Volusia County Animal Control
Advisory Board Meeting
September 11, 2019

Present:
Cathy Driggers
Karen K. Clark
Robert Belt
Robert Baird
Debbie Darino
Kenneth Mullen
Suzanne Grubbs-Florida Department of Health

Adam Leath, Director, Volusia County Animal Services
Michael Rodriguez, Assistant County Attorney
Shari Williams, Office Manager, Volusia County Animal Services

Public: Michelle O’Donnell

The meeting was called to order. Kara Keef, Debbie Darino, Pat Mihalic, and Jeannine Colletti have an excused absence.

Mrs. Driggers called for a moment of silence in honor of those that were lost on this day eighteen years ago.

Mrs. Driggers introduces Mr. Rodriguez

Mr. Rodriguez: I’m here today to assist in the updates to Chapter 14 and to get your guidance and advice before we now finalize it for presentation to County Council. What we plan on is to first have a presentation, similar to a workshop meeting, to show the County Council what it is we intend to implement and amend as part of Chapter 14 prior to it than going forward for adoption. That’s one of the things we want to present to the Council; these are the proposed changes and give the Council an opportunity to provide comments as well as present any recommendations or changes that they would like to ask for, as part of the amendment process.

This board had the drafted ordinance for your review. At that point, I had yet to actually review it and then transcribe it into an ordinance form. Once I took an overview of it, I was able to provide some comments and questions that I would like to present to this board for their response and comments and other advice prior and, to then finalizing, in draft form, to present to County Council.

Ms. Clark: Are we going to be invited to see the presentation that you make to the County Council? Will we get a notice?

Mr. Rodriguez: It’s a public hearing. The workshop or presentation isn’t noticed because it is not an ordinance adoption at this point. It’s basically a workshop, a presentation, and it at that point the staff is going to be asking for guidance from council. When the ordinance is to be present for adoption, then we have to follow the statutory guidelines for notice. It will be noticed with a legal add in the newspaper that the county intends to implement this ordinance. The title of the ordinance is then placed in the newspaper add, so that is then to due public notice that is required for all adoption any ordinance the county plans for adoption.

Ms. Clark: Can we go to the workshop? We will be able to attend the workshop then?
Mr. Rodriguez: Yes. Once it is noticed, I will make sure to have staff let the board know. Correct. The private workshop will not be a public hearing but, you will be able to attend and observe. It will be up to staff when it will be scheduled.

Ms. Clark: Do you have any kind of an idea when that may be?

Mr. Leath: It won’t be until November or December.

Mrs. Driggers: Approval of the minutes June 11th. Did everybody get a chance to read them? Any additions, deletions, corrections? I’ll entertain a motion.

Mr. Mullen: Motion to approve the minutes of the June 11, 2019 board meeting.

The motion was seconded by Mr. Baird.

Motion carried

Mrs. Driggers: Continued discussion of ordinance revisions. Mr.?

Mr. Leath: The most updated version we provided to the board for discussion, there was a lot of changes that we made a number of times. We had one special meeting and one scheduled meeting in addition, just to talk about the ordinance. At this point we just have to clean up some of the things that Mr. Rodriguez had for questions of clarity. At that point is when we will move towards scheduling. Were there any specific questions that you had at this particular moment?

Mrs. Driggers: Where was that special meeting, when was that?

Mr. Leath: The scheduled meeting, the quarterly meeting took place. Then immediately thereafter the following month, which was the June meeting, that you have the minutes for. That meeting was specifically for ordinances changes only. That one you were there via phone.

Mrs. Driggers: Right, ok. Once you get that cleaned up, we can get a copy of the draft:

Mr. Leath: Absolutely.

Ms. Clark: I have a question. When we were talking about tie outs. Are you still getting rid of tie outs?

Mr. Leath: We have proposal for there to be an anti-tethering ordinance. A number of times we have heard from individual members of council, at public forums, an interest in moving forward with that. It certainly is an ordinance that is adopted by a number of counties already within the state and would provide additional protection for pets. But, ultimately that decision would be up to council.

Ms. Clark discusses out of town shot clinics registering rabies information and forwarding to Volusia County Animal Services by all veterinarians within the cities by law.

Mr. Rodriguez: I’m not sure how much further extra we can go to regulate in the county code the operations of the cities under Chapter 14.

Mr. Belt: It’s within the cities jurisdiction. You have to have a license to come into the city and operate any business. It is the cities jurisdiction.

Ms. Clark: But, it is still within the county.
Mr. Rodriguez discusses what is considered jurisdiction. Are we talking that the county is mandating that the cities submit their information to the county?

Ms. Clark: No not the cities, the individual veterinarians that are required to hand in the rabies certificate information to the county. I don’t have the state law here in front of me.

