



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## New Business - Miscellaneous

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J.4.

8/3/2021

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### **Subject:**

Legislative intent and permission to advertise an amendment to the Brevard County Code of Ordinances modifying Section 14-36, Brevard County Code, to include a definition of the term sutures.

### **Fiscal Impact:**

None

### **Dept/Office:**

District 4

### **Requested Action:**

It is requested that the Board authorize legislative intent and permission to advertise an ordinance amending Chapter 14, Article II of the Brevard County Code to include a definition of the term sutures in Section 14-36, Brevard County Code.

### **Summary Explanation and Background:**

The Florida Legislature has in place Chapters 767 and 828, Florida Statutes, that provide authority for local governments to adopt and implement certain animal control regulations, including those pertaining to dangerous dog classifications. Despite having these regulations in place, the Florida Legislature does not define the term "sutures" for purposes of the State's dangerous dog regulations or, more generally, animal control regulations. As a result, the need for a definition of "sutures" is imperative to ensure dog attacks that result in severe injuries are properly handled under the County's dangerous dog process. Without a definition of sutures, the public health, safety, and welfare of the citizens, visitors, and domestic animals of Brevard County is put at risk.

Due to medical advancements and improved techniques for the treatment of injuries, the County finds it necessary and proper to amend Section 14-36, Brevard County Code, entitled "Definitions," in order to adopt a definition of "sutures." Such a definition will help effectuate and clarify applicable animal control regulations and ensure severe injuries caused by dog attacks are appropriately addressed.

### **Clerk to the Board Instructions:**



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

August 4, 2021

**M E M O R A N D U M**

**TO:** Curt Smith, Commissioner District 4

**RE:** Item J.4., Legislative Intent and Permission to Advertise an Amendment to the Brevard County Code of Ordinances Modifying Section 14-36, Brevard County Code, to Include a Definition of the Term Sutures

The Board of County Commissioners, in regular session on August 3, 2021, authorized legislative intent and permission to advertise an ordinance amending Chapter 14, Article II of the Brevard County Code to include a definition of the term sutures in Section 14-36, Brevard County Code.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

*Kimberly Powell*  
Kimberly Powell, Clerk to the Board

cc: County Attorney  
County Manager

**ORDINANCE NO. 2021-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 14, ARTICLE II ENTITLED "ANIMAL CONTROL"; UPDATING SECTION 14-36, "DEFINITIONS", TO INCLUDE A DEFINITION FOR SUTURES; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Chapters 767 and 828, Florida Statutes, the Brevard County Board of County Commissioners (the "County") has the authority to adopt regulations to address the safety and welfare concerns caused by dog attacks on persons and/or domestic animals; and

**WHEREAS**, the County is further authorized to develop procedures and criteria for the implementation of Chapter 767, Part II, Florida Statutes, pertaining to dangerous dogs, and Section 828.27, Florida Statutes, pertaining to animal control regulations; and

**WHEREAS**, the County finds that dog attacks that result in severe injuries are a serious threat to the health, safety, and welfare of the citizens, visitors, and domestic animals of Brevard County; and

**WHEREAS**, the Florida Legislature does not define "sutures" for purposes of the State's dangerous dog regulations or, more generally, animal control regulations;

**WHEREAS**, the need for such a definition is imperative to ensure dog attacks that result in severe injuries are properly handled under the County's animal control regulations, including the dangerous dog process; and

**WHEREAS**, due to medical advancements and improved techniques for the treatment of injuries, the County finds it necessary and proper to provide a definition of sutures as it relates to injuries caused by dogs.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The foregoing recitals are incorporated by reference into this Ordinance.

**Section 2. Inclusion of Definition.** Section 14-36, Definitions, is hereby amended to include the following definition for "Sutures":

Sutures means the process of joining two surfaces or edges together along a line by or as if by sewing. This definition shall include, but is not limited to, the use of stitches, staples, glue, and other mechanical, thermal, light-based, electromagnetic, or chemical means of closing wounds or lacerations.

**Section 3. Area Encompassed.** This Ordinance shall apply County-wide.

**Section 4. Inclusion in Code.** It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5. Conflict.** In the case of a direct conflict between any provision of this Ordinance and a provision of County law, rule, or regulation, the more restrictive shall apply.

**Section 6. Severability.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 7. Effective Date.** A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. Unless specified otherwise, this Ordinance shall take effect upon adoption and filing as required by law.

**DONE, ORDERED AND ADOPTED**, in Regular Session, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

\_\_\_\_\_  
Rachel M. Sadoff, Clerk  
(SEAL)

\_\_\_\_\_  
Rita Pritchett, Chair

As approved by the Board on \_\_\_\_\_

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(SEAL)

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As approved by the Board on \_\_\_\_\_