
**BOARD OF COUNTY COMMISSIONERS
HILLSBOROUGH COUNTY
TAMPA, FLORIDA 33601**

BOARD POLICY - SECTION NUMBER: 09.06.04.00

SUBJECT: POLICY TO ESTABLISH APPEAL PROCEDURES FOR OWNERS OF DANGEROUS DOGS

EFFECTIVE DATE: NOVEMBER 16, 1994

SUPERSEDES:

Purpose:

The purpose of this policy is to establish hearing procedures in accordance with Chapter 797, Florida Statutes and Resolution R94-0284 for owners of dangerous dogs.

Policy:

The Board of County Commissioners approves and authorizes the Director of the Animal Services Department or other authorized designee to conduct a hearing at the request of an animal owner whose dog has been declared dangerous, and who wishes to appeal that designation.

Responsibilities:

Owner(s) of dogs which have been declared dangerous, or confiscated for humane euthanasia in accordance with the provisions of Section 767.13, Florida Statutes, may appeal the decision by requesting a hearing in writing. The Director of the Animal Services department or other authorized designee will conduct the hearing, at which both sides may submit testimony, call witnesses and introduce exhibits. Once a hearing has concluded and a determination has been made a written order containing findings of fact and conclusions of law shall be rendered.

Attachment:

Hearing Procedures

Approved by: Board of County Commissioners
Approval Date: November 16, 1994

In accordance with the provisions of Resolution 94-0284, please find below a copy of the hearing procedures for dangerous dog hearings. Please include them with the Board's Policy for hearings related to dangerous dogs.

HEARING PROCEDURES FOR DANGEROUS DOG APPEALS

1. Once the Department of Animal Services receives notice that a dangerous dog hearing has been requested by the Owner, the Director, or other authorized designee (hereinafter "Hearing Officer") shall determine a hearing date that is no sooner than five (5) days and not later than twenty-one (21) days after receiving the written request. Written notice of the date, time and place of the hearing shall be sent by regular U. S. Mail, registered mail or by certified hand delivery or by service pursuant to Chapter 48, Florida Statutes, to the Owner.
2. All hearings shall be informal and open to the public. The nature of the hearing shall be non-adversarial in nature, providing all parties with an opportunity to be heard. Each party shall have the following rights:
 - a. accompanied, represented and advised by counsel;
 - b. to call and examine witnesses;
 - c. to introduce exhibits;
 - d. to cross-examine opposing witnesses on any relevant matter even though that matter was not covered on direct examination;
 - e. To impeach any witness;
 - f. To rebut evidence.
3. The order of presentation shall be as follows:
 - a. Department's presentation of its investigation, evidence, findings and any witnesses;
 - b. Owner's presentation of evidence and witnesses;
 - c. Recommendations of the Department and summation, if any;
 - d. Rebuttal and summation by the Owner;
4. The Hearing Officer may call and question witnesses as deemed necessary and appropriate.
5. Any relevant evidence shall be admitted if the Hearing Officer finds it competent and reliable. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient, alone, to support an Order unless such evidence would be admissible in a civil action. The rules of privilege shall be in effect to the same extent that they are now, or hereafter may be, recognized in civil actions. Irrelevant, material or unduly repetitious evidence shall be excluded. Any part of the evidence may be received in written form and all testimony shall be under oath.
6. The Hearing Officer may, in his discretion, continue a hearing at any time and may request further information from any party.

7. Once a hearing has concluded and a determination has been made by the Hearing Officer, a written Order containing findings of fact and conclusions of law shall be rendered. An Order shall become effective on the date it is signed by the Hearing Officer; except that the department shall hold any dog ordered to be euthanized pursuant to Florida Statutes Section 767.13, for an additional ten (10) days from the date of the Hearing Officer's order.
8. Any request for a rehearing of a matter must be in writing to the County Attorney's Office stating the reason (s) for the rehearing. The written statement must explain the error made during the initial hearing or present newly discovered evidence that was not presented at a prior hearing.
9. An aggrieved party may challenge a ruling or order of the Hearing Officer to the county court in accordance with Chapter 767, Florida Statutes. Any person who decides to challenge the decision of the hearing Officer with respect to any matter considered by the hearing Officer, may need a record of the proceedings, and for such purposes, may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the challenge is based.