Mr. Rodriguez: I can look into the requirement. If they have to submit their rabies certificates to each jurisdiction, then each city will have their own. If our unincorporated vets have to submit their rabies certificates to the county, to us. I will have to look into the city requirements. If the veterinarians in the cities have to submit their rabies certificate to the proper authority. If I live in the unincorporated area and my vet is within the city limits, do the vets carry county certificates?

Mr. Leath: I want to get Suzanne to weigh in because she is from the Department of Health and does a lot of the epidemiology regarding the rabies compendium for the state of Florida. What I will say, it is a state requirement that the veterinarians provide those rabies certificates to the jurisdiction to which the veterinarian resides. If the veterinarian is inside the city of Deltona or Deland, that veterinarian is not required to send that to the county; to the jurisdiction that’s there. But, Suzanne will have a lot of background information on that.

Ms. Grubbs: Normally when we do a bite report or a case investigation, the animal control officer will obtain a rabies certificates directly from the vet of the animal owner in question and provide that to our department for the documentation in regards to a bite. I don’t know that the vets provide that information to the municipality or how the municipality even tracks the rabies certificate. In the county do all the vets in unincorporated provide you and does that get logged into a database?

Mr. Leath: They do. And one of the challenges that you just outlined Ms. is that know only is it a benefit to identify pets with their coordinated owners. But, the whole premises in that is to insure the animals are in fact vaccinated, and there is a history; so that when there is an exposure, or break in a skin, or a bite of an individual, ahead of time. It is a requirement of the veterinarian to keep a copy and the owner to keep a copy. But, the county needs to make sure that they have that information. As of right now Chapter 14 only governs the unincorporated area. We cannot, just like we can’t tell any of the cities what to do because they have their own incorporation, we can’t say what happens in the county has to happen in the city. The state statute, which is already there and already a requirement, does outline that the information is provided to the cities. However, the concern that we found is that a number of the cities don’t track that information or they don’t have a licensure program. Many of the cities are saying that if you have a county license then that’s fine. They don’t actually institute their licensing program. It is not an easy process to keep track of and does require a lot of backend database management. But, already that is an established requirement.

Ms. Clark: But, how may vets are actually doing it?

Mr. Leath: I don’t have a study to tell you that.

Mr. Belt: There are veterinarians coming to our county that do not live or do not practice in our county. They are doing non-profit in the city or unincorporated county, but they are not licensed in Volusia County. That’s the majority and it’s becoming more and more popular. Because every week we see more and more. Now CCFAW, we do our own, we do them three times a month. Dr. Freiberg does them and he’s registered here and we send all of ours to whatever entity we are working in. That’s what we do. If I’m in New Smyrna then New Smyrna gets them. If it’s in Port Orange then Port Orange gets them. You’re right though. Do they keep records of them and have the ability to track them? I doubt it.

Ms. Clark continues to talk about outside shot clinics coming into Volusia County.

Ms. Grubbs: I will say that when investigating bites, if it’s not a county mobile clinic, it has been exceptionally challenging. Because the victim doesn’t remember that it wasn’t a county clinic. So, we don’t have the
Documentation on the shots and the animal, regardless, is placed on a 10 observation period. We don’t know the vaccine status of the dog when they can’t find the paperwork.

Ms. Clark: We tried that a long time ago with Sergio. Then it kind of disappeared. It was my fault for not staying up on that. I understand that, and sometimes the signature of the vets you cannot read at those kind of places. It was supposed to be printed and not just a signature.

Mr. Leath: So, can I make a suggestion? I don’t want to create a solution to a problem we are anticipating and that we have some exposure to. What I would say is that I am not going to be sending Animal Control Officers to veterinarian clinics and writing veterinarians tickets. Because that’s what would happen if it’s in an ordinance. What I am saying is the statute and DBPR, who regulates veterinarians; are ultimately required to have licensure, as a veterinarian, to not only perform the procedure of giving a vaccine, but that the vaccine is appropriately stored. The state statute already does require that certificate. I’m not sure that putting it in the ordinance is going to affectively fix that problem that you’re trying to resolve and a problem that frankly we have not necessarily had to deal with.

Ms. Clark: Well you had to deal with it different times. But, I’m not going to make this meeting go any longer with this subject. I’d like to bring this subject up at our next meeting. Because people have to leave to go to work.

Mrs. Driggers: My friends that are vets have also said concern of HIPPA violations and their patients. I understand when there is a bite

Mrs. Driggers discusses going to different vets outside of the county.

Mr. Leath: I think it’s worthwhile to say, that while I understand that there is concern, that they may not be necessarily doing their paperwork side of things. I am sure that there are many that don’t comply with every statute. As many businesses don’t comply with every statute. What I will say, we are excited to see that animals are being vaccinated. What we don’t want to do is make it difficult for people who would have otherwise have difficulty getting to a veterinarian to provide vaccines, reducing any ability that they might have to get to those resources.

