



AGENDA REPORT
January 8, 2019

**Legislative intent to authorize advertisement of an amendment to the
Brevard County Code of Ordinances to ban the retail sale of dogs and cats
at pet stores.**

SUBJECT:

Legislative intent to authorize advertisement of an amendment to the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores.

DEPT/OFFICE:

District 2

REQUESTED ACTION:

It is requested that the Board authorize legislative intent and approve permission to advertise an ordinance amending Chapter 14 of the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores.

SUMMARY EXPLANATION and BACKGROUND:

The American Society for the Prevention of Cruelty to Animals defines a "puppy mill" as "a large-scale commercial dog breeding operation where profit is given priority over the well-being of the dogs." According to the Humane Society of the United States, two million three hundred thousand puppies who originated from puppy mills are sold annually from commercial breeding facilities. Meanwhile, an estimated three million dogs and cats are euthanized by shelters every year in the United States.

While not all dogs or cats sold in retail pet stores are the product of puppy mills or kitten factories, it is widely believed that these commercial breeding facilities where dogs and cats are mass-produced in overcrowded and unsanitary conditions continue to exist, at least in part, because of the sale of dogs and cats in pet stores. An effective tool to eliminate the retail market for mill-bred dogs and cats is to require pet stores to utilize an adoption-based business model, which ensures that animals sold by retail outlets are sourced from shelters, animal rescue organizations, and/or hobby breeders. Therefore, the Board finds that prohibiting the retail sale of dogs and cats in pet stores throughout the County will promote community awareness of the plight of animals in puppy mills and kitten factories and, in turn, will foster a more humane environment, as well as encourage consumers to adopt dogs and cats from shelters and rescue organizations, thereby saving the lives of animals while reducing the cost to the public of sheltering or euthanizing animals.

Attached is the title of an ordinance amendment to Chapter 14 of the Brevard County Code of Ordinances, as well as the proposed ordinance amendment. With this amendment, the Board intends to establish and implement reasonable and necessary regulations to ban the retail sale of dogs and cats in pet stores throughout Brevard County in order to protect the health, safety, and welfare of both animals and pet owners in the County.

ATTACHMENTS:

Description

- **Draft Ordinance**



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

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

January 9, 2019

M E M O R A N D U M

TO: Commissioner Bryan Lober, District 2

RE: Item J.5., Legislative Intent to Authorize Advertisement of Amendment to the Brevard County Code of Ordinances to Ban the Retail Sale of Dogs and Cats at Pet Stores

The Board of County Commissioners, in regular session on January 8, 2019, tabled consideration of request for legislative intent and permission to advertise for an ordinance amending Chapter 14 of the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores to the end of February, allowing the Board to provide suggestions to the County Attorney to compile, and for you to continue spearheading with the Sheriff, who will in turn work with business owners and the various partners, to figure out the framework that would be appropriate.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

cc: County Attorney
County Manager
Sheriff Ivey

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AMENDING CHAPTER 14 OF THE BREVARD COUNTY CODE OF ORDINANCES, “ANIMALS”; CREATING A NEW SECTION IN ARTICLE II OF CHAPTER 14, SECTION 14-64, “RETAIL SALE OF DOGS AND CATS AT PET STORES”; PROHIBITING THE RETAIL SALE OF DOGS AND CATS AT PET STORES UNLESS THE ANIMAL IS FROM AN ANIMAL SHELTER OR ANIMAL RESCUE ORGANIZATION; ALLOWING FOR A HOBBY BREEDER EXEMPTION; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; 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 Article VIII, Section (1)(g) of the Florida Constitution and Section 125.01, Florida Statutes (2018), the Board of County Commissioners of Brevard County, Florida (hereinafter the “Board”), has broad authority to enact ordinances not inconsistent with general law or with special laws approved by the vote of the electors; and

WHEREAS, at the Federal level, the United States Department of Agriculture is responsible for enforcing the Animal Welfare Act, which establishes minimum standards of care for dogs bred for sale; and

