

# Board of County Commissioners

## Agenda Request

Date of Meeting: December 4, 2024

Date Submitted: November 26, 2024

To: Honorable Chairman and Members of the Board

From: Evan Rosenthal, Deputy County Attorney  
Shannon Metty, County Manager

Subject: Enforcement of Animal Control Citations

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**Statement of Issue:** This agenda item requests Board approval of a Resolution requesting and authorizing the County Court to issue an order to show cause in any case in which the person who is issued a citation for a violation of the Animal Control Ordinance fails to pay the applicable civil penalty, fails to appear in court to contest the citation, or fails to appear in court.

**Background and Analysis:**

Section 828.27, Florida Statutes, authorizes Jefferson County to adopt ordinances relating to animal control, violations of which are treated as a civil infraction and subject to issuance of a citation. The County has adopted certain provisions related to animal control, found in Chapter 8 and elsewhere within the Jefferson County Code of Ordinances (the “Animal Control Ordinance”). Violations of the Animal Control Ordinance may be enforced by the issuance of a civil citation to the owner or keeper of the animal, which requires the violator to pay a fine, contest the citation, and/or in some instances make a mandatory court appearance.

Section 828.27(2)(f), Florida Statutes, provides that if a citation is issued and the person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court, the court may issue an order to show cause upon the request of the governing body of the county or municipality. Such order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court’s directive, that person may be held in contempt of court.

In lieu of bringing each individual citation to the Board to request take enforcement action as provided in the statute where a person has failed to pay the applicable fine or otherwise comply with the directions on the citation, the attached resolution would provide the Court with standing authorization to take such enforcement action in any case where the violator has failed to comply with the citation.

**Options:**

1. Approve attached Resolution requesting and authorizing the County Court to issue an order to show cause in any case in which the person who is issued a citation for a violation of the Animal Control Ordinance fails to pay the applicable civil penalty, fails to appear in court to contest the citation, or fails to appear in court.
2. Do not approve attached Resolution requesting and authorizing the County Court to issue an order to show cause in any case in which the person who is issued a citation for a violation of the Animal Control Ordinance fails to pay the applicable civil penalty, fails to appear in court to contest the citation, or fails to appear in court.
3. Board Direction

**Recommendation:**

Option #1

**Attachments:**

1. Resolution

RESOLUTION NO. 2024- 64

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, RELATED TO THE ENFORCEMENT OF ANIMAL CONTROL CITATIONS; REQUESTING AND AUTHORIZING THE COUNTY COURT TO ISSUE AN ORDER TO SHOW CAUSE IN ALL CASES WHERE A PERSON ISSUED A CITATION FOR VIOLATION OF THE COUNTY'S ANIMAL CONTROL ORDINANCE HAS FAILED TO COMPLY WITH THE DIRECTIONS ON THE CITATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 828.27, Florida Statutes, authorizes Jefferson County to adopt ordinances relating to animal control, violations of which are treated as a civil infraction and subject to issuance of a citation; and

**WHEREAS**, pursuant to Section 828.27, the County has adopted certain provisions related to animal control, found in Chapter 8 and elsewhere within the Jefferson County Code of Ordinances (collectively, such sections of the Code dealing with animal control violations are herein referred to as the "Animal Control Ordinance"); and

**WHEREAS**, Section 8-62 of the Code authorizes any County animal services officer or any law enforcement officer to issue a citation to the owner or keeper of the animal for violations of the Animal Control Ordinance; and

**WHEREAS**, Section 828.27(2)(f), Florida Statutes, provides that if a citation is issued and the person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court, the court may issue an order to show cause upon the request of the governing body of the county or municipality. Such order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court; and

**WHEREAS**, pursuant to Section 828.27(2)(f), Florida Statutes, and Section 8-62(b) of the Code, the Board of County Commissioners, as the governing body for Jefferson County, wishes to provide standing authorization to the county court for the issuance of an order to show cause in any case in which the person who is issued a citation for a violation of the Animal Control Ordinance fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, FLORIDA, THAT:**

**SECTION 1. FINDINGS.** The above recitals are true and correct and are hereby incorporated herein by reference.

**SECTION 2. AUTHORIZATION OF ISSUANCE OF ORDER TO SHOW CAUSE FOR OUTSTANDING ANIMAL CONTROL ORDINANCE CITATIONS.**

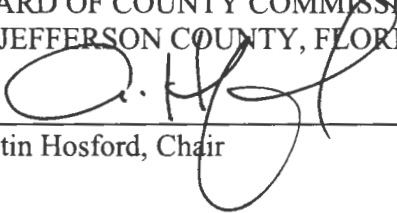
- A. Pursuant to Section 828.27(2)(f), Florida Statutes, and Section 8-62(b) of the Code, the Board of County Commissioners (“Board”), as the governing body for Jefferson County, hereby requests and authorizes the County Court in and for Jefferson County to issue an order to show cause in any case in which the person who is issued a citation for a violation of the Animal Control Ordinance (as herein defined in the recitals) fails to pay the applicable civil penalty, fails to appear in court to contest the citation, or fails to appear in court.
  
- B. Should the Court require further authorization or direction from the County with respect to enforcement of any outstanding citation for a violation of the Animal Control Ordinance for which the violator has not paid the applicable civil penalty or otherwise complied with the directions on the citation, the Board hereby authorizes and delegates to the County Manager (or his or her designee) the authority to act on the Board’s behalf with respect to same.

**SECTION 3. EFFECTIVE DATE.** This Resolution shall become effective immediately upon its passage and adoption.

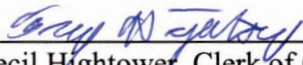
**PASSED AND DULY ADOPTED** at the meeting of the Board of County Commissioners of Jefferson County, Florida on the 5th day of DECEMBER 2024.

(signature page follows)

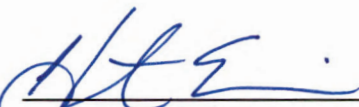
BOARD OF COUNTY COMMISSIONERS  
OF JEFFERSON COUNTY, FLORIDA

  
Austin Hosford, Chair

ATTEST:

  
Cecil Hightower, Clerk of Court

APPROVED AS TO FORM:

  
Evan Rosenthal, Deputy County Attorney  
Heather Encinosa,