Ms. Clark: Most of the books are in triplicate; customer, vet, county. So, if you don’t have the electronic ability you just put it in an envelope. And it’s protected by Homeland Security, the information on it. I’m not talking HIPPA. Homeland Security protects the vet the person and the whole bit. Just letting you know.

Mr. Belt: You know you’re right. The only reason we do low cost shot clinics; not that we make any money, because we don’t. We barely make enough to just continue. The fact is we do it because of the dogs and cats get vaccinated. They would not get vaccinated if we didn’t. I’ve had vets kick me out of their office because they found out we do low cost shot clinics and I tell them to their face that we are not taking customers away. That they are not coming anyway. So, that’s the reason low cost shot clinics exist and that’s why we do them. Because animals are vaccinated. Most do not have any records at all, because they have never been vaccinated.

Ms. Clark: And most likely they have never been seen by a vet before either, except the low cost pet shots. That’s also a good guideline.

Mrs. Driggers calls for new business.

Mrs. Driggers: On the ordinance do you have a fee schedule set?

Mr. Leath: I’m still working on that. There is not a finalized fee schedule that’s agreed upon. Because ultimately that would be via Council.
Mrs. Driggers, Mr. Leath, and Mr. Rodriguez discuss the fee schedule resolution schedule.

Mrs. Driggers discusses being a Hobby Breeder and changes that have made or can be made. Example microchip scanner.

Mr. Leath responds: One of the bigger concerns was not individuals like yourself who already are in compliance. It is more of a concern for those people who have no identification for any of their pets. They are not wearing a collar. They are not wearing tags, not identified one way or the other in any way. So, if we are requiring them to be identified; the only way that you can show they are actually microchipped, the individual would only know what that number was is if they had a scanner.

Ms. Clark: Your Animal Control person asking those questions should do it.

Mr. Leath: No, I’m not saying us. I’m saying as an individual, you have a business breeding and selling pets. How do you identify one pet from the other?

Mrs. Driggers: I can tell you I have never scanned my dogs to know who’s who. I know every one of them.

Mr. Leath: I can understand that but if you look the USDA guidelines and you look at those that Class A or Class B, which actually do breed and sell much more than other people do.

Mrs. Driggers: When you take your dog to get a Health Certificate, they scan to dog there to and they put it on the certificate. It’s a state issued health certificate.

Mr. Leather: Right but that health certificate is not stapled to the dog. Paperwork is somewhere else and the dog is somewhere else. How do you know what chip number that is.

Mrs. Driggers and Mr. Leath continue discussing microchipping and scanning.

Mr. Rodriguez: From what I am hearing it sounds like we are focusing on the chipping and the scanner. While the animal control officer has the scanner so he may be able to identify the animal. But, that seems to be limited and focused on a transaction between animal control and the hobby breeder. But, in a case where hobby breeder to a customer or hobby breeder to a third party outside.

Mrs. Driggers: They’re not required to have a microchip. When you sell a puppy, it’s not required to have a microchip.

Mr. Mullen: Adam one thing I see is by forcing people you will have ones that will say I’m not going to be a hobby breeder. I’m just do it illegally and when they come and get me it’s going to be cheaper. We’re back to forcing somebody to not do it because it costs so much that we might be able to do otherwise. Hobby breeder is a good way to keep track of a lot of people. But they won’t do it because they don’t want to spend a lot of money. So, we are back where we started.

Mr. Leath discusses that these things are in the ordinance now.

Discussion is ended.

Mr. Rodriguez discusses that he is here for the first time to go over proposed changes in the ordinances and to get guidance and advice from the board. He states there are several sections within the ordinance that are being changed from what’s currently in place.

One of the areas is the Dangerous Dog provisions. He states in 2016 the State amended the Dangerous Dog statute. In 2017 the County amended chapter 14 to actually mirror the State’s Dangerous Dog Statute. He felt there was no further need to amend our ordinance.
Mr. Leath states that while the State does create a framework, having additional restrictions would be helpful. The reason why some of those were added in there are specifically, for instance, if the dog is declared dangerous, they can’t actually have the dog if they’re on a rented piece of property. The homeowner would have to have additional insurance coverage.

Mr. Rodriguez: Is this something the board would want to recommend to the Council? Additional homeowner coverage in the event they have a dog that’s deemed dangerous?

Mr. Leath: The other change too is for 18 years of age. No one who has a dog that’s been declared dangerous can own that pet if they’re not over the age of 18. On top of that there’s some restrictions on the enclosure, what does the enclosure need to look like? How can it actually contain the dog? All of those things are stricter than the state statute. It doesn’t supersede State Statute in any way, but I feel like our role is to protect the public and if we have a dog who’s killed two other animals or has severely injured someone else, we shouldn’t be making these easy things for them to comply. We do it to make sure we are protecting the public. And we do that through making sure the owners act responsibly.

Discussion among members regarding various insurance companies that will make you get rid of a dog deemed dangerous.

