

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.

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

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 unless noted otherwise, with additions being shown as underlined and deletions being shown as strike-throughs.

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

ARTICLE II. ANIMAL SERVICES

* * * * *

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:

* * * * *

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

* * * * *

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:

* * * * *

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

* * * * *

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.
82 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
86 dog's canine teeth. May have slight bruising or lacerations
 in a single direction, often caused by victim pulling hand
88 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
92 length of the dog's canine teeth and considerable bruising
 around the wound (dog held on for a number of seconds and
94 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)
98 Level 4 bite in each.

Level 6: Victim dead.

100 *Ear-tipping* means removing approximately a quarter (¼)
102 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
104 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.

108 * * * * *

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

* * * * *

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.

* * * * *

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.

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

at all times to prevent escape from the owner's property. When
confined outdoors, the dog shall be confined within a securely
constructed, enclosed and locked pen or structure., and Such pen or
structure shall be contained within a fenced or gated area that is in
good repair and condition, suitable to prevent entry of young
children. Such pen or structure shall must additionally have secure
sides, top, and flooring to prevent the dog from escaping over, under
or through the structure and shall must also provide adequate
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.

* * * * *

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

Service animal shall mean any dog that is individually
trained to do work or perform tasks for the benefit of an individual
with a disability (as defined in the Americans with Disabilities Act
of 1990, 42 U.S.C. § 12102, and in 28 C.F.R. § 35.104, as may be
amended from time to time). The work or tasks performed by a
service animal must be directly related to the individual's disability.
Examples of work or tasks include, but are not limited to, assisting
individuals who are blind or have low vision with navigation and
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.

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

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

* * * * *

Stray shall mean an animal without any known owner or keeper to provide food, water, or shelter. ~~for a period of at least thirty (30) calendar days.~~

* * * * *

TNR, also known as trap, neuter, return, shall mean a community cat management program whereby an un-owned, free-roaming cat is humanely trapped, spayed or neutered, vaccinated against the threat of rabies, ear-tipped and returned to the original point of pickup.

* * * * *

In all other respects, Section 5-29 shall remain unchanged.

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 is amended to read as follows:

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.

~~(a)~~ (a)—The animal services division shall investigate incidents involving any dog that may be dangerous and shall, if possible, interview the owner and require a sworn affidavit from all interested parties, including any animal control officer or law enforcement officer, desiring to have a dog classified as dangerous. The decision to declare a dog as dangerous is the responsibility of the division manager.

(b) An animal that is subject to a dangerous dog investigation will be impounded at animal services pending the outcome of the investigation. Alternative impoundment locations will only be considered for extenuating circumstances and are subject to the division manager's discretion and approval. An animal that is impounded at an alternative impoundment location 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 animal services division staff. An alternative impoundment location will not be considered for a dog that is already subject to dangerous dog restrictions and offends a second time. An alternative impoundment location will additionally not be considered for a dog 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. 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.

(c) 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 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

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

~~(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.

~~(e)(e)~~ The division manager shall make an initial determination as
to whether there is sufficient cause to classify the dog as dangerous.
The division manager shall classify any dog as a dangerous dog if it
is determined that the dog meets the requirements for a dangerous
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
sustained by a person who, at the time, was unlawfully on the
property, or while lawfully on the property, provoked the animal or
its owner or a family member. No dog may be classified as
dangerous if the dog was protecting or defending a human being
within the immediate vicinity of the dog from an unjustified attack
or assault. Any dog that is owned, or the service of which is
employed by a law enforcement agency, is exempt from the
dangerous dog classification. 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 is up to date on its annual rabies
vaccination that was administered as provided pursuant to F.S. §
828.30, ~~and the vaccination was administered by a licensed~~
~~veterinarian.~~

~~(f)(d)~~ The division manager shall provide written notice of the
initial determination and sufficient cause finding to the owner or
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
process. The written notice shall include the basis for declaring the
dog dangerous, a description of the dog, the responsibility of the
owner or keeper for maintenance of the dog, and a notice informing
the owner that they may contest the division manager's decision.