WHEREAS, at the State level, Chapter 828, Florida Statutes (2018), deals with animal cruelty, animal sales, and animal protection regulations, but does not explicitly regulate the commercial breeding facilities, commonly referred to as “puppy mills” or “kitten factories,” where dogs and cats are mass-produced for sale to the public, including through sale at pet stores; and

WHEREAS, according to the People for the Ethical Treatment of Animals, it is “standard practice for puppy mills to keep animals in cramped, crude, and filthy conditions without proper veterinary care or socialization”;¹ and

WHEREAS, dogs and cats, due to their sentience and capability of feeling, perception, and affection, ought to be afforded certain protections not necessarily afforded to non-sentient creatures; and

¹The People for the Ethical Treatment of Animals, Puppy Mills, available at: <https://www.peta.org/issues/animal-companion-issues/pet-trade/puppy-mills/> (last visited Dec. 27, 2018).

WHEREAS, according to the Humane Society of the United States, there are an estimated ten thousand puppy mills in the United States and, on an annual basis, around two million three hundred thousand puppies who originated from these puppy mills are sold throughout the country, while roughly three million cats and dogs are euthanized by shelters every year in the United States;² and

WHEREAS, due to poor conditions at these mills, dogs and cats are often sick, subjected to inhumane conditions, and suffer from painful and/or life-limiting congenital disorders;³ and

WHEREAS, consumers unknowingly purchase mill-bred puppies or kittens from places like pet stores believing that the animal is healthy and genetically sound, only to find out that the dog or cat will often face an array of health problems, including communicable diseases and/or genetic disorders, that present themselves immediately or soon after sale, or that do not surface for years, costing the owner hundreds or thousands of dollars in expensive veterinary treatment;⁴ and

WHEREAS, while the Board recognizes that not all dogs and cats sold in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as the operator of a puppy mill or kitten factory, it is the belief of the Board that puppy mills and kitten factories continue to exist, at least in part, because of public demand for dogs and cats offered for sale at pet stores, and that the most effective way to stop puppy mills and kitten factories is to discourage the purchase and sale of animals produced at those inhumane facilities; and

WHEREAS, the Board has determined that an effective tool to reduce and, ultimately, eliminate the retail market for dogs and cats bred through puppy mills and kitten factories is to require that pet stores utilize an adoption-based business model, which ensures that the animals sold by retail outlets are sourced from animal shelters or animal rescue organizations, encouraging the adoption of homeless pets and reducing the financial and emotional toll on consumers who purchase mill-bred pets with latent physical and behavioral problems; and

WHEREAS, this Ordinance does not affect a consumer's ability to obtain a dog or cat of his or her choice directly from an animal rescue organization or animal shelter, or reputable hobby breeder where the consumer can directly see the conditions in which the dogs or cats are bred, or can confer directly with the breeder concerning said conditions; and

²The Humane Society of the United States, *Puppy Mills: Facts and Figures – August 2018*, available at: <https://www.dropbox.com/s/e14qixqowqfj6nf/Puppy%20Mill%20Facts%20and%20Figures%20August%202018.pdf?raw=1> (last visited: Dec. 27, 2018).

³The Humane Society of the United States, *Puppy Mills and the Animal Welfare Act*, p. 1, available at: <https://www.humanesociety.org/sites/default/files/docs/puppy-mills-awa-booklet-lores.pdf> (last visited: Dec. 27, 2018).

⁴The Humane Society of the United States, *Puppy Buyer Complaints – A Ten Year Summary 2007-2017*, available at: <https://www.humanesociety.org/sites/default/files/docs/2018-puppy-buyers-complaint.pdf> (last visited Dec. 28, 2018).

