

ORDINANCE NO. 2010-52

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, FLORIDA REPLACING THE EXISTING ORDINANCE NUMBER 97-11, ADOPTING THE FOLLOWING DEFINITIONS; INVESTIGATION, REPORTING AND EVALUATION REQUIREMENTS; INVESTIGATION AND DETERMINATION PROCEDURES; HEARING PROCEDURES; REGISTRATION PROCEDURES; EXEMPTIONS; PROVIDING FOR AN ATTACK OR BITE OF DOG OR CAT NOT PREVIOUSLY CLASSIFIED DANGEROUS; PROVIDING FOR AN ATTACK OR BITE BY CLASSIFIED DANGEROUS DOG OR DANGEROUS CAT; PROVIDING FOR QUARANTINE; PROVIDING PENALTIES; PROVIDING FOR REPEAL, SEVERABILITY AND EFFECTIVE DATE; PROVIDING FOR ANY RELATED MATTERS WITHIN THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY

WHEREAS, Dangerous Dogs and Cats are a serious threat to the health, safety and welfare of the people of St. Johns County; and

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

WHEREAS, Chapter 767, Florida Statutes, requires and authorizes local governments to implement procedures to investigate, make determinations, and make dispositions of Dangerous Dog complaints;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County, Florida, that the following Administrative Policies and Procedures for investigation, determination, and disposition of Dangerous Dog and Dangerous Cat complaints within the unincorporated areas of St. Johns County, Florida are hereby adopted.

SECTION 1. DEFINITIONS

1. "Dangerous Dog" or "Dangerous Cat" means any dog or cat, respectively, which according to the records of the St. Johns County Division of Animal Control (the "Division of Animal Control") has been determined to have:
 - (a) aggressively bitten, attacked, or endangered, or has inflicted Severe Injury on a human being on public or private property; or

- (b) while off the Owner's property, more than once Severely Injured or killed a domestic animal; or
 - (c) been used primarily, or in part, for the purpose of fighting, or is a dog or cat trained for fighting; or
 - (d) when Unprovoked, chased, or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude or display of attack, provided that such actions are attested to in a sworn statement by one or more persons, and dutifully investigated by the Division of Animal Control.
2. "Aggressively Bitten" means any bite which breaks the skin and draws blood, except where there exist clear and convincing evidence that the bite was non-hostile. However, any dog or cat bite that breaks the skin and draws blood of a human being shall be deemed aggressive.
 3. "Animal Control Officer" means any individual employed, contracted with, or appointed by the Division of Animal Control for the purpose of aiding in the enforcement of this Ordinance or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.
 4. "Complaining Party" means any person who by written affidavit or complaint made to the Division of Animal Control alleges to have been the victim (or parent or guardian of any human victim, or Owner of any animal victim) of any dog or cat activity that could potentially classify said dog or cat as a Dangerous Dog or Dangerous Cat.
 5. "Division of Animal Control" means the agency operated by the Board of County Commissioners of St. Johns County, responsible for the control of regulation, license, seizures and impoundment of Dangerous Dogs and Dangerous Cats, and the enforcement of the provisions of this Ordinance and state regulations relating to dogs and cats as deemed necessary. If called in those areas or time periods not served by the Division of Animal Control, the Sheriff shall carry out the duties of the Division of Animal Control under this Ordinance.
 6. "Feral" means wild, undomesticated and unsocial animal, living in the wild.
 7. "Severe Injury" means any physical injury that results in broken bones, multiple puncturing bites, or disfiguring lacerations requiring sutures or reconstructive surgery.
 8. "Special Magistrate" or "Hearing Officer" means a member of the Florida Bar in Good Standing who is appointed by the County Administrator or under contract with St. Johns County to conduct Dangerous Dog and Cat hearings with the authority to make a determination of whether the dog or cat is dangerous, enforce the conditions of this Ordinance, impose administrative fines and other non-criminal penalties to provide an

equitable, expeditious, effective method of enforcing this code within the County where a pending or repeated violation continues to exist.

