

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

MEETING DATE: January 19, 2012 DIVISION: Public Works & Engineering

BULK ITEM: Yes No DEPARTMENT: Animal Control

STAFF CONTACT PERSON/PHONE NO.: Beth Leto/292-4560

AGENDA ITEM WORDING: Approval of a Resolution authorizing an agent of an Animal Control Contractor to enforce Chapter 4, Monroe County Code, and Chapter 828, Florida Statutes, and to issue citations for violations of the Monroe County Code including requiring appearance for disposition in County Court.

ITEM BACKGROUND: Authorized animal control agents are appointed to enforce Chapter 4 of the Monroe County Code and Section 828 of the Florida Statutes, issue citations for fines and/or attend court. Per Sec. 828.03(2), F.S., their appointment is to be approved by a county or circuit judge.

PREVIOUS RELEVANT BOCC ACTION: Approval of previous Resolutions appointing animal control officers.

CONTRACT/AGREEMENT CHANGES: n/a

STAFF RECOMMENDATION: Approval.

TOTAL COST: \$ n/a INDIRECT COST: n/a BUDGETED: Yes: No:

DIFFERENTIAL OF LOCAL PREFERENCE: n/a

COST TO COUNTY: _____ SOURCE OF FUNDS: _____

REVENUE GENERATED: Yes No

APPROVED BY: County Atty: _____ OMB/Purchasing: _____ Risk Management: _____

DOCUMENTATION: INCLUDED: NOT REQUIRED:

DISPOSITION: _____ AGENDA ITEM #: _____

RESOLUTION NO. -2012

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AUTHORIZING AN AGENT OF AN ANIMAL CONTROL CONTRACTOR TO ENFORCE CHAPTER 4, MONROE COUNTY CODE, AND CHAPTER 828, FLORIDA STATUTES, AND TO ISSUE CITATIONS FOR VIOLATIONS OF THE MONROE COUNTY CODE, INCLUDING REQUIRING APPEARANCE FOR DISPOSITION IN COUNTY COURT.

WHEREAS, Florida Statutes Section 828.03 provides that agents of any society or association for the prevention of cruelty to animals may appoint agents for the purpose of investigating violations of Chapter 828, F.S., or any other law of the state for the purpose of protecting animals or preventing any act of cruelty thereto; and

WHEREAS, Monroe County Code Section 4-37(b) provides that Animal Control Agents of corporations and associations contracting with Monroe County may be authorized by the Board of County Commissioners to investigate violations of Chapter 828, Florida Statutes, and of Chapter 4, Monroe County Code; and

WHEREAS, Section 4-38, M.C.C., authorizes animal control agents to enforce the provisions of Chapter 4 of the Code and Chapter 828 of the Florida Statutes, including issuance of citations for fines and/or requiring appearance in court; and

WHEREAS, Section 828.073, F.S., authorizes any law enforcement officer or any agent of any county or any society or association for the prevention of cruelty to animals to take custody of any animal "found neglected or cruelly treated" or to order the owner to provide certain care to the animal, and then to petition the county court judge for a hearing, with no fee to be charged for filing the petition; and

WHEREAS, Section 828.073(5), F.S., provides for the Court to consider the testimony of the agent or officer who seized the animal and other witnesses as to the condition of the animal; and

WHEREAS, said Section 4-37(b), M.C.C., requires the appointments to be approved by a county or circuit court judge, in compliance with Section 828.03(2), F.S.; now, therefore

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONRE COUNTY, FLORIDA

1. That the following animal control officer is authorized to investigate any violations of Chapter 4, Monroe County Code and Chapter 828, Florida Statutes, to issue citations for violations of said chapters, or to require appearance in court, and to present testimony for disposition of any such violation in county court:

Tammy Fox-Royer

2. That this Resolution shall be forwarded to the Chief Judge of the Circuit Court for assignment to a judge to review for approval the appointments designated herein.

3. That the mayor of Monroe County is authorized to execute certificates of appointment for the agents designated herein.

4. That this resolution shall take effect upon its approval the date written below.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said board held on the 19th day of January, 2012.

Mayor David Rice _____
Mayor Pro Tem Kim Wigington _____
Commissioner George Neugent _____
Commissioner Heather Carruthers _____
Commissioner Sylvia Murphy _____

(SEAL)

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

ATTEST: Danny L. Kolhage, CLERK

By: _____
Deputy Clerk

By: _____
Mayor/Chairman

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Christine M. Limbert-Barrows
CHRISTINE M. LIMBERT-BARROWS
ASSISTANT COUNTY ATTORNEY
Date 1/5/12



Florida Animal Control Association

is pleased to award this

CERTIFICATE OF COMPLETION

to

Tammy Fox

for successfully completing 40 hours of training as a

CERTIFIED ANIMAL CONTROL OFFICER

as required by Florida Statute 828.27

on

July 29, 2005

Lois M. Kostroski

FACA Executive Director

DUPLICATE

MONROE COUNTY BOARD OF COUNTY COMMISSIONERS



CERTIFICATE OF APPOINTMENT PRESENTED TO

TAMMY FOX-ROYER

IS HEREBY AUTHORIZED, PURSUANT TO SECTION 828.03, FLORIDA STATUTES, AND SECTION 4-37(B), MONROE COUNTY CODE, TO INVESTIGATE ANY VIOLATIONS OF CHAPTER 4, MONROE COUNTY CODE, AND CHAPTER 828, FLORIDA STATUTES, TO ISSUE CITATIONS FOR VIOLATIONS OF SAID CHAPTERS, OR TO APPEAR IN COURT AND TO PRESENT TESTIMONY FOR DISPOSITION OF ANY SUCH VIOLATION IN COUNTY COURT.

GIVEN THIS 19TH DAY OF JANUARY, 2012

DAVID RICE
MAYOR, MONROE COUNTY

Approved by:

Judge, County/Circuit Court
16th Judicial Circuit
Monroe County
State of Florida

Date