unless it has been spayed or neutered, or has been approved for an exemption from this requirement by the division.

(5) Fees and costs. The owner of an impounded animal shall pay all impoundment fees, daily boarding costs, medical expenses and other costs released to such impoundment prior to release of the animal. These

832 fees are established by the board of county commissioners.

In all other respects, Section 5-35 shall remain unchanged.

844

Section 7. Amendments to Section 5-41 (“Trapping; exposing poison”). Section 5-41

846 is amended to read as follows:

Sec. 5-41. Trapping; exposing poison.

848 (a) The animal services division may set box (live-cage) traps
850 only for animals which have allegedly bitten a person or
852 another animal, for ~~nuisance~~ animals that pose a health risk
854 or ~~cause property damage or~~ for the purposes of humane
856 rescue in the interest of the animal itself, as determined by
858 the division manager of the animal services division. A trap
860 may not be set on weekends, county holidays, and during
862 such hours when the animal services division staff is
unavailable to retrieve or release a captured animal.
Appropriate signage notifying neighbors that a trap is in use
must be conspicuously posted at all times. A trap shall be
checked a minimum of once every eight (8) hours by an
animal services officer or the citizen requesting the trap. The
responsible person attending the trap shall immediately
notify the animal services division when an animal is
captured.

* * * *

866 In all other respects, Section 5-41 shall remain unchanged.

Section 8. Amendments to Section 5-50 (“Violations; construction of article”).

868 Section 5-50 is amended to read as follows:

Sec. 5-50. Violations; construction of article.

* * * * *

872 (b) It is a Category II violation of this article for a person, an owner or keeper of any domestic animal to:

* * * * *

876 (12) Fail to comply with the provision or requirements for pet sales, pursuant to this article.

* * * * *

880 In all other respects, Section 5-50 shall remain unchanged.

Section 9. Creation of new Section 5-54 (“Dogs and cats offered for sale; health requirements; warranty requirements for certain sellers of dogs and cats”). Section 5-54 is created to read as follows:

Sec. 5-54. Dogs and cats offered for sale; health requirements; warranty requirements for certain sellers of dogs and cats.

888 (a) It shall be unlawful for any person to offer for sale or sell any dog or cat, without first obtaining an official certificate of veterinary inspection by a veterinarian licensed by the State of Florida and accredited by the United States Department of Agriculture, pursuant to F.S. § 828.29. For the purpose of this section, the word dog means a dog of any age and the word cat means a cat of any age. Dogs or cats offered for sale must be at least eight (8) weeks old, free of internal and external parasites, and have proper inoculations as described below.

898 (b) The official certificate of veterinary inspection shall document that the following inoculations, tests and treatments have been administered:

(1) Dogs.

902 a. Inoculated against: canine distemper,
904 leptospirosis, parainfluenza, hepatitis, canine
906 parvovirus, and bordetella. A rabies
inoculation must be provided for any dog
three (3) months of age or older.

908 b. Diagnostic tests to detect the following
910 internal parasites: hookworms, roundworms,
912 whipworms, tapeworms, coccidia, and
giardia. Heartworm detection must occur for
dogs six (6) months of age or older.
Appropriate treatment for all positive
findings must be documented.

914 (2) Cats.

916 a. Inoculated against: panleukopenia, feline
918 viral rhinotracheitis, and calicivirus. A rabies
inoculation must be provided for any cat
three (3) months of age or older.

920 b. Diagnostic tests to detect the following
922 internal parasites: hookworms, roundworms,
tapeworms, and coccidia. Appropriate
treatment for all positive findings must be
documented.

924 (c) The inoculations, tests, and treatments required by this
926 section must be administered before the dog or cat is offered
928 for sale in Orange County, unless the licensed, accredited
veterinarian certifies on the official certificate of veterinary
inspection that to inoculate or deworm the dog or cat is not
in the best medical interest of the animal.

930 (d) The licensed, accredited veterinarian shall date the official
932 certificate of veterinary inspection upon the actual
934 examination and administration of the inoculations and/or
936 treatments. The sale of all dogs and cats must take place no
more than thirty (30) days after the official certificate of
veterinary inspection has been issued. If a dog or cat is not
sold within thirty (30) days of the issuance of the official
certificate of veterinary inspection, then a new examination
and inspection certificate must be obtained.

940 (e) Each dog or cat offered for sale must be accompanied by a
942 current official certificate of veterinary inspection at all
944 times while being offered for sale within Orange County.
946 The examining veterinarian must retain one (1) copy of the
948 official certificate of veterinary inspection on file for at least
one (1) year after the date of examination. At the time of sale
of the animal, one (1) copy of the official certificate of
veterinary inspection must be given to the buyer. The seller
must retain one (1) copy of the official certificate of
veterinary inspection on record for at least one (1) year after
the date of sale.

950 (f) A dog or cat that is purchased from a seller that engages in
952 the sale of more than two (2) litters, or twenty (20) dogs or
cats, per year, whichever is greater, shall be considered unfit
for purchase if any of the following apply:

954 (1) Within fourteen (14) days following the sale of the
956 dog or cat, a licensed veterinarian of the consumer's
958 choosing certifies that, at the time of the sale, the dog
960 or cat 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.