9. "Proper Enclosure of a Dangerous Animal" means, while on the Owner's property, a Dangerous Dog or Dangerous Cat is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top to prevent the dog or cat from escaping over, under, or through the structure and shall also provide protection from the elements. A structure or barrier relying on an electric current or field to enclose a dog or cat is expressly not a Proper Enclosure of a Dangerous Animal.
10. "Provocation" or "Provoke" means an action that justifies an immediate, measured, violent response.
11. "Owner" means any person, persons, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18, that person's parent or guardian.
12. "Unprovoked" means that the victim (person or animal) had been acting peacefully and lawfully, and had been attacked, bitten or chased in a menacing fashion by a dog or cat.

SECTION 2. INVESTIGATION, REPORTING AND EVALUATION REQUIREMENTS

Any complaint involving a dog or cat that has allegedly aggressively bitten or attacked, or otherwise potentially fits the description pertaining to a Dangerous Dog or Dangerous Cat, made to the Division of Animal Control or the Sheriff's Office, must be (1) investigated by an Animal Control Officer or law enforcement officer, (2) reported to the Division of Animal Control, and (3) evaluated by the Division of Animal Control.

SECTION 3. INVESTIGATION AND DETERMINATION PROCEDURES

1. The Division of Animal Control or Sheriff's Office shall investigate reported incidents involving any dog or cat that may be dangerous and shall, if possible, interview the Owner and require a sworn affidavit from any person, including any Animal Control Officer or law enforcement officer, desiring to have an animal classified as a Dangerous Dog or Dangerous Cat.
2. The Division of Animal Control shall consider all available evidence reasonably obtainable when making its initial determination; including Animal Control Officer or law enforcement officer reports, witness reports, medical reports, veterinary reports and prior complaints or reports about the dog or cat in question. All such evidence shall be preserved for subsequent hearings, if any.
3. After the investigation, the Division of Animal Control shall make an initial determination as to whether there is sufficient cause to classify the animal as a Dangerous

Dog or Dangerous Cat, and shall afford the Owner or any Complaining Party an opportunity for a hearing prior to making a final determination. The Division of Animal Control shall provide a written notification of the initial determination to the Owner, and any Complaining Party, by registered mail, certified hand delivery, or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process. The Owner, or any Complaining Party, may file a written request to the Division of Animal Control for a hearing within 7 calendar days from the date of receipt of the notification of the initial determination. If a hearing is requested, the hearing shall be held as soon as possible, but not more than 21 calendar days and no sooner than 5 days after receipt of the request from the Owner or Complaining Party, pursuant to Chapter 767, Florida Statutes, as amended from time to time.

4. The Division of Animal Control shall have discretion to impound dogs or cats under investigation. Any animal that is the subject of a Dangerous Dog or Dangerous Cat investigation, that is not impounded with the Division of Animal Control or other lawful authority, shall be humanely and safely confined by the Owner in a securely fenced or enclosed area pending the outcome of the investigation and determination, and resolution of any hearings related to the Dangerous Dog or Dangerous Cat classification. The address of where the animal resides shall be provided to the Division of Animal Control. No animal that is the subject of a Dangerous Dog or Dangerous Cat investigation may be relocated or ownership transferred pending the outcome of an investigation of any hearings related to the determination of a Dangerous Dog or Dangerous Cat classification. In the event that a dog or cat is to be destroyed, the dog or cat shall not be relocated or ownership transferred. Pursuant to Chapter 767, Florida Statutes, unauthorized transfer shall result in a penalty of *Five Hundred Dollars, \$500*.
5. Once an animal is classified as a Dangerous Dog or Dangerous Cat (after Section 3.3 hearing decision, if any, or after final determination if no hearing requested), the Division of Animal Control shall provide written notification to the Owner by registered mail, certified hand delivery or service, and the Owner may file a written request for a hearing in the County Court, to appeal the classification within 10 business days after receipt of a written determination of Dangerous Dog or Dangerous Cat classification and if the animal is in the custody of the Owner, the Owner must confine the animal in a Proper Enclosure of a Dangerous Animal pending a resolution of the appeal.
6. Any conflicts of law which arise from differences in this Ordinance and the Florida Statutes shall be resolved in favor of whichever is stricter.
7. Any dog or cat determined to be feral by the Division of Animal Control shall by definition be considered dangerous and a threat to the public's health, safety and welfare in St. Johns County. Having no indication of ownership, such feral dogs or cats shall be euthanized without further hearing.

