

BYLAWS OF THE ANIMAL CLASSIFICATION COMMITTEE

In order to govern its function and operation in a manner consistent with the Enabling Resolution No. **R20-42** adopted by the Leon County Board of County Commissioners (hereinafter the “BOCC”) on **December 8, 2020**, the **Animal Classification Committee** (hereinafter the “Committee”) hereby adopts as its Bylaws the following:

ARTICLE I. APPLICABLE FLORIDA LAWS AND BCC POLICIES

Section 1.1 Public Records Law and E-Mails: Each member of the Committee shall comply with the Florida’s Public Records Law, Chapter 119, Florida Statutes, and BOCC Policy No. 96-4, “Policy on Public Records Law and E-Mail”, as may be amended from time to time, and each member of the Committee shall be provided a copy of BOCC Policy No. 96-4.

Section 1.2 Government in the Sunshine Law: Each member of the Committee shall comply with the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Code of Ethics: The Committee shall comply with the following state laws and BOCC Policies with regard to the Florida Code of Ethics for Public Officers and Employees:

Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, Florida Statutes, “Voting Conflicts”, as may be amended from time to time, and shall be provided a copy of Section 112.3143.

Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time, and shall be provided a copy of Section 112.313, Florida Statutes.

Section 1.4 Dangerous Dogs Statute: This Committee shall strictly abide by Florida Statutes, section 767.12 (3).

ARTICLE II. PURPOSE AND DUTIES

Section 2.1 Purpose: The purpose of the Committee is to provide the owner of an initially classified animal an opportunity for a hearing prior to making a final determination regarding the classification of the animal or the penalty pursuant to Florida Statutes, section 767.12 (3).

Section 2.2 Duties: The Committee shall be charged with the following responsibilities:

- a) Consider the evidence regarding the incident(s) that lead to the petition for classification.

- b) Consider the previous history related to the owner and/or animal(s) involved in the classification.
- c) Consider the ordinance definitions and requirements pertaining to the classification of an animal.
- d) Provide recommendations as to the classification of the animal(s) involved.
- e) Provide recommendations as to the disposition for the animal that is the subject of the classification.
- f) Submit in writing, the final determination.

ARTICLE III. TERM OF MEMBERS

Section 3.1 Each member shall serve on the Committee **for a term of 3 years**

Section 3.2 Following the initial term, each member shall serve on the Committee for a term of 3 years, excluding any partial term to fill an unexpired term. Terms expire on December 31st.

Section 3.3 A current member may be reappointed at the expiration of their term, provided, however, no member may serve more than three (3) full consecutive terms.

ARTICLE IV. AMENDMENTS TO BYLAWS

Section 4.1 **Amendments:** The Bylaws may only be amended by the County Administrator in conjunction with the County Attorney. At any regular or special hearing of the Committee, the Committee may request the County Administrator amend the Bylaws by a majority vote.

Section 4.2 **Approval:** The Amended Bylaws shall become effective upon the approval of the County Administrator and the County Attorney.

ARTICLE V. ATTENDANCE AND REPLACEMENT OF MEMBERS

Section 5.1 **Attendance at Meetings:** Members shall provide notification of an absence, at least twenty-four (24) hours in advance of the hearing.

Section 5.2 **Replacement of Members:** In the event a vacancy occurs, a new member shall be appointed as soon as reasonably possible in accordance with the procedure for appointment of members to citizen committees contained in BOCC Policy No. 03-15.

**ARTICLE VI.
CLASSIFICATION HEARING**

Section 6.1 Animal Classification Committee: The Committee shall convene, if within 7 calendar days after receipt of the notification of the sufficient cause finding and proposed penalty the owner requests a hearing. The hearing shall be held as soon as possible, but not later than 21 calendar days and not sooner than 5 days after receipt of the request from the owner.

Section 6.2 Official Acts and Quorum: Any and all official acts by the Committee shall require a majority vote of the members present. However, the Committee shall take no such action unless a quorum is present at the hearing. In order to constitute a quorum, there must be at least three (3) Committee members present at the hearing, one representative from the Leon County Sheriff's Office, one licensed veterinarian, and one citizen member.

Section 6.3 Staff Assistance: The County Staff Support Person shall provide the Committee with copies of the case report, evidence, previous history regarding the owner and or the animal and a copy of the ordinance for each hearing

Section 6.4 Hearings: Animal Control Officers, the petitioner, defendant (owner of animal sought to be classified), and witnesses will all be afforded the opportunity to provide the Committee with oral, written and demonstrative testimony or evidence at the hearing. Opposing sides may also ask those presenting testimony questions, like cross-examination in a courtroom. Committee members may ask questions and ask for clarification at any time during the hearing. At the end of the hearing, Committee members shall openly discuss the evidence and testimony leading to their final determination.

Section 6.5 Procedure: The Florida Rules of Evidence shall not strictly apply; however, witnesses shall be sworn, and any testimony taken shall be under oath. Members of the Committee shall base their decision on competent, substantial evidence presented at the hearing. The hearing shall be de novo. Any prior determinations by the Animal Control Director shall not be final or conclusive.

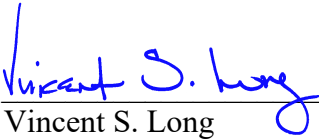
Section 6.6 Disposition: The County Staff Support Person shall prepare documents for the Committee to submit their determinations as to the classification and disposition of the animal in writing. The Animal Control Director shall provide a written final order to the owner by registered mail, certified hand delivery or service.

Section 6.7 Hearing Minutes: All hearings are recorded and shall be made available through Animal Control.

Section 6.8 Appeal: The owner may appeal the classification, penalty, or both, to the circuit court in accordance with the Florida Rules of Appellate Procedure after receipt of the final order. If the dog is not held by the animal control authority, the owner must confine the dog in a securely fenced or enclosed area pending resolution of the appeal. The Animal Control Director must establish appeal procedures that conforms to Florida Statutes, section 767.12 (4). Any party wishing to appeal the decision of a quasi-judicial body shall have the responsibility to ensure compliance with Florida Statutes, section 286.0105.

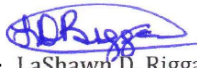
Approved as To Form and Content:

County Administrator's Office:

BY: 

Vincent S. Long
County Administrator

County Attorney's Office:

BY: 

LaShawn D. Riggans

Digitally signed by LaShawn D. Riggans
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Date: 4/21/21