WHEREAS, due to inadequate regulations governing the retail sale of dogs and cats in Brevard County, the Board finds that prohibiting the retail sale of dogs and cats in pet stores in the County will promote community awareness of the plight of animals in puppy mills and kitten factories and, in turn, will foster a more humane environment, as well as encourage consumers to adopt dogs and cats from shelters and rescue organizations, thereby saving the lives of animals while reducing the cost to the public of sheltering or euthanizing animals.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Brevard County, Florida, as follows:

Section 1. Amendments to Chapter 14 of the Brevard County Code of Ordinances. Chapter 14 is hereby amended to include the following provisions:

Section 14-64. Reserved. is now hereby entitled **Section 14-64. Retail Sale of Dogs and Cats at Pet Stores.** and shall read as follows:

Section 14-64. Retail Sale of Dogs and Cats at Pet Stores.

(a) Definitions. The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them below or as defined in Section 14-36 of the Brevard County Code of Ordinances, except where the context clearly indicates a different meaning:

Animal rescue organization means a duly incorporated nonprofit organization, properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and does not breed animals.

Animal shelter shall have the same meaning as defined in Section 14-36 of the Brevard County Code of Ordinances.

Breeder means any person or entity that causes dogs or cats to reproduce, either willfully or through failure to exercise due care and control, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes will be classified as a breeder. This classification will not apply to a hobby breeder, as defined in this Section, or to a pet owner who breeds his or her own pets and keeps all of the offspring.

Cat means an animal of any age that is a member of Felis Catus, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Dog means an animal of any age that is a member of Canus Lupus Familiaris, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Hobby Breeder means any person or entity that causes or allows the breeding or studing of one or more dogs or cats resulting in no more than twenty offspring per calendar year, while permitting consumers access to directly see the condition in which the dogs or cats are bred and raised, or can confer directly with the breeder concerning said conditions.

Official certificate of veterinary inspection, which is defined in Section 828.29, Florida Statutes (2018), as may be amended, means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows:

- (1) the age, sex, breed, color, and health records of the dog or cat;
- (2) the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number;
- (3) a list of all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof;
- (4) that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.

The veterinarian shall be responsible for filling out the official certificate of veterinary inspection in accordance with Florida law.

Pet store means any retail establishment that: (1) has obtained a tax receipt, (2) is open to the public, and (3) sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat, or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment.

Puppy mills and kitten factories means any commercial breeding facility where dogs and cats are produced for sale to the public, including through sale at pet stores.

Retail sale means a sale, regardless of whether any exchange of consideration for the animal takes place at the same time or location. This term includes, but is not limited to: offering for sale; auctioning; bartering; displaying for sale, adoption, or re-home; exchanging for compensation; giving away; trading; delivering; advertising for sale; or otherwise disposing of dogs or cats to a person in a pet store or in association with a pet store.

(b) Intent.

(1) The intent of this Section is to prohibit the retail sale of commercially bred dogs and cats from puppy mills and kitten factories at pet stores. Rather, an adoption-based business model shall be required for the retail sale of dogs or cats at pet stores in Brevard County, whereby all dogs or cats must be sourced from an animal shelter or animal rescue organization.

(2) The Board finds it reasonable and necessary to establish regulations regarding the sale of cats and dogs at pet stores to protect the health, safety, and welfare of both animals and pet owners. Furthermore, the Board finds these regulations will encourage pet consumers to obtain dogs and cats from animal shelters or animal rescue organizations, thereby saving the lives of animals and reducing the cost to the public of sheltering and euthanizing animals.

(3) The Board intends for this Section to conform with and supplement Chapter 828, Florida Statutes, as may be amended, relating to animal cruelty, animal sales, and animal protection regulations.

(c) *Retail Sale of Dogs and Cats at Pet Stores.*

(1) No pet store shall offer dogs or cats for sale in Brevard County, unless the dog or cat was obtained from an animal shelter or animal rescue organization.

(2) This adoption-based business model for the retail sale of dogs or cats in the County applies to any and all pet stores.

(3) Any dog or cat offered for sale in Brevard County must be accompanied by an official certificate of veterinary inspection issued by a licensed, accredited veterinarian. Upon sale, a copy of the certificate must be given to the buyer and the seller must retain one copy of the certificate for at least one year after the date of sale.