SECTION 4. HEARING PROCEDURES

1. If an Owner or Complaining Party requests a hearing in accordance with Section 3.3 above, the Division of Animal Control shall notify the Special Magistrate who shall be designated by the County Administrator. The County Administrator shall schedule a hearing within the time limits delineated in Section 3.3 above and Chapter 767, Florida Statutes. If a hearing is scheduled, the Owner, any Complaining Party, and any witnesses that have provided written statements during the investigation stage, shall be notified of the time and place of hearing. The hearing shall be held in the vicinity of the County Administration Complex or Courthouse.
 - a. All requests for a Section 3.3 hearing for a final determination of whether a dog or cat is dangerous shall be accompanied by an administrative fee of *One Hundred Fifty Dollars and 00/100* (\$150). This fee is payable to St. Johns County, Florida. The fee should be paid to the Division of Animal Control and deposited into the general fund of St. Johns County. This administrative fee may only be waived at the reasonable determination of the Director of the Animal Control upon proof of indigency by the Owner.
2. The Special Magistrate shall conduct the hearing (as Hearing Officer) and shall make written findings of fact and render a written decision in the case. The hearing is a non-adversarial determination of whether the Division of Animal Control properly classified the dog or cat as dangerous. The Hearing Officer may render an informal verbal decision at the close of the hearing, but will within 5 business days (not counting day of hearing or holidays or weather closure days) render a final written decision with findings of fact and shall notify the Division of Animal Control in writing with a signed decision. The Division of Animal Control shall notify the Owner, and any Complaining Party, in accordance with Section 3.5 above.
3. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Minutes shall be kept of the hearing, and the hearing shall be open to the public, but need not be publicly advertised. Testimony shall be made under oath. The hearing format delineated in Attachment 1 (incorporated herein), though not mandatory, shall act as a guideline for hearings under this Section.
 - (a) Findings of fact shall be based upon a preponderance of the evidence, meaning evidence which tends to prove that the animal is more likely dangerous than not or the equivalent of 51%.
 - (b) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.
 - (c) Similar fact evidence, previous aggressive behavior of the animal(s), and/or other violations of the Animal Control Ordinance is admissible when relevant to prove a

material fact at issue. Notice is not required for evidence of acts or offenses which is used for impeachment or on rebuttal.

(d) The Owner and complaining party(ies) and Animal Control Officer(s) shall have an opportunity to present evidence and argument on all the issues involved, to conduct cross examination and submit rebuttal evidence, to submit veterinarian reports/records, Animal Control reports, Law Enforcement reports, medical records, and to be represented by counsel. If requested by the Owner, the Division of Animal Control shall provide the Owner with a complete copy, with any lawful public record redactions, of the public record of the case within a reasonable time after a request for hearing is made.

(e) When appropriate, the Special Magistrate may allow the interested parties with relevant information an opportunity to present oral or written communications, provided they are sworn statements. All parties must then be given an opportunity to cross-examine or challenge or rebut the material.

4. The subject dog or cat is not allowed at the hearing.

5. Nothing in this Section shall be construed to affect County Court procedures in any hearing requested in accordance with Section 3.5 above.