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

(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

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

(2) The hearing may be continued by the special magistrate one (1) time, for good cause, by written request from the dog owner. If the dog owner requests to continue the hearing, the owner voluntarily waives their right to have the case heard within the timeframe outlined above. In the unlikely event that the primary special magistrate or the alternate special magistrates are unavailable to hear the case within the timeframe outlined above, the initial determination shall be rescinded by the division manager, and all fees paid, excluding quarantine fees and fees for any medical services rendered, shall be refunded to the dog owner. A copy 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.

~~(i)(g)~~ If the special magistrate upholds the division manager's determination that the dog is dangerous, the special magistrate shall prepare a written final order within five (5) working days to be given to the division manager and the division manager shall send a copy of said order by certified mail with return receipt requested or certified hand delivery or service in conformance with the provisions of F.S. chapter 48 relating to service of process to the owner of the dog 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

vaccine. 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 comply with or show existing compliance with, the requirements outlined in 1-6 of subsection (h) of this article. Within thirty (30) calendar days of receipt of the special magistrate's final order or the conclusion of any appeal that affirms such order, the owner must comply with the remaining requirements 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.

~~(j)(h)~~ The owner of a dog declared as dangerous must sign the dangerous dog registration form, pay all impoundment registration and quarantine fees, obtain a dangerous dog identification tag for the dog from the animal services division, and pass a satisfactory home inspection. The dog shall wear the identification tag at all times. The registration 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:

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

446 knowingly and willfully removes an electronic
448 animal identification device (EAID) implanted
450 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.

452 (4) Possession and use of a muzzle that is made in a
454 manner that will not cause injury to the dog or
456 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.

458 (5) Possession and use of a non-retractable leash with a
460 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.

462 (6) Landlord's written and notarized acknowledgment
464 that a dangerous dog is permitted to be housed on the
property owned by the Landlord. This form shall be
466 obtained from the animal services division. This
requirement does not apply if the property where the
468 dangerous dog is to be confined is owned by the
owner of the dog.

(7) Permanent sterilization of the dog.

470 (8) Completion of the division's responsible pet
ownership class.

472 (9) Liability insurance. Upon issuance of the final order
474 classifying the dog as dangerous or the conclusion of
any appeal that affirms such final order, obtain
476 liability insurance coverage in an amount of at least
\$100,000 to cover damages resulting from an attack
478 by the dangerous dog causing bodily injury to a
person and provide proof of the required liability
480 insurance coverage to the division for the area in
which the dog is kept.

482 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.

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

- (1) Is loose or unconfined;
- (2) Has bitten a human being or attacked another animal;
- (3) Is sold, or given away, or dies; or
- (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)~~(j). 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)(4)~~ The division manager or an animal services officer may
issue notice of propensity letters to dog owners subsequent

to an initial bite or documented aggressive behavior toward a person or domestic animal. Regardless of whether a notice of propensity letter has been issued, if a dog owner has 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.

(o) 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.

(p) Notwithstanding the penalties listed under section 5-52, a person who violates the dangerous dog requirements of this section commits a civil infraction, punishable by a fine not to exceed \$1,000 per violation in accordance with F.S. § 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.

Section 4. Amendments to Section 5-32.1 ("Attack or bite by dangerous dog; attack by unclassified dog that causes death; penalties; appeals; confiscation; destruction"). Section

5-32.1 is amended to read as follows:

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

(a) If a dog that has previously been declared dangerous attacks 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
561 dog ~~must~~shall be immediately confiscated by the animal
562 services division; placed in quarantine, if necessary, for the
563 proper length of time; impounded; and held for ten (10)
564 ~~working-business~~ days after the owner is given written
565 notification under section 5-32(~~df~~) of this article and F.S. §
566 767.12 and thereafter destroyed in an expeditious and
567 humane manner. ~~This ten-day time period shall allow t~~The
568 owner ~~to~~may request a hearing before the special magistrate
569 under section 5-32(~~eg~~) and F.S. § 767.12 during the 10
570 business days after such notification. The owner ~~shall be~~is
571 responsible for payment of all boarding costs and other fees
572 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
575 human being and left a bite mark that scores 5 or higher on
576 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
581 that causes severe injury to a human being, based upon the
582 nature and circumstances of the injury and the likelihood of
583 a future threat to the public safety, health, and welfare, the
584 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
587 declared dangerous aggressively attacks and causes severe
588 injury to or death of any human, the owner ~~of the dog, upon~~
589 ~~conviction, is guilty of~~commits a felony of the ~~second~~third
590 degree, punishable as provided in F.S. §§ 775.082, 775.083
591 or 775.084. In addition, the dog ~~must~~shall be immediately
592 confiscated by the animal services division; placed in
593 quarantine, if necessary, for the proper length of time;
594 impounded; or and held for ten (10) ~~working-business~~ days
595 after the owner is given written notification under section 5-
596 32(~~df~~) and F.S. § 767.12, and thereafter destroyed in an
597 expeditious and humane manner. ~~This ten-day time period~~
598 ~~shall allow the owner to~~The owner may request a hearing
599 under section 5-32(~~eg~~) and F.S. § 767.12 during the 10
600 business days after such notification. The owner ~~shall be~~is

602 responsible for payment of all boarding costs and such other
603 fees as may be required to humanely and safely keep the dog
604 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
607 F.S. §§ 767.12(4) or 767.13(3), to contest the proposed
608 penalty of humane euthanasia, the dog must be held and may
609 not be destroyed while the appeal is pending.

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

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

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

642 (i) Pursuant to F.S. § 767.136(1), if a dog that has not been
643 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.

*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.**

* * * * *

(d) Starting one (1) year from the effective date of this section,
upon first impoundment, dogs and cats that have been found
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

owner must provide the division with a written certification confirming the animal is being actively 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.

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

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

(e) Upon second impoundment, mandatory sterilization is required for every dog and cat, regardless of intake type. Exemptions to the mandatory sterilization requirement for 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.

(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.

~~(d) An owned fertile dog or cat impounded by animal services 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.~~

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

~~(2) Upon second impoundment of an owned dog or cat, written notification of intent to sterilize the animal 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.~~

~~(3) Any owner of an impounded animal subject to 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~~

owner within three (3) working days of the division's
issuance of a notice of impoundment. The hearing
must be held within four (4) working days of receipt
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.

- (e) ~~An initial citation for Category II violations, as identified in
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.~~

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

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

Section 5-35 is amended to read as follows:

Sec. 5-35. Disposition of impounded animals.

* * * * *

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

(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.

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

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

~~(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~~
~~services division staff shall either make a minimum~~
760 ~~of three (3) diared telephonic attempts or one (1)~~
~~written notice by certified mail, return receipt~~
762 ~~requested, informing the owner of the impoundment~~
~~of an animal. Notice by mail shall be completed prior~~
764 ~~to the end of the next working day, excluding~~
~~Sundays and county holidays, following the~~
766 ~~impoundment. An animal whose alleged owner has~~
~~been mailed a certified letter will be held for ten (10)~~
768 ~~working days, excluding day of impoundment,~~
~~following the date the letter was mailed. Attempts to~~
770 ~~give an owner notice by physical contact, or~~
~~veterinarian contact, shall qualify as attempted~~
772 ~~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~~
~~periods, upon certification by a veterinarian, or, in~~
778 ~~the event that a veterinarian is not available for~~
~~immediate diagnosis, then, an employee designated~~
780 ~~by the division manager, may humanely euthanize an~~
~~animal to prevent needless pain and suffering.~~

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

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

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

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

(8) Notwithstanding the aforesaid confinement periods, upon certification by a veterinarian, or, in 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. Pets 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.

(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.

(2) *Rabies vaccination.* No dog or cat shall be released from the division without a current rabies vaccination unless the division's veterinarian has 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

fees are established by the board of county commissioners.