(4) Pet stores shall maintain records that include the name, address, telephone number, and email address of the animal shelter or animal rescue organization from which each dog or cat was acquired for three years following the date of acquisition from the animal shelter or animal rescue organization.

(5) Any such records shall be made available, immediately upon request, to the County's animal control authority or any other County official(s) charged with enforcing the provisions of this Section.

(d) *Adoption of Shelter and Rescue Animals.* Nothing in this Section shall prevent a pet store, its owner(s), operator(s), or employee(s), from providing space and appropriate care for animals owned by an animal shelter or animal rescue organization, and maintained at the pet store for the purpose of adopting those animals to the public.

(e) *Prohibition on Retail Sale in Public Places.* There shall be no retail sale of dogs or cats on any public thoroughfare, public common areas, public parks, or other places of public accommodations.

unless such animals are from an animal shelter or animal rescue organization. If applicable, the individual or entity responsible for running the event must obtain any and all applicable permits required by Federal, State, County, or municipal law, rule, or regulation.

(f) *Hobby Breeder Exemption.* Nothing in this Section prohibits a hobby breeder from engaging in a retail sale at the hobby breeder's domicile provided such retail sale is otherwise permitted by applicable law. Any such retail sale is expressly conditioned upon compliance with any and all registration requirements put in place by the Board, the Brevard County Sheriff's Office, or any other entity lawfully entitled to regulate such activity.

(g) *Enforcement and Penalties.*

(1) Any pet store found to be in violation of this Section may be subject to any applicable enforcement mechanism(s) available to the County. Such mechanisms may include, but are not limited to: prosecuting a violation of this Section in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes (2018), as may be amended; prosecuting a violation of this Section in accordance with Section 1-7 of the Brevard County Code of Ordinances; and other forms of relief as may be granted by a court of competent jurisdiction.

(2) Each animal produced, reared, bred, kept, sold, or released in violation of this Section will be deemed a separate offense, and a separate offense will be deemed committed on each day during which a violation occurs or continues to occur.

(h) *Area Encompassed.* This Section shall apply throughout the incorporated and unincorporated areas of the County. A municipal ordinance shall prevail over this Section within the municipality's jurisdiction to the extent of any conflict with this Section.

(i) *Applicability.* This Section shall take effect one month after the date of its adoption. However, any individual or entity with a business tax receipt from the County for the retail sale of dogs or cats, issued on or before the date this Section is adopted, shall be

given a twelve-month grace period from the date of adoption
before being subject to the regulations provided for in this Section.

Section 2. 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 3. 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 4. 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 5. 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 _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