Mrs. Driggers: Once they deem the dog dangerous, do we have anything set to follow up on that?

Mr. Leath: Yes. On our website you can actually see every dog that’s been deemed dangerous.

Mr. Leath discusses the criteria needed in order to deem a dog dangerous.

Various board members discuss situations they’ve encountered with dogs running loose.

Mr. Belt discusses how the County’s ordinance as well as most cities in Volusia County mirror the Dangerous Dog State Statute.

Mr. Leath: We want our dangerous dog ordinance to be the same as the state, but we want to add additional things on top of it. We don’t want to water it down, we want to actually make it even stronger.

Mr. Leath discusses a fatal dog attack he testified for in Lee County.

Mr. Rodriguez: The jurisdictions in Volusia County do require the additional insurance. One of the concerns that was raised, and this was raised last year by County Council, there were concerns about fees when a dog is deemed. There was a juggling between if we make the fees too exorbitantly high, which would almost serve as a punishment to the dangerous dog owner, what will end up happening is someone is going to refuse to pay the fee and the reality is, that dangerous dog is going to be driven in a pickup truck somewhere and let out loose and abandoned somewhere. Now you’ve got a dangerous dog out there. We had to juggle what other cost, you raise the cost high to make it seem like it is more of a punishment, but so high that the price of compliance is too high that it just makes more sense for the owner to do something illegal, as in abandoning the dog somewhere. We needed to balance the fees, where not too low so it seems like it’s just a slap on the wrist, but not too high that it would encourage folks to just abandon the animal.

Mrs. Driggers: If it’s deemed a dangerous dog, should it not be in our possession? Should the County not have it when it’s deemed dangerous, and they pay the fee to get the dog? So it shouldn’t be let loose. If we deemed it, are we letting them keep the dog?

Mr. Leath: By statute, the owner has the opportunity and the right to keep the dog. The thing that we currently do is, if we are going to be declaring a dog, we take the dog into custody pending the outcome of that case. If they deem it, then it goes to the hearing officer, the hearing officer upholds that or the person decides not to
contest it, then they have the right to get the dog back. The one thing that we want to try and discourage is for that process to be very easy. There’s no penalty at all. There needs to be a penalty. There needs to be a disincentive for people to keep this dog. And we don’t want them to let them go, which is why when we have them deemed we give them the option to surrender immediately and we oftentimes do get a lot of people who do that. But if people don’t want to do that, that’s their right too. We just don’t want to make this a simple, easy process.

Mr. Rodriguez: That was the debate. It was, once you receive an order, there’s a registration and an annual fee. And if you raise the annual fee too high, that’s when animals get abandoned.

Mrs. Driggers: So it’s the annual fee, not the fee to get it back?

Mr. Leath: I can only tell you in other jurisdictions that I’ve worked, we have the initial registration fee, which was $1,500 in Ft. Myers. Then annually your license is $500. It was a big disincentive.

Mrs. Driggers: If the Council was concerned about the fee, then I would say keep that reasonable. But the beginning fee to get the dog back, I would jack that up.

Mr. Rodriguez: That was the impetus. Right now under the code the initial registration fee is $1,500. Then there is an annual fee of $500. There was a question to raise the annual fee. That’s when we began to study whether if you continually raise the annual fee you’re going to have folks who aren’t going to necessarily surrender their animal but that animal’s going to disappear somewhere.

Ms. Clark: And you microchip the animal too?

Mr. Leath: And/or tattoo.

Inaudible-many speaking at once.

Mr. Leath: The other thing too, the state statute doesn’t talk about whether or not you have to be eighteen years of age. Currently, if we just follow the statute, a fifteen year old boy could have a declared dangerous dog. On top of that there’s nothing in there that talks about how the dog should be housed. It just says in a secure enclosure. What is a secure enclosure? It needs to be spelled out. And that’s what we’re looking for.

Ms. Clark: As myself, somewhere in there, our dogs are protective of our properties and our homes. If someone is committing a crime on my property, and my dog decides to make mincemeat of the guy going through my window.

Mr. Leath: That’s already in there.

Mr. Rodriguez: That’s an exemption in the state statute.

Mr. Rodriguez discusses an issue he had with a person claiming his dog was threatening him.

Mr. Rodriguez: The statute provides for provocation. Dangerous dogs are attacks by a dog in which the dog was not provoked. So there are exemptions in the statutes as well as the code. If the dog is provoked, if the dog is acting in defense of its owner, it will not be deemed.

Ms. Clark discusses a situation she had with a dog.

Mr. Rodriguez: One of the other concerns I had was the proposed section 14-61, which is the threatening or menacing behavior. The way legally I was concerned with how this would be interpreted. We already have a dangerous dog ordinance which is going to regulate the result, but because threatening and menacing behavior is dependent upon mindset of the person who is perceiving the threatening behavior, I believe it
causes too much of an impetus and creates, bogs down, Animal Control’s staff’s time investigating a whole lot of incidents of he said she said. I think it bogs down a situation where, they can be addressed elsewhere in the code as to now penalizing animal owners for perceived threats by a member of the public to a level that wasn’t raised.