SECTION 5. REGISTRATION PROCEDURES

1. Within 14 days after an animal has been classified as a Dangerous Dog or Dangerous Cat, the Division of Animal Control (after Section 3.3 hearing decision, if any), or within 14 days after a Dangerous Dog or Dangerous Cat classification is upheld by the County Court on appeal, the Owner of the dog or cat must obtain a certificate of registration for the dog or cat from the Division of Animal Control, and the certificate shall be renewed annually. The Division of Animal Control is authorized to issue such certificate of registration, and renewals thereof, only to persons who are at least 18 years of age and who present to the Division of Animal Control sufficient evidence of:

(a) Ownership of the dog or cat.

(b) A current certificate of rabies vaccination for the dog or cat.

(c) A Proper Enclosure of a Dangerous Animal to confine the dog or cat, and the posting of the premises with a clearly visible warning sign at all entry points that informs both children and adults of the presence of a Dangerous Dog or Dangerous Cat on the property.

(d) Permanent identification of the dog or cat, such as a tattoo on the inside thigh or electronic implantation.

(e) **Liability insurance, surety bond or cash fee.**

The owner or keeper of a Dangerous Dog or Dangerous Cat shall present to the County proof that he or she has procured liability insurance or surety bond in the amount of not less than \$100,000.00, covering any damage or injury which may be caused by such Dangerous Dog or Dangerous Cat. Such insurance policy shall contain a provision requiring that the County be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. Liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep such Dangerous Dog or Dangerous Cat.

The owner or keeper shall sign a statement attesting that he or she shall maintain and not voluntarily cancel the liability insurance policy during the 12-month period for which a permit is sought, unless he or she ceases to own or keep the Dangerous Dog and Dangerous Cat prior to the expiration date of the permit period. In the event that the owner proves to the satisfaction of the County that insurance is not available, (s)he may pay a nonrefundable cash fee in the amount of \$1,000.00. Annual registration shall be denied any owner not in compliance with this section. If, at any time, the liability insurance is cancelled or lapses, the Division of Animal Control shall have the authority to impound the Dangerous Dog or Dangerous Cat until such insurance is once again in force or ten (10) calendar days have passed.

If the provisions of this section are not complied with within ten (10) calendar days, the Division of Animal Control shall have the authority to euthanize the Dangerous Dog or Dangerous Cat without further hearing of the court.

2. The Owner shall immediately notify the Division of Animal Control when an animal that has been classified as a Dangerous Dog or Dangerous Cat:
 - (a) is loose or unconfined.
 - (b) has bitten a human being or attacked another domestic animal.
 - (c) is sold, given away, or dies.
 - (d) is moved to another address.
3. Prior to a Dangerous Dog or Dangerous Cat being sold or given away, the Owner shall (1) notify the potential new Owner that the animal is classified as a Dangerous Dog or Dangerous Cat, and (2) provide the name, address and telephone number of the new Owner to the Division of Animal Control. The new Owner must comply with all of the requirements of the Ordinance, even if the animal is moved from one local jurisdiction to another within the state. The Division of Animal Control must be notified by the Owner

of an animal classified as a Dangerous Dog or Dangerous Cat (or functionally equivalent title from another county, city, state, or country) that the animal is in the Division's jurisdiction (the unincorporated areas of St. Johns County).

4. It is unlawful for the Owner of a Dangerous Dog or Dangerous Cat to permit the dog or cat to be outside a Proper Enclosure of a Dangerous Animal unless the dog or cat is muzzled and restrained by a substantial chain or leash and under control of a competent person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but will prevent it from biting any person or animal. The Owner may exercise the animal in a securely fenced or enclosed area that does not have a top, without a muzzle or leash, if the animal remains at all times within the Owner's sight, and only members of the Owner's immediate household or persons 18 years of age or older are allowed in the enclosure when the animal is present. When being transported, such animals must be safely and securely restrained within a vehicle.
5. The fee for certificate of registration shall be One Hundred Dollars (\$100.00) per dog or cat, renewed annually.
6. Any animal classified as a Dangerous Dog or Dangerous Cat shall not be used for breeding. Dangerous Dogs and Dangerous Cats shall be spayed or neutered at the Owner's expense by a licensed veterinarian within thirty (30) days of such classification unless:
 - (a) a licensed veterinarian certifies in writing that the animal is incapable of reproduction, or
 - (b) a licensed veterinarian certifies in writing that spaying or neutering the animal would be seriously injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be spayed or neutered immediately after the health condition has been corrected.
7. Any person who violates any provision of Section 5 is guilty of a noncriminal infraction, punishable by a fine not exceeding Five Hundred Dollars, (\$500.00). Upon violation of Section 5, the Dangerous Dog or Cat in question may be immediately impounded by the Division of Animal Control or other authorized authority. Thereafter, the Owner shall have 5 calendar days to request a hearing before the Special Magistrate; barring such a request, the animal shall be euthanized. The Hearing Officer shall determine whether a violation has more than likely occurred and if so determined, order the destruction of the animal.