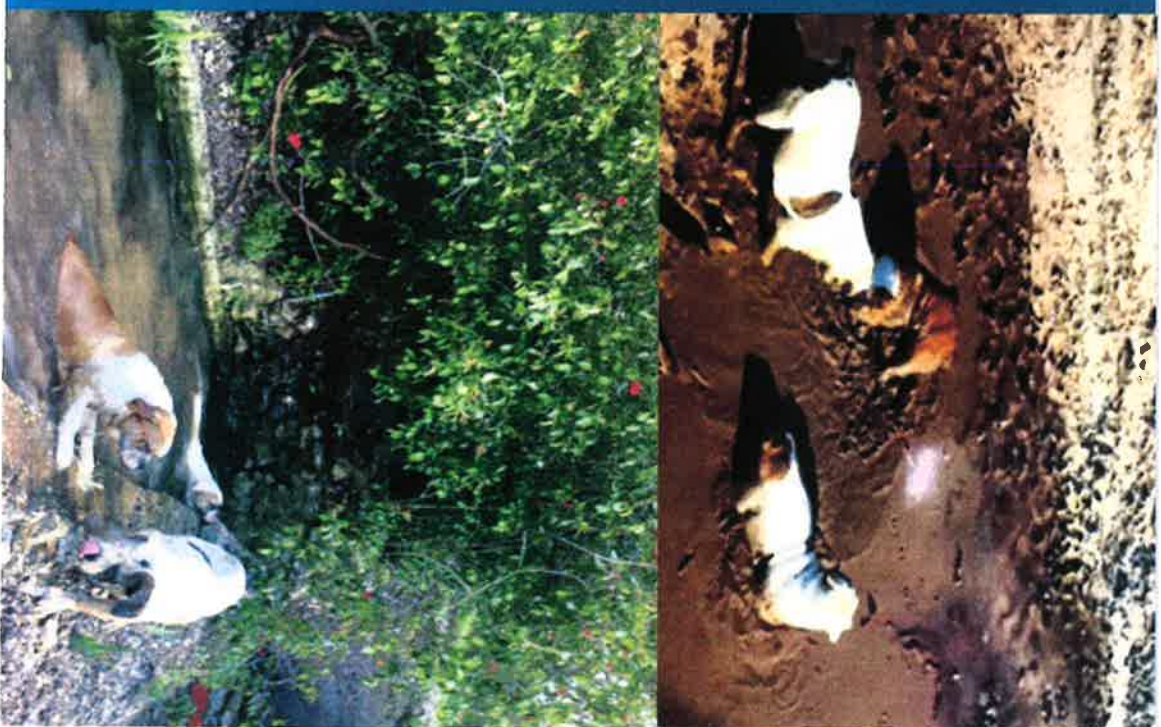
By: _____
Scott Ellis, Clerk of Court

By: _____
Kristine Isnardi, Chair
(as approved by the Board on ____/____/____)



