

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT IN  
AND FOR LAKE COUNTY, FLORIDA**

**CHRIS GANDY,  
Appellant,**

**vs.**

**APPELLATE CASE NO.: 2025-AP-01  
LOWER CASE NO. SM-AS-250001146**

**LAKE COUNTY, FLORIDA,  
Appellee.**

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Decision filed July 9, 2025

Appeal from Code Enforcement  
Special Master Charles D. Johnson  
Lake County, Florida

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**OPINION**

PER CURIAM

The issue for determination is whether the “notice of hearing” provided by Appellee violated Appellant’s right to due process. Because the hearing was set sooner than the five (5) day time limit authorized by law we find Appellant’s rights were violated and reverse and remand.

Appellant, Chris Gandy, requested a hearing on Lake County Code Enforcement’s initial determination that sufficient cause existed to classify “Zeus” as a dangerous dog. The request

was made by Appellant on January 12, 2025. The Notice of Hearing was submitted January 13, 2025, with a hearing date of January 15, 2025. The hearing was conducted on January 15, 2025, and the Special Master's Order was rendered January 22, 2025, finding "Zeus" a dangerous dog and ordering humane euthanasia. This appeal ensued.

Appellant argues that due process was not afforded to him because the Dangerous Dog determination hearing was premature. Lake County Ordinance 4-56(c)(1) states that "[i]f the owner requests a [dangerous dog determination] hearing, the hearing shall be held as soon as possible, but not later than twenty-one (21) calendar days." However, Section 767.12(3), Florida Statutes, requires the hearing to be held "not later than twenty-one (21) calendar days and not sooner than 5 days after receipt of the request from the owner." Section 767.14, Florida Statutes, allows local government to adopt further restrictions and procedures, but provisions of Chapter 767 may not be lessened by the local regulations or requirements.

"[A] county cannot enact an ordinance that directly conflicts with a state statute." *Phantom of Brevard, Inc. v. Brevard Cnty.*, 3 So. 3d 309 (Fla. 2008). "The test of conflict between a local government enactment and state law is whether to comply with one provision, a violation of the other is required." *City of Orlando v. Udowychenko*, 98 So. 3d 589, 597 (Fla. 5th DCA 2012). Holding a Dangerous Dog determination hearing within three days of the request is in conflict with §767.12(3). Additionally, the removal of the five-day minimum in Section 4-56(c)(1) deprives a dog owner of the opportunity to adequately and meaningfully prepare for the hearing. *See Cnty. of Pasco v. Riehl*, 620 So. 2d 229 (Fla. 2d DCA 1993).

Appellant also argues that Appellee's written notice of Appellee's findings was deficient. We agree. Both §767.12(3) and 4-56(c)(1) require that the owner be provided with "written notification of the sufficient cause finding and proposed penalty." Appellee's Dangerous Dog

Classification and Notice of Opportunity for Hearing does not include the proposed penalty. We therefore REVERSE the Special Master's January 22, 2025, Order and REMAND for new proceedings that comply with Chapter 767 and five (5) day minimum notice provision and this opinion.

REVERSED and REMANDED with DIRECTIONS.

TAKAC, M., EINEMAN, T., HERNDON, L., J.J., concur.