

ORDINANCE NO. 2024 -24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, PERTAINING TO THE ESTABLISHMENT OF A COUNTY ANIMAL ABUSER REGISTRY; PROVIDING FOR TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHMENT OF AN ABUSER REGISTRY; PROVIDING FOR REGISTRATION REQUIREMENTS INCLUDING REGISTRATION FEES FOR VARIOUS ABUSE OFFENSES; PROVIDING FOR PROHIBITION OF CONTACT WITH ANIMALS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR PROHIBITION OF ANIMAL SHELTERS, PET SELLERS, PRIVATE CITIZENS, OR OTHERS FROM TRANSFERRING ANIMAL OWNERSHIP TO ABUSERS; PROVIDING FOR REQUIREMENTS FOR ANIMAL SHELTERS, PET SELLERS, PRIVATE CITIZENS, OR OTHERS TO ENSURE PERSON NOT ON REGISTRY PRIOR TO TRANSFER OF OWNERSHIP OF ANIMALS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR APPLICABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, while the State of Florida has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Collier County and throughout the State of Florida; and

WHEREAS, the Collier County Board of County Commissioners (“Board”) finds that animal cruelty is a serious problem, resulting in the abuse of many animals each year; and

WHEREAS, the Board also finds that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence and that individuals who abuse animals are statistically more likely to commit violent acts against humans; and

WHEREAS, the Board further finds that people who have abused animals in the past are likely to do so in the future and studies show that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding; and

WHEREAS, animal ownership carries with it both rights and responsibilities with respect to the humane treatment, care and control of owned animals; and

WHEREAS, the Board recognizes that residents of Collier County and their animals need to be protected and that an online registry that identifies abusers is necessary; and

WHEREAS, the Board has determined that it is in the best interest of the residents of Collier County and their animals that an online registry be established identifying individuals residing in

Collier County convicted of certain abuse crimes that will prevent these individuals from adopting, purchasing, possessing, or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale, or other means; and

WHEREAS, the Board finds that it will serve the public health, safety, and welfare of the citizens and animals of Collier County to create this Animal Abuser Registry for Collier County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: TITLE.

This Ordinance shall be known and may be cited as the “Collier County Animal Abuser Registry Ordinance.”

SECTION TWO: DEFINITIONS.

The following words, phrases, or terms when used in this Ordinance shall, unless otherwise indicated, have the meanings provided below:

- A. ***Animal*** shall mean, generally, any living dumb creature, as provided for in Florida Statutes, but limited to mammals, birds and reptiles.
- B. ***Animal Enjoyment*** shall mean any person enjoined by the Court from further possession or custody of other animals under Section 828.073(4)(c)(3), Florida Statutes or otherwise by Court order.
- C. ***Abuser*** shall mean any persons eighteen (18) years of age or older, including juveniles tried as an adult, who have been convicted or adjudicated delinquent, regardless of whether adjudication is withheld of an Abuse Offense.
- D. ***Abuse Offense*** shall mean the commission of any act that constitutes the criminal offense of:
 - 1. Cruelty to animals under Section 828.12, Florida Statutes;
 - 2. Fighting or baiting animals under Section 828.122, Florida Statutes;
 - 3. Killing a dog or cat with the intent to sell or give away its pelt under Section 828.123, Florida Statutes;
 - 4. Killing or aggravated abuse of horse or cattle under Section 828.125, Florida Statutes;
 - 5. Sexual activities involving animals under Section 828.126, Florida Statutes;