Mr. Leath: Here’s where this came up. The animal control officers actually asked me about this. Because the one thing that they’re concerned about is when they respond to cases, let’s say a dog escapes and attacks another animal. In our dangerous dog statute, in our ordinance, if that only happened one time and no person was injured, there’s not a crime other than it left its property. So you have severe injury on an animal, even if it kills the animal; that is not covered in the state statute unless it happens more than once. So, with the threatening and menacing portion, we can then write a citation for not only the fact that your dog was out, but that your dog caused severe injury on an animal the first time.

Mr. Rodriguez: It’s the wording, the language is the animal is to act in a threatening or menacing manner toward any animal. The question becomes, somebody is going to say that that animal is threatening or menacing without there being any evidence of physical harm to the other animal.

Mr. Leath: Correct.

Mr. Rodriguez: Then it becomes way too subjective to be enforceable. That’s why I did not believe it was proper for it to be in Chapter 14. The ordinance in that section was way too subjective. In order to then what deems threatening and menacing. If that were to be challenged and we were to go to court, we’d have multiple animal behavioral experts who can sit there and say that animal is threatening and that animal is not threatening and we wouldn’t get anywhere when the mechanism for this is unfortunately, a dog can be deemed dangerous if it causes injury to another animal.

Mr. Leath: Only the second time. Not the first time. The one thing that I can say is that this is pulled directly from my previous jurisdiction and from several other county ordinances. It’s not based upon the fact that we respond and someone said I’m scared of this dog. That’s different. We have to do an investigation. We have to go out and independently and objectively collect information through affidavits, video, photos.

Mr. Rodriguez: To actually charge them through a violation of what would be proposed 14-61, it’s still left with just threatening or menacing. There is no physical result or physical evidence that is going to codify. The way it’s written, if I feel threatened, I feel that the dog is menacing. What is going to be the case you’ve got to build to charge a person with their animal being threatening or menacing?

Mr. Leath discusses a case that happened last week regarding a dog that would chase a woman when she went outside her house.

Mr. Leath: They were off the owner’s property.

Mr. Belt: There would be a fine for roaming, they were not on a leash; that would be a leash law violation.

Mr. Leath: Failure to maintain control. That’s it.

Mr. Rodriguez: In addition, an attempt to prove threatening or menacing behavior, this just opens the door for every disgruntled neighbor to try to remove a large dog from a neighborhood. The way this is worded, if I’m walking my dog on a leash and my dog barks at someone I could technically be charged with having a dog displaying threatening or menacing behavior. The way that it is worded is so subjective to the person who is perceiving the threat it’s next to impossible to try to regulate or defend this.

Mr. Leath: We would need to have evidence to suggest or support. What I’m saying is we can certainly tool the language but we respond to these cases every day. There needs to be additional impetus for us to (inaudible).
Mr. Rodriguez: If the definitions of threatening or menacing are too subjective to a point that the ordinance can be deemed unconstitutional. You cannot have any type of enforcement that's based on subjective criteria in order for us to be able to enforce this, or if I'm the person who is the dog owner, what mechanism do I have to argue that what one person perceives as threatening or menacing, another person deems is the actual natural behavior of the animal. Whereas if the dog is loose, that's easy. You're supposed to have your dog confined or properly restrained. He's out? There's the violation. If the dog then causes physical harm, we have the ability to deem. If we want to beef up our dangerous dog ordinance so that it includes causing an injury, causing a severe injury to an animal the first time and that deems it? I think our dangerous dog ordinance does that.

Mr. Leath: No, it's only after the second time if it severely injures an animal.

Mr. Belt: That's the state statute. If you want to make it on the first time, then change your dangerous dog ordinance in the county.

Mr. Leath: Again, we're not looking at this in a vacuum. We have to respond, talk to neighbors, and gather facts. If we don't have affidavits, video, photographs, surveillance footage, we're not going out there writing tickets that we can't win. We're looking for the ability to do enforcement action in many cases where we can't. That's what we're looking for. He and I can work offline.

Mr. Rodriguez: That's language we can work on, I wanted to hear your comments. The other thing I was looking at and I want to weigh the political appetite is the prohibition of the retail sale of dogs and cats. Is this something that this board wants to recommend to the County Council? Can't buy dogs and cats from retail pet sellers.

Mr. Leath: We went over that at two different meetings. We went over and over that.

Mr. Rodriguez: In the draft, I added certain language that comes from other jurisdictions which I felt tightened it up. I also added language on the prohibition of pet leasing.

Mr. Rodriguez discusses the addition of language.

Mr. Rodriguez then discusses the Hobby Breeder Ordinance and unaltered permits.