SECTION 6. EXEMPTIONS

1. An animal shall not be declared a Dangerous Dog or Dangerous Cat if the threat, injury, or damage was sustained by a person who, at the time, was tormenting, physically abusing, or physically assaulting the dog or cat or its Owner or a family member. No

animal may be declared a Dangerous Dog or Dangerous Cat if the dog or cat was protecting or defending a human being within the immediate vicinity of the dog or cat from an unjustified attack or assault.

2. Hunting dogs are exempt from the provisions of this Ordinance when engaged in any legal hunt or bonafide training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieval trials, and herding trials are exempt from the provisions of this Ordinance when engaging any legal procedures. However, such dogs at all other times in all other respects shall be subject to this Ordinance and other local laws. Dogs that have been classified as Dangerous Dogs shall not be used for hunting purposes.
3. This Ordinance does not apply to dogs used by law enforcement officials when said dogs are in the process of performing law enforcement work.
4. If a dog or cat attacks or bites a person who is engaged in or attempting to engage in a crime against a person, persons, or property at the time of the attack, the Owner is not guilty of any crime or violation specified under this Ordinance.

SECTION 7. ATTACK OR BITE OF DOG OR CAT NOT PREVIOUSLY CLASSIFIED DANGEROUS

1. If an animal that has not been classified a Dangerous Dog or Dangerous Cat (and Owner has not been notified of a sufficient cause to classify as such) attacks and causes Severe Injury to, or death of, any human, the dog or cat shall be immediately confiscated by the Division of Animal Control, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the Owner is given written notification under Section 767.12, Florida Statutes, and thereafter destroyed in an expeditious and humane manner. This 10 days time period shall allow the Owner to request a hearing equivalent to that under Section 3 above. The Owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure. In addition, if the Owner of the dog or cat had prior knowledge of the animal's dangerous propensities, yet demonstrated a reckless disregard for such propensities under the circumstances, the Owner of the dog or cat is guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes.

SECTION 8. ATTACK OR BITE BY CLASSIFIED DANGEROUS DOG OR DANGEROUS CAT

1. If an animal that has previously been classified a Dangerous Dog or Dangerous Cat (or Owner has been notified of a sufficient cause to classify as such) attacks or bites a person or a domestic animal, the Owner is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, Florida Statutes. In addition, the Dangerous Dog or Dangerous Cat shall be immediately confiscated by the Division of Animal Control, placed in quarantine, if necessary, for the proper length of

time, or impounded and held for 10 business days after the Owner is given written notification under Section 767.12 Florida Statutes, and thereafter destroyed in an expeditious and humane manner. This 10 day time period shall allow the Owner to request a hearing equivalent to that under Hearing Procedures stated above. The Owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.

2. If an animal that has previously been classified a Dangerous Dog or Dangerous Cat (or Owner has been notified of a sufficient cause to classify as such) attacks and causes Severe Injury to, or death of any human, the Owner is guilty of a felony of the third degree, punishable as provided in Section 775.082, Section 773.083, or Section 775.084, Florida Statutes. In addition, the animal shall be immediately confiscated by the Division of Animal Control, placed in quarantine, if necessary, for the proper length of time or held for 10 business days after the Owner is given written notification under Section 767.12 and thereafter destroyed in any expeditious and humane manner. This 10 day time period shall allow the Owner to request a hearing equivalent to that under Section 3 above. The Owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the animal during any appeal procedure.
3. If the Owner files a written appeal under Section 767.12 or Section 767.13, Florida Statutes, the animal must be held and may not be destroyed while the appeal is pending.