6. Confinement of animals without sufficient food, water, or exercise under Section 828.13, Florida Statutes.
 7. Violation of Section 500.451, Florida Statutes.
 8. With respect to farm animals, any animal abuse convictions or adjudicated delinquent, regardless of whether adjudication is withheld.
- E. **Abuser Registry** shall mean the online Registry established by this Ordinance for registering any person residing in Collier County convicted of an Abuse Offense.
- F. **Animal Shelter** shall mean any public or privately owned organization, including, but not limited to, any incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.
- G. **Companion Animal** shall mean a domesticated or tamed animal intended to provide companionship, to be used for personal use or enjoyment, or raised or intended to be raised for non-agricultural purposes; not to include a service animal or other animal or wildlife under the exclusive jurisdiction of the State.
- H. **Board** shall mean the Board of County Commissioners of Collier County, Florida.
- I. **Conviction** shall mean an adjudication of guilt or adjudicated delinquent, regardless of whether adjudication is withheld, by any Court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere plea of one or more of the applicable Abuse Offenses.
- J. **County** shall mean Collier County or its designated agent.
- K. **Farm Animal** shall mean horses or animals used in the production of human or animal food, feed or fiber regardless of whether or not the animal is actually being used or raised for such purposes.
- L. **Person** shall mean any individual (eighteen (18) years of age or older, including, when appropriate, juveniles tried as an adult), firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, entity, or any group or combination thereof.
- M. **Pet Seller** shall mean any individual or person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of ownership of animals.
- N. **Registrant** shall mean any individual or person required by this Ordinance to register with the Sheriff for the Collier County Animal Abuser Registry.
- O. **Service Animal** shall mean any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the Americans

with Disabilities Act (ADA).

SECTION THREE: ESTABLISHING AN ABUSER REGISTRY.

The Collier County Sheriff's Office ("Sheriff") shall establish an online Abuser Registry ("Registry") that shall contain the names, residence, photo, and other related information of certain Abusers living in the County who are convicted of an Abuse Offense on or after the effective date of this Ordinance. The online Registry will be maintained by the Sheriff, shall be listed on the Sheriff's official website, (available to be posted on the website of other public agencies) and may contain links to other Abuser Registries that are available, or as they become available in the future, to be used as informational resources by Animal Shelters, Pet Sellers, or other persons or entities located in Collier County when they sell, exchange or otherwise transfer the ownership of an animal. The Sheriff and/or any other affiliated agencies may promulgate internal policies and procedures, as may be amended from time to time, necessary for the implementation of this Ordinance.

The Registry shall contain the required information about each particular Abuser, following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction:

- A. For a period of three (3) years for a first conviction of a misdemeanor Abuse Offense;
- B. For a period of five (5) years for a first conviction of a felony Abuse Offense; and
- C. For a period of ten (10) years for a second or subsequent conviction of either a misdemeanor or felony Abuse Offense;
- D. For an additional period of three (3) years following any violation of this Ordinance.

The page where the Registry is housed will also include a list of people who are enjoined from custody of animals either in a civil case under Section 828.073(4)(c)(3), Florida Statutes, or otherwise under Court order or as a condition of their sentencing in a criminal case. The enjoinder list will include people enjoined from custody of animals regardless of whether the Court ordered enjoinder occurred before or after the effective date of this Ordinance, and the Registry time period shall be the longer of this ordinance, or the time period set forth in a Court order or as a condition of their sentencing in a criminal case.

The Sheriff will attempt to ensure that the information in the Registry is accurate and complete. However, the Sheriff relies on other sources for the information. As a result, the Sheriff makes no express or implied guarantee concerning the accuracy or completeness of any of the data in the Registry.

The information in this Registry must be used responsibly. Anyone who uses this information to knowingly harass or interfere with lawful commerce shall commit a violation of this Ordinance punishable as provided in Section Seven (B).

Upon notification to the Sheriff that the criminal records of a person have been expunged by the Court or of a successful appeal of a conviction of an Abuse Offense by a person required to register pursuant to this Ordinance, the registration information for that person shall be removed from the Abuser Registry within ten (10) business days following notification.

SECTION FOUR: ABUSER REGISTRATION REQUIREMENTS.