Mrs. Driggers discusses how the Hobby Breeder Ordinance and Unaltered permits first started in the county, and the issues with them that the board has discussed in previous meetings.

Mr. Rodriguez: The simplest way of saying it is you have an unaltered permit, but we're striking breeding from it. That's the easiest thing. Maybe that's the palpable sell to the Council, is that we're not going to change it from unaltered permit to exemption, but we're going to keep the unaltered permit but the breeding is no longer a criteria to have an unaltered permit. That's going to be an easier sell to the Council.

Inaudible-many speaking at once.

Mr. Rodriguez: It may be an easier sell to the Council if all we're doing is remedying the situation which was breeding was there, striking breeding. You're accomplishing the same exact thing without changing the wording of the ordinance. Now that I know what the intent was, you wanted to remove breeding, I can go through the current wording and probably incorporate that in such a way that it's easy to explain and it won't cause any political problems.

Mr. Leath: One thing we do have to talk about are those who currently have an unaltered permit, what happens with theirs? Technically, that then nullifies

Inaudible-many speaking at once
Mr. Rodrigues: Even if we change it, those people can argue they have a vested right in keeping it for breeding. I can’t have the ordinance apply retroactively. It can only apply from this point forward.

Mr. Leath: Unless we change the vernacular, which is where I was going.
Mr. Rodriguez: Even if you change the vernacular, people are going to claim I have a vested right with this permit. You cannot go back and remove their permit, unless it’s a permit that has to be renewed. At the point of renewal.

Mrs. Driggers discusses how this applies to people who are currently Hobby Breeders.

Mr. Rodriguez: One of the things I wanted to add to the new tethering ordinance, it would be a violation of this ordinance if there was any type of tethering once we’re in a hurricane watch or hurricane warning.

Mr. Leath: We’re not permitting people to tether at all. There are a type of narrow exemptions to this, but it’s not permitting tethering at all, which is why the language was silent.

Discussion among board members regarding banning or restricting tethering.

Mr. Rodriguez: I wanted to get your feedback on these and now probably in November or December we’ll provide it as a working job to the Council. They will give input or direction and then we’ll move forward from there. We’re probably looking at adoption in February or March of next year.

Mr. Baird discusses giving a tax incentive for vets for spaying or neutering cats.

Board members discuss changing the time for the board meetings.

Board member request an update on Journey’s End.

Mr. Rodriguez: I have not heard from her counsel.

Mr. Leath: I’m concerned. There have been two additional staff members that are now gone. There has been a loss of weight in some of the horses. There’s been concern about the cleanliness and the sanitary conditions that a number of individuals very close to the organization are expressing concern. I have not seen any substantial update, we have not gotten any vaccination receipts, records, licenses. We’ve not received any additional information regarding any of those minimum standards outlined by the County.

Mr. Rodriguez: I’ll follow up with her today.

Ms. Clark: I feel that because of the storm, at least 10 days of gathering anything should actually be just given a pass. Because there’s been no work. The storm really threw everybody back.

Mr. Baird: You could give her another two months and she’s not going to change Karen.

Mr. Rodriguez: I’ll follow up with her attorney. If her attorney reports back to me and says Florence has refused any overture that I’ve presented, if that’s the case hypothetically, we know what we’re dealing with. If I have an adversary party who’s refusing to act, extending it ten, fifteen, forty-five days won’t matter because if somebody is refusing to budge at day zero, they’re going to refuse to budge at day forty-five. Right now, the main lines of communication is attorney to attorney.

Mr. Baird asks if her board members have been served with letters or notices.

Mr. Rodriguez: Right now, anything that she’s been cited, she’s been cited personally. It’s her. Not Journey’s End. That’s one of the things we were debating was, in the event of citing for failing to vaccinate and failure to
register that the citations would be issued to Journey’s End, the corporation instead of her personally. That would then put the members of the board on notice that their corporation was being cited.

Mrs. Driggers: This is a criminal case between the County and her. Other than updates to us, it really doesn’t involve this board.

Mr. Belt: I think everyone agrees that the problem exists, none of us agree with the things that are going on. And we want to fix it. Our goal should be to fix the problem, not to put somebody in jail. One of the things you brought up at the meeting was that one of the veterinarians of record was Tom Freiberg but there’s ten other veterinarians who work with the group. Have you talked to those? Have you had records from those? Do you have all the information on everything they provided? That could give you a lot more information.

Mr. Leath: Agreed. We looked through all the records she had available at the property. There were a noticeable lack of records in general. I have not served subpoenas, many of those veterinarians aren’t even in this county. So the reality one might argue is, you could have records, I could take my dog to the vet every day for a month, and then not give it any care for a month. That doesn’t mean that suddenly that dog is under the care of a veterinarian. Typically what we would ask is, if there’s an animal that is in poor condition, where’s that animal being treated?