(d)(e) Euthanasia shall be performed in accordance with F.S. § 828.058. An animal's body shall not be disposed of until death is confirmed by a qualified person. Animals shall be checked to make certain that vital signs have stopped or rigor mortis exists.

(e)(d) The animal services division shall participate in an adoption program and may cooperate with breed rescue programs to promote responsible ownership of pets and goodwill in the community.

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

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

is amended to read as follows:

Sec. 5-41. Trapping; exposing poison.

(a) The animal services division may set box (live-cage) traps only for animals which have allegedly bitten a person or another animal, for ~~nuisance~~ animals that pose a health risk or ~~cause property damage or~~ for the purposes of humane rescue in the interest of the animal itself, as determined by the division manager of the animal services division. A trap may not be set on weekends, county holidays, and during 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.

* * * * *

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

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

Section 5-50 is amended to read as follows:

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

* * * * *

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

* * * * *

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

* * * * *

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.

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

(1) Dogs.

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

b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, 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.

(2) Cats.

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

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

(c) The inoculations, tests, and treatments required by this section must be administered before the dog or cat is offered 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.

(d) The licensed, accredited veterinarian shall date the official certificate of veterinary inspection upon the actual examination and administration of the inoculations and/or 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
941 current official certificate of veterinary inspection at all
942 times while being offered for sale within Orange County.
943 The examining veterinarian must retain one (1) copy of the
944 official certificate of veterinary inspection on file for at least
945 one (1) year after the date of examination. At the time of sale
946 of the animal, one (1) copy of the official certificate of
947 veterinary inspection must be given to the buyer. The seller
948 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
951 the sale of more than two (2) litters, or twenty (20) dogs or
952 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
955 dog or cat, a licensed veterinarian of the consumer's
956 choosing certifies that, at the time of the sale, the dog
957 or cat was unfit for purchase due to illness or disease,
958 the presence of symptoms of a contagious or
959 infectious disease, or the presence of internal or
960 external parasites, excluding fleas and ticks.

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

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

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

973 (1) The right to return the dog or cat and receive a refund
974 of the purchase price, including the sales tax, and
975 reimbursement for reasonable veterinary costs
976 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;

(2) The right to return the dog or cat 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

(3) The right to retain the dog or cat 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 dog or cat. 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.

(h) 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 forty-eight (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 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:

(1) 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

- 1018 (2) The right to return the animal and receive an
 exchange dog or cat of the consumer's choice of
1020 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
 is specifically stated at the time of sale in writing to the
1024 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
 subsection (h) shall be made no later than ten (10) business
1028 days following receipt of a signed veterinary certification as
 required in subsection (g) or subsection (h). The consumer
1030 must notify the seller within two (2) business days after the
 veterinarian's determination that the animal is unfit. The
1032 written certification of unfitness must be presented to the
 seller within three (3) business days following receipt
1034 thereof by the consumer.
- 1036 (k) A dog or cat may not be determined unfit for sale on account
 of an injury sustained or illness contracted after the
1038 consumer takes possession of the animal. A veterinary
 finding of intestinal or external parasites is not grounds for
1040 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,
 or twenty (20) dogs or cats, per year, whichever is greater,
1044 wishes to contest a demand for veterinary expenses, refund,
 or exchange made by a consumer under this section, the
1046 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
 are unable to reach an agreement that constitutes one (1) of
1050 the options set forth in subsection (g) or subsection (h)
 within ten (10) business days following receipt of the animal
1052 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
 that are otherwise available to a consumer under any other
1056 law.

(n) Any seller that engages in the sale of more than two (2) litters, or twenty (20) dogs or cats, per year, whichever is 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.

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

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

Section 5-55 is created to read as follows:

Sec. 5-55. Community cat management program.

(a) The County recognizes the necessity of addressing the continuing presence of community cats living in an outdoor environment, independent of human intervention. To 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.

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

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

ADOPTED THIS ____ DAY OF _____, 2026.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

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

1096

1098 By: _____
 Deputy Clerk

1100