SECTION 9. QUARANTINE

All dogs or cats that are believed to have bitten or otherwise have caused their saliva or other bodily fluids or tissues to enter the blood stream of a human being shall be quarantined, at Owner's cost, in accordance with, or in the same manner as required by St. Johns County Ordinance 84-62, Section 4, as may be amended from time to time. If the Owner is unascertainable or declared indigent, St. Johns County shall fund the quarantine expenses.

SECTION 10. PENALTIES

Violations of this Ordinance shall be punished in accordance with Section 767.12(7), Florida Statutes (2010), as may be amended from time to time, unless otherwise provided. Additionally, in accordance with Section 767.01, Florida Statutes, dog Owners are liable for damages to persons, domestic animals, or livestock. Owners of dogs shall be liable for any damage done by their dogs to a person or to any animal included in the definitions of "domestic animal" and "livestock" as provided by Section 585.01, Florida Statutes.

Provocation shall not be a defense to liability under this Ordinance, except where the victim (a) was threatening or attempting to commit a crime of violence upon any person; or (b) caused the dog or cat to experience physical pain and the serious injury was an immediate response to the pain, provided, however, that the victim was not younger than 18 years of age. Provocation shall not be a defense if serious injury is caused to a child regardless of whether the dog or cat resides in the same household. The parents having custody of a minor who is the Owner of any


dangerous dog or cat shall be liable parties under this Ordinance. It shall not be a defense to liability under this Ordinance that the Owner exercised the utmost care to prevent the dog from biting, or did not have custody or control of the dog at the time of the biting or serious injury. It shall not be a defense to liability under this Ordinance that the dog or cat did not intend to injure the victim, or that the animal's action were playful, mischievous, or otherwise not vicious. The Owner shall be strictly liable for all damages caused by the dangerous dog or dangerous cat.

SECTION 11. REPEAL, SEVERABILITY AND EFFECTIVE DATE

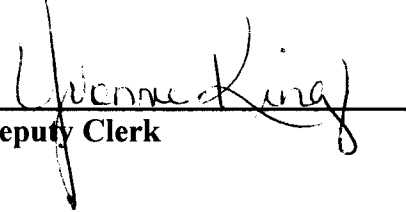
This Ordinance repeals and replaces St. Johns County Ordinance 97-11. Should any part of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render the remaining portions of this Ordinance invalid or unconstitutional. **This Ordinance shall be effective upon filing with the Division of State.**

PASSED AND ENACTED by the Board of County Commissioners of St. Johns County, Florida, this 7th day of December, 2010.

**BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA**

By: 
Chair

ATTEST: CHERYL STRICKLAND

By: 
Deputy Clerk

Rendition Date: 12 | 15 | 10

Effective Date: 12 | 16 | 10

ATTACHMENT 1.

RULES OF PROCEDURE GUIDELINES FOR DANGEROUS DOG/DANGEROUS CAT HEARINGS

- I. Presentation of case by Division of Animal Control
 - (1) Opening statement (3 min.)
 - (2) Presentation of evidence
 - Cross examination of each witness shall be allowed after each witness testifies.

- II. Presentation of case by Owner (or Complaining Party if initial determination found no sufficient cause to classify animal dangerous)
 - (1) Opening statement (3 min.)
 - (2) Presentation of evidence
 - Cross examination of each witness shall be allowed after each witness testifies.

- III. Public Comments (from persons not acting as witnesses above)
 - (1) Public comments in favor of Dangerous Dog or Dangerous Cat classification (2 min. each)
 - (2) Public comments in opposition to Dangerous Dog or Dangerous Cat classification (2 min. each)

- IV. Division of Animal Control rebuttal to public comments (3 min.)