- A. All Abusers who reside in the County and who are convicted of an Abuse Offense, on or after the effective date of this Ordinance, and Abusers convicted within the past 3 years for Misdemeanors and 5 years for Felonies, must personally appear at the designated Sheriff's office to register with the Collier County Abuser Registry within ten (10) business days after their release from incarceration or, if not incarcerated, from the date of the conviction judgment.

In the event an Abuser fails to timely register, the Sheriff may elect to seek the required information and to post such information on the Registry.

- B. Notwithstanding the foregoing, a person who establishes residency in the County, together with seasonal residents who live within the County at least thirty days, and who was convicted of an Abuse Offense in another Florida jurisdiction, on or after the effective date of this Ordinance, must, within ten (10) business days of establishing residency in the County, personally appear at the designated Sheriff's office to register with the Collier County Abuser Registry.
- C. Every person required to register with the Abuser Registry shall personally appear at the designated Sheriff's office to submit the following:
1. Name and any aliases they may be known by;
 2. Current residence address or expected place of residence;
 3. Date of birth;
 4. A photograph of the front of their head and shoulders;
 5. Copy of judgment(s) to confirm offense(s), the date of conviction, and the sentence imposed;
 6. Any other documentation/information as the Sheriff may deem necessary to verify the information provided by the registrant.
- D. Every person required to register with the Abuser Registry shall pay an initial registration fee of \$15.00 to the Sheriff's Office.
- E. Every person registered with the Abuser Registry shall personally appear at the designated Sheriff's office to update their Registry information within ten (10) business days of any

change in residential address and/or upon any official name change and shall pay a change fee of \$5.00 to the Sheriff's Office.

- F. Every person registered with the Abuser Registry shall personally appear at the designated Sheriff's office to renew their registration information annually (on the anniversary date of the initial registration or by the first business day following, or on some other date to be determined by the Sheriff). At such time, the registrant's photograph and information shall be reviewed in order to verify the continuing accuracy of what was previously provided by the registrant. The registrant shall pay a renewal fee of \$5.00 to the Sheriff's Office.
- G. Disposition of the fee: Fees collected pursuant to this Ordinance shall be deposited by the Sheriff's Office into the Sheriff's operating account to be used to help pay the administrative and maintenance costs of maintaining the Registry.

SECTION FIVE: PROHIBITION ON CONTACT WITH ANIMALS.

- A. A registrant shall not be allowed to own and/or possess and/or live in the same home with or on the same property as an animal while on the Registry unless otherwise provided in a Court order.
- B. A registrant shall not be allowed to work with a companion animal, with or without compensation or otherwise, while on the Registry unless otherwise provided in a Court order.
- C. A registrant who has been determined by a Court to be unfit to have custody of animals pursuant to Section 828.073, Florida Statutes shall also be bound by the determinations of the Court if that determination was made pursuant to the same underlying facts resulting in the criminal conviction that requires them to register with the Collier County Abuser Registry.
- D. The County and the Sheriff reserve the right and may exercise their right at any time they deem necessary to enforce or, notwithstanding any other Court order, obtain a Court order enjoining a registrant from owning and/or possessing and/or living with an animal and/or working with a companion animal while on the Registry.

SECTION SIX: ANIMAL SHELTERS, PET SELLERS, PRIVATE CITIZENS, OR OTHER ENTITIES PROHIBITED FROM TRANSFERRING ANIMAL OWNERSHIP TO ABUSERS.

- A. No Animal Shelter, Pet Seller, person, or entity located in the County shall sell, exchange or otherwise transfer the ownership of an animal to any person listed as an Abuser on the Abuser Registry.
- B. Prior to sale, exchange, or other transfer of ownership of any animal, the Animal Shelter, Pet Seller, or other commercial entity shall take whatever steps necessary to ensure that an animal is not being transferred to a person listed on the Registry.