962 (2) Within one (1) year following the sale of the dog or
964 cat, a licensed veterinarian of the consumer's
choosing certifies such dog or cat to be unfit for
purchase due to a congenital or hereditary disorder
that adversely affects the health of the dog or cat.

966 (3) Within one (1) year following the sale of the dog or
968 cat, the breed, sex, or health of such dog or cat is
found to have been misrepresented to the consumer.

970 (g) If a dog or cat is unfit for purchase for any of the above-cited
972 reasons and is purchased from a seller that engages in the
sale of more than two (2) litters, or twenty (20) dogs or cats,
per year, whichever is greater, the consumer shall be
afforded the right to choose one (1) of the following options:

974 (1) The right to return the dog or cat and receive a refund
976 of the purchase price, including the sales tax, and
reimbursement for reasonable veterinary costs
directly related to the veterinarian's examination and

978 certification that the dog or cat is unfit for purchase
980 pursuant to this section and directly related to
necessary emergency services and treatment
undertaken to relieve suffering;

982 (2) The right to return the dog or cat and receive an
984 exchange dog or cat of the consumer's choice of
986 equivalent value, and reimbursement for reasonable
988 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

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

994 Reimbursement for veterinary costs may not exceed the
996 purchase price of the dog or cat. The cost of veterinary
998 services is reasonable if comparable to the cost of similar
1000 services rendered by other licensed veterinarians in
proximity to the treating veterinarian and the services
rendered are appropriate for the certification by the
veterinarian.

1002 (h) A consumer may sign a waiver relinquishing his or her right
1004 to return the dog or cat for congenital or hereditary disorders.
1006 In the case of such waiver, the consumer has forty-eight (48)
1008 normal business hours, excluding weekends and holidays, in
1010 which to have the animal examined by a licensed
1012 veterinarian of the consumer's choosing. If the dog or cat
was purchased from a seller that engages in the sale of more
than two (2) litters, or twenty (20) dogs or cats, per year,
whichever is greater, and 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 consumer must be
afforded the right to choose one (1) of the following options:

1014 (1) The right to return the animal and receive a refund of
1016 the purchase price, including sales tax, but excluding
the veterinary costs related to the certification that
the dog or cat is unfit; or

1018 (2) The right to return the animal and receive an
1020 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.

1022 (i) If the presence of specific congenital or hereditary disorders
1024 is specifically stated at the time of sale in writing to the
consumer, the consumer has no right to any refund or
exchange for those disorders.

1026 (j) The refund or exchange required by subsection (g) or
1028 subsection (h) shall be made no later than ten (10) business
1030 days following receipt of a signed veterinary certification as
1032 required in subsection (g) or subsection (h). The consumer
1034 must notify the seller within two (2) business days after the
veterinarian's determination that the animal is unfit. The
written certification of unfitness must be presented to the
seller within three (3) business days following receipt
thereof by the consumer.

1036 (k) A dog or cat may not be determined unfit for sale on account
1038 of an injury sustained or illness contracted after the
1040 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.

1042 (l) If a seller that engages in the sale of more than two (2) litters,
1044 or twenty (20) dogs or cats, per year, whichever is greater,
wishes to contest a demand for veterinary expenses, refund,
1046 or exchange made by a consumer under this section, the
seller may require the consumer to produce the animal for
examination by a licensed veterinarian designated by the
1048 seller. Upon such examination, if the consumer and the seller
1050 are unable to reach an agreement that constitutes one (1) of
the options set forth in subsection (g) or subsection (h)
1052 within ten (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.

1054 (m) This section does not in any way limit the rights or remedies
1056 that are otherwise available to a consumer under any other
law.

1058 (n) Any seller that engages in the sale of more than two (2)
1060 litters, or twenty (20) dogs or cats, per year, whichever is
1062 greater, shall provide the purchaser of a dog or cat at the time
of sale with the written notice required by F. S. § 828.29(12)
and may not knowingly misrepresent the breed, sex, or
health of any dog or cat offered for sale within the state.

1064 (o) The division shall be exempt from the provisions of this
section.

Section 10. Creation of new Section 5-55 (“Community cat management program”).

1066 Section 5-55 is created to read as follows:

Sec. 5-55. Community cat management program.

1068 (a) The County recognizes the necessity of addressing the
1070 continuing presence of community cats living in an outdoor
1072 environment, independent of human intervention. To
1074 manage the community cat population, the division will
implement programs to provide for the sterilization and
return of all healthy community cats entering the County
shelter.

1076 (1) *Trap-neuter-return (TNR).* Community cats shall be
1078 sterilized, ear-tipped, vaccinated, and returned to the
1080 original point of pickup by a division representative.

Section 11. Effective date. This ordinance shall take effect pursuant to general law.

1082 ADOPTED THIS ____ DAY OF _____, 2026.

1084 ORANGE COUNTY, FLORIDA
1086 By: Board of County Commissioners

1088 By: _____
1090 Jerry L. Demings
1092 Orange County Mayor

1094 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

1096
1098 By: _____
Deputy Clerk

1100