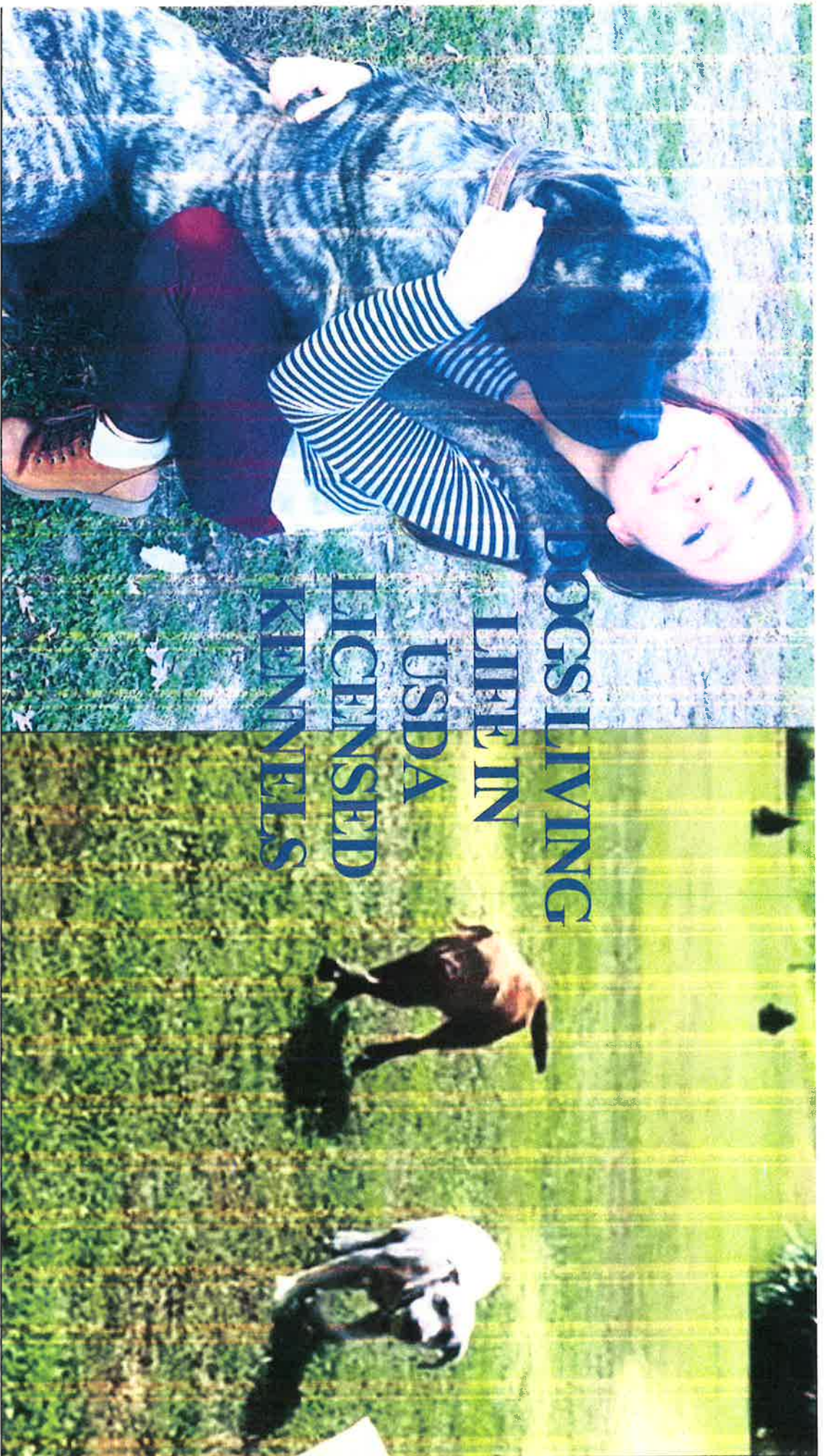
MOTHERHOOD AT ITS
FINEST

DOGS BEING DOGS AT A USDA LICENSED KENNEL



LETS GET SOCIAL!





**DOGS LIVING
LIFE IN
USDA
LICENSED
KENNELS**

FLORIDA STATUTE 828.29

It is the consumer's right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each dog or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination.

If, within 14 days following the sale by a pet dealer of an animal subject to this section, a licensed veterinarian of the consumer's choosing certifies that, at the time of sale, the animal was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks; or, if within 1 year following the sale of an animal subject to this section; a licensed veterinarian of the consumer's choosing certifies such animal to be unfit for purchase due to a congenital or hereditary disorder which adversely affects the health of the animal; or, if within 1 year, following the sale of an animal subject to this section, the breed, sex or health of such animal is found to have been misrepresented to the consumer, the pet dealer shall afford the consumer the right to choose one of the following options:

- (a) The right to return the animal and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment under taken to relieve suffering;
- (b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, and the reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or
- (c) The right to retain the animal and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat. Reimbursement for veterinary costs may not exceed the purchase price of the animal. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:

- (a) The right to return the animal and receive a refund of the purchase price, including the sales tax, but excluding the veterinary costs related to the certification that the dog or cat is unfit; or

- (b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, but not a refund of the veterinary costs related to the certification that the dog or cat is unfit.

A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those disorders.

The refund or exchange required by section (5) or subsection (6) shall be made by the pet dealer not later than 10 business days following receipt of a signed veterinary certification as required in subsection (5) or subsection (6). The consumer must notify the pet dealer within 2 business days after the veterinarian's determination that the animal is unfit. The written certification of unfitness must be presented to the pet dealer not later than 3 business days following receipt thereof by the consumer.

An animal may not be determined unfit for sale on account of an injury sustained or illness contracted after the consumer takes possession of the animal. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the animal is clinically ill because of that condition.

If a pet dealer wishes to contest a demand for veterinary expenses, refund or exchange made by a consumer under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection(5) or subsection (6) within 10 business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund or exchange. This section does not in any way limit the rights or remedies that are otherwise available to a consumer under any other law.

separate and distinct offense occurs per animal.

(Ord. No. 17-12, § 2, 5-26-2017)

Secs. 6-66—6-78. - Reserved.

areas, or other places of public accommodations, flea markets, festivities, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, or other similar activities, regardless of whether such access is authorized by the owner.

