



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.6.

8/24/2021

Subject:

Proposed Amendment to Section 14-36, Brevard County Code, to include a definition of the term sutures.

Fiscal Impact:

None.

Dept/Office:

County Attorney's Office on behalf of District 4

Requested Action:

It is requested that the Board of County Commissioners approve the proposed 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:

On August 3, 2021, the Board approved legislative intent and permission to advertise an amendment to Section 14-36, Brevard County Code, to include a definition of the term sutures.

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:

Upon approval by the Board, execution by the Chair and attestation by the Clerk, file the ordinance with the Department of State as required by law within the 10 day deadline.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 26, 2021

Honorable Rachel M. Sadoff
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Deborah Thomas

Dear Ms. Sadoff:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2021-23, which was filed in this office on August 26, 2021.

Sincerely,

Anya Grosenbaugh
Program Administrator

AG/lb



August 25, 2021

MEMORANDUM

TO: Eden Bentley, County Attorney


RE: Item H.6., Proposed Amendment to Section 14-36, Brevard County Code, to Include a Definition of the Term Sutures

The Board of County Commissioners, in regular session on August 24, 2021, adopted Ordinance 21-23, 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. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to the Board

/sm

Encl. (1)

cc: Commissioner Smith District 4

ORDINANCE NO. 2021-23

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 24 day of August, 2021.

ATTEST



Rachel M. Sadoff, Clerk
(SEAL)

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA



Rita Pritchett, Chair

As approved by the Board on 8.24.21