- C. Such steps shall include, but may not be limited to, posting, when possible, current signage displaying registrants in well-trafficked, highly visible areas for public viewing and in stock/break areas of employees; notifying law enforcement upon the recognition of a registrant who has obtained an animal while on the Registry; and requiring the person to sign an affidavit attesting that they are not listed on the Registry.
- D. The Animal Shelter, Pet Seller, or other commercial entity shall be required to maintain the required affidavits and other adequate records and supporting documentation for three (3) years or in accordance with the required retention time set forth by business standards and practices governing the particular commercial establishment and record, whichever is greater, to assure compliance with this Ordinance. The County or the Sheriff and its authorized agents shall have the right to examine all such records and documents relating to compliance with this Ordinance, and the Animal Shelter, Pet Seller, or other commercial entity may be required to cooperate and permit the County or the Sheriff to examine all such records and documents relating to compliance with this Ordinance.
- E. It shall not be a violation if the Animal Shelter, Pet Seller, private citizen or commercial entity checked with the Abuser Registry and the name of the Abuser did not appear thereon as required.

SECTION SEVEN: PENALTIES.

- A. Any Abuser required to initially register with the Collier County Abuser Registry, update changes in address or name, annually renew their Registry information, pay any required fees, comply with the prohibition on contact with certain animals, and/or comply with any Court-issued enjoinder order under this Ordinance, and fails to do so, may be prosecuted in any or all of the following manners:
 - 1. Pursuant to the provisions of Section 125.69, Florida Statutes, any person violating these provisions may be subject to prosecution in the name of the State in the same manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed \$500.00, or by imprisonment in the County jail not to exceed 60 days, or by both such fine and imprisonment;
 - 2. Nothing contained herein shall prevent the County or Sheriff from taking such other lawful action in law and equity as may be necessary to remedy any violation of, or refusal to comply with, any part of this Ordinance, including, but not limited to, pursuit of injunctive and/or declaratory relief and/or enjoinder, or other equitable relief in a Court of competent jurisdiction, or initiating an action to recover any and all damages that may result from a violation of, or refusal to comply with, any part of this Ordinance;
 - 3. Each day of a continuing violation shall constitute a separate violation.
- B. Any individual or entity that sells, exchanges or otherwise transfers the ownership of an

animal to any person listed as an Abuser on the Abuser Registry, in violation of Section 6 of this Ordinance, shall be penalized in the following manner:

1. For the first offense, a warning notice shall be issued by the County or Sheriff;
2. For a second offense, a fine may be imposed pursuant to the provisions of Section 125.69, Florida Statutes;
3. For a third or subsequent violation, the individual or entity may be prosecuted in any or all of the following manners set forth above for Abusers.

SECTION EIGHT: SEVERABILITY.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION NINE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

SECTION TEN: APPLICABILITY.

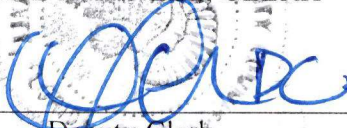
All provisions of this Ordinance shall be applicable throughout the incorporated and unincorporated areas of the Collier County where there is no existing conflict of law, municipal ordinances concerning this matter, or unless any municipality determines to opt-out of this Ordinance’s provisions.


SECTION ELEVEN: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon receipt of the official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with that office.

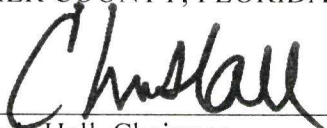
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 28th day of May, 2024.

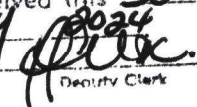
ATTEST:
CRYSTAL K. KINZEL, CLERK

By: 
Deputy Clerk
Attest as to Chairman's
signature only

Approved as to form and legality:

Jeffrey A. Klatzkow, County Attorney

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: 
Chris Hall, Chairman

This ordinance filed with the
Secretary of State's Office the
29 day of MAY, 2024
and acknowledgement of that
filing received this 30 day
of MAY, 2024
By: 
Deputy Clerk