(b) This section shall not apply to the following:

- (1) The retail sale of dogs and/or cats by an animal shelter or rescue organization;
- (2) The retail sale of dogs and/or cats as part of a state or county fair exhibition, 4-H program, or similar exhibition or education program.

(Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-65. - Penalties.

- (a) It shall be a violation of this section to fail to comply with any of the requirements or restrictions contained herein, which, for existing pet shops operating under the grandfather privilege, can result in the loss of said privilege and any and all rights appurtenant thereto.
- (b) Consistent with other sections of this section, any violation of this section is a civil infraction punishable by a maximum civil penalty not to exceed \$500.00 and the amount of any penalties may be established by BOCC resolution.
- (c) A person found to have violated this section could also be subject to the following penalties:
 - (1) For the first inspection, a warning notice may be issued by the Department;
 - (2) For the second inspection (on any new or continuing violation, that is more than 30 days old), a fine of \$250.00 may be imposed per violation;
 - (3) For the third and any subsequent inspection (on any new or continuing violation, that is more than 30 days old), a fine of \$500.00 shall be imposed per violation.
 - (4) For the fourth inspection within a year (on any or continuing violation, that is more than 30 days old), the maximum fine of \$500.00 shall be imposed per violation, and for existing pet shops operating under the grandfather privilege, this shall result in the loss of said privilege and any and all rights appurtenant thereto.

Where practical and appropriate, the Department should provide 30 days for the pet shop to correct the violation. The inspection time will reset every 24 months for purposes of calculating the number of violations.

- (d) Nothing contained herein shall prevent the County 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 section, including, but not limited to, pursuit of injunctive and/or declaratory relief and/or injunction, 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 section.
- (e) Each day of a continuing violation shall constitute a separate and distinct violation. A

and/or cats.

(Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-63. - Adoption-based business model for retail sale of dogs and cats and other requirements for new pet shops.

- (a) No new pet shop shall offer for retail sale dogs or cats in Hillsborough County, unless that dog or cat was obtained from:
 - (1) An animal shelter;
 - (2) A rescue organization.
- (b) All dogs and/or cats offered for retail sale in Hillsborough County, by a new pet shop, an animal shelter, or rescue organization, shall be required to be implanted with a permanent electronic animal radio frequency identification device (RFID-microchipped), registered to the legal owner of the animal.
- (c) The following record keeping and disclosure requirements shall apply to all new pet shops:
 - (1) New pet shops shall post and maintain on each animal's cage, kennel, or enclosure, within clear view and in a reasonable proximity thereof, a label stating the name and address, including city and state, of the animal shelter or rescue organization from which the new pet shop acquired the animal or that owns the animal kept in the cage, kennel, or enclosure.
 - (2) New pet shops shall maintain records, stating the name and address of the animal shelter or rescue organization that each dog or cat was obtained from, for three years following the date of acquisition or in accordance with the required retention time set forth by business standards and practices governing the particular commercial establishment record, whichever is greater, and, annually submit a copy of the record for the previous year to the County's animal control officers or any other County officials charged with enforcing the provisions of this Section, by February 1st of each year.
 - (3) Any such records shall be made available, immediately upon request, to the County's animal control officers, any other County officials charged with enforcing the provisions of this Section, and/or law enforcement.
 - (4) Falsification of records by new pet shops is hereby deemed unlawful and subject to the penalties under this section.

(Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-64. - Prohibition on retail sale in public places.

- (a) There shall be no retail sale of dogs or cats on any public thoroughfare, public common

- a. Health certificate from a Florida licensed veterinarian; and
 - b. Microchip information; and
 - c. Sourcing/purchase information.
 - (2) The above records for all dogs and/or cats that are present in the existing pet shop shall be maintained, in hard copy, for immediate inspection by potential purchasers and/or the Department.
 - (3) The above records for all dogs and/or cats sold by the existing pet shop and, therefore, no longer present in the existing pet shop, must be kept in either electronic or hard copy form for three years and be available for inspection within three days of the Department's request.
 - (4