- V. Owner (or Complaining Party) rebuttal to public comments (3 min.)

- VI. Closing Statements
 - (1) Closing statement by Division of Animal Control (3 min.)
 - (2) Closing statement by Owner (or Complaining Party) (3 min.)

- VII. Hearing Officer Questions. The Hearing Officer may call or recall witnesses to answer questions. If rebuttal of such testimony is requested, it should be allowed but may be strictly limited.

SJC MINUTES & RECORDS C/O CLER
ATTN MS.P DEGRANDE
500 SAN SEBASTIAN VIEW
SAINT AUGUSTINE FL 32084

Ref.#: L4347-10
P.O.#:

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE**

who on oath says that he/she is an Employee of the St. Augustine Record,

a daily newspaper published at St. Augustine in St. Johns County, Florida:

that the attached copy of advertisement being a **NOTICE OF HEARING**

In the matter of **REPLACE ORD 97-11 - HEARING DECEMBER 7, 2010**

was published in said newspaper on **11/23/2010**

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore has been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, for a period of one year preceding the first publication of the copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 23rd day of Nov 2010

by Ulinda E Verstraate who is personally known to me
or who has produced as identification

Jeanette Bradley

(Signature of Notary Public)

Notary Public State of Florida
Jeanette Bradley
My Commission DD 837877
Expires 11/12/2012

(Seal)

Coordinator, at (904) 209-0650 at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, FL 32084. For hearing-impaired individuals: Telecommunication Device for the Deaf (TDD): Florida Relay Service: 1-800-955-8770, no later than 5 days prior to the date of the hearing.
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA
CHERYL STRICKLAND, CLERK
By: Patricia Deery, Deputy Clerk
L4347-10 Nov 23, 2010

NOTICE OF A PUBLIC HEARING BY THE ST. JOHNS COUNTY BOARD OF COUNTY COMMISSIONERS

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Johns County, Florida, will hold a public hearing on **Tuesday, December 7, 2010 at 9:00 a.m.** in the County Auditorium at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider adoption of the following ordinance:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, FLORIDA REPLACING THE EXISTING ORDINANCE NUMBER 97-11, ADOPTING THE FOLLOWING DEFINITIONS; INVESTIGATION, REPORTING AND EVALUATION REQUIREMENTS; INVESTIGATION AND DETERMINATION PROCEDURES; HEARING PROCEDURES; REGISTRATION PROCEDURES; EXEMPTIONS; PROVIDING FOR AN ATTACK OR BITE OF DOG OR CAT NOT PREVIOUSLY CLASSIFIED DANGEROUS; PROVIDING FOR AN ATTACK OR BITE BY CLASSIFIED DANGEROUS DOG OR DANGEROUS CAT; PROVIDING FOR QUARANTINE; PROVIDING PENALTIES; PROVIDING FOR REPEAL, SEVERABILITY AND EFFECTIVE DATE; PROVIDING FOR ANY RELATED MATTERS WITHIN

THE UNINCORPORATED AREAS OF ST. JOHNS COUNTY

The proposed ordinance is on file in the office of the Clerk of the Board of County Commissioners at the St. Johns County Administration Building, 500 San Sebastian View, St. Augustine, Florida and may be examined by parties interested prior to the public hearing.

Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the public hearing, he/she will need a record of the proceedings, and for such purposes he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceedings should contact ADA



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

December 22, 2010

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated December 15, 2010 and certified copies of Ordinance Nos. 2010-49 through 2010-53, which were filed in this office on December 16, 2010.

Sincerely,

[Handwritten signature: Liz Cloud]

Liz Cloud
Program Administrator

LC/srd

2010 DEC 27 PM 2:14
RECEIVED
CLERK OF SUPERIOR COURT
ST. JOHN'S COUNTY, FL

DIRECTOR'S OFFICE
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