Mr. Belt: Maybe one of these veterinarians are involved in that treatment. We all agree that the problem exists and we want to fix it.

Mr. Leath: How would you suggest fixing it?

Mr. Belt: We provide help and assistance.

Mr. Leath: What does that look like?

Mr. Belt: I don’t know. It’s not up to me to make those decisions.

Mr. Leath: I mean, what help can I give her if she doesn’t want to accept anything? That she doesn’t want to comply with anything we’re asking and the animals are suffering. What would you do?

Mr. Belt: Well I look at it like this. If you’re in a situation, I’ll use cats because I deal with feral cats. I have an opportunity to adopt a hundred cats, this is an example so bear with me, but I know if I can adopt a hundred cats that the stipulations are ninety of those cats will go to good homes. But ten of those cats are going to bad homes and they’re going to suffer. They’re going to suffer tremendously. Do I make the decision to adopt the ninety? And my other option is nobody gets adopted. Everybody lives in the woods. Do I make the decision to these ten percent of animals suffer so I can have the best decision for the ninety percent of the majority? Ok, so I make that decision, then those numbers start changing. They go 80-20, 70-30, 60-40, 50-50. When do you draw the line? If fifty percent of the animals are being cared for and it’s a good thing that they’re there and the other fifty percent aren’t, when do you make that decision? Do you make it from one veterinarian who made a big report or do you speak to all the veterinarians involved? How do you make that decision? What’s the best interest as a rescue and my personal belief for many, many years, I make decisions in the best interest for the majority of the animals involved in the situation.

Mr. Leath: So the state doesn’t differentiate philosophy of an organization, an entity, a company. It is one animal could be immediately seized and charged for. It doesn’t make a difference whether there’s a (his statement was interrupted)

Mr. Belt: Ok so could we make that decision that it’s one animal and not the other one hundred and fifty out there. Do they all get euthanized? Is that a good decision? You know they’re not going to get adopted.
Mr. Leath: There is a large number, in fact the majority of the cats out there, could be adopted. There’s no reason why they can’t. Except Florence doesn’t want it.

Mr. Baird: I understand there’s people who would like to adopt some of those animals and she refuses.

Mr. Leath: Many of them who volunteer at their location and want to take them home and are told no.

Mr. Belt: Well that’s common sense. And if that’s the case then that should happen.

Mr. Leath: The state says if one animal is not being provided care for, then all animals can be seized. I don’t have to show cruelty on every animal. I’m saying I don’t want to do that. What I’m saying is here’s your options, here’s your time, here’s what we want you to do. Please do something. And we’re being told sorry. I want to do what I want to do. What options do I have? What am I supposed to do? You don’t want to do anything, so what am I supposed to do?

Mr. Belt: We all want to fix it. We don’t want animals to suffer. None of us here at this table want any animal to suffer.

Inaudible—many speaking at once

Mr. Belt: I think she had the best intentions in the world. I think she has some personal issues and I think that we should step in. But I think the way we step in and the way we handle it is going to be of upmost importance to the reputation of this county.

Mr. Leath: I don’t have an option as to what level I step in. I can’t say hey, let me provide you free veterinary care, let me do everything, let me take over the facility. Those are things I can’t do. I either have to seize animals because she won’t comply, or she complies. If she chooses not to comply what option do I have?

Ms. Clark asks Ms. O’Donnell if she would like to say anything.

Ms. O’Donnell: I interned there as a dog groomer. It’s a service that nobody really wants to be needing but the community really needed that service and still does. I admire Florence. I’ve known her for over 25 years. I hope that there’s some sort of happy compromise, respectfully as well to Florence.

Mr. Leath: You say you’ve volunteered. When was the last time you were there?

Ms. O’Donnell: My last time there was about seven years ago. I was a vet tech. Previous to that I did a lot of volunteer work there. I also offered my services as a groomer.

Mr. Leath: I think we would all agree that trying to support a mission is a very admirable thing. This is nothing to do with personality. I don’t have any personal motivation. The state statute says I have to respond. I see an issue, if I don’t respond, that’s putting my own family in jeopardy. I have to do my job. My job is to protect the rights of pets and people. If there’s a problem we give all of them an opportunity, if they choose not to take that responsibility seriously, that doesn’t mean I can say sorry, no big deal, I’m just going to ignore this. I’m going to hold all these other people accountable, but not this person. Or this entity, or this organization. I can support a lot of different missions, but the reality is, supporting a mission and actually seeing what’s taking place in front of you at the location, is totally different. Because I’m speaking with people who are there every day. And I’m not there every day and I don’t have the years of experience with that organization that they do. But when we have people who are complaining to us, and showing us egregious acts of neglect and cruelty, I won’t stand by and let it happen. I can’t.

Ms. O’Donnell: Is there any way the county can assist her with re-doing a business plan, giving her some business organizational skills, some direction? It could prevent something happening like that in the future.
Mr. Leath: Currently all of our reasonable attempts to provide resources have been denied. So if there’s an interest, a renewed interest, if there’s a legitimate willingness to work with us that’s all we’ve been asking for. Currently we’re not getting any of that.

Mr. Rodriguez: The most we can do for her is state if you need assistance, please contact someone. We cannot actively, as a government entity, go in and basically give her business advice. Our role is to enforce the code.

Ms. O’Donnell: Do you have other county organizations that might be able to network?

Mr. Rodriguez: If they’re going to be nonprofits or non-governmental organizations.

Mr. Leath: Our role should be to provide a reasonable framework by which the capacity for care can be attained. Here’s how you should clean appropriately, here’s the medications that should remain refrigerated, here’s how you provide reasonable standards of care, because those are in our ordinance. If she doesn’t want those resources, there’s a number of people who we work with that who could arguably be citations that we write for them. But we choose to work because they want and are receptive to those resources and that help. Right now we have been met with resistance the entire time. Complete denial that there’s any concern whatsoever. A complete resistance to any legitimate for assistance.

Ms. O’Donnell: Ok, so the resources are available.

Mr. Leath: If we had a legitimate request and willingness to work with us, we’d be happy to entertain any request.

Ms. O’Donnell: Hopefully it will be reiterated. Have those discussion with her attorney.

Mr. Rodriguez: That’s the key. We can reach compromise, we can reach settlement, but I need somebody on the other side of the table that’s willing to compromise and settle.

Discussion regarding prisoners going out there to help her out.

Mr. Belt: So the bottom line is we have offered resources and we’ve offered our ability to try and help and give advice but we get no response to that at all.

Mr. Leath: Not only is there no response, it is “I know what I’m doing, you can’t tell me, leave”.

Mr. Rodriguez: What she told the press is no animals are leaving my property, over my dead body.

Inaudible-many speaking at once.

Mr. Rodriguez: The cat house was adequate when we visited because she had notice we were coming. Now is the staffing sufficient on the property to maintain the cat house? The concern is there isn’t sufficient staffing levels to maintain it in a compliant condition. It’s in spurts, but there’s no consistent compliance.

Mr. Leath: And this is not a popular decision. This is not something I want to do. But I’m telling you, I’ve dealt with these situations across the country. I’ve dealt with more hoarding cases than any other type of case I’ve ever worked. This is a case of hoarding. This is a case where animals are not receiving care because the capacity to provide that care has, for a very long time, been beyond the resources that they have provided.

Mr. Belt: We do understand, with the time that the organization has been there and the public perception. So that’s very important that we handle it in a manner that the public perception is going to be, there’s already a petition out.
Mr. Leath: And we haven’t even written a citation.

Mr. Belt: I know, but that’s what I’m saying, it’s been there a long, long time.

Mr. Leath: We don’t make our decisions based on what’s popular. If that were the case I wouldn’t respond to a single complaint.

Mr. Rodriguez: It’s very easy to sign a petition, it’s a lot harder to actually put forth effort.

Mr. Belt: Getting off your butt and doing something, that’s what changes things. I’m just concerned that we do it in the correct manner. That’s all.

Mr. Rodriguez: The fact that we’re now, still here 2 months in, and we’ve been trying for the last two months to reach some type of solution.

Mr. Leath: How long do you wait? Karen, how long do you wait?

Ms. Clark: I still say, if it starts progressing, can September 30th be changed just for the 10 days.

Mr. Rodriguez: If I see that there’s progress or I see we’re close, that’s a judgement call for us to make.

Ms. Clark: right.

Mr. Leath: She’s had months. We’ve been talking about this right? It’s not changed.

Discussion among board members regarding Karen going to talk to Florence.

Mr. Leath is asked and discusses how the animals would be taken from the property.

Inaudible-many speaking at once.

Mr. Leath and Ms. Clark discuss animals that were brought to Journey’s End and animals that were born there. They disagree that all animals there are spayed and neutered.

Ms. Clark discusses going to the prison and to Stetson to enlist help for Journey’s End.

Mr. Rodriguez informs Ms. Clark that prisoners cannot be utilized as unpaid labor for a private entity. Ms. Clark disagrees.

Mr. Belt: I would like to state that you have everybody who is on this board’s complete cooperation and agreement that this problem needs to be fixed. None of us wants suffering. You have our support in everything that you do. We’re all just concerned that, because of the longevity and the intent to begin with, why it’s very emotional for everybody, it’s because they’ve been here so long and they’ve done really good things and now they’re not, so we have to fix it. And whatever we have to do, if it’s in the best interest of the animals then you have our complete support in my opinion.

Mr. Leath: Thank you very much.

Mr. Leath is asked for then gives the board an update of the status of the clinic.

It is agreed to send a survey out for the date of the next meeting.

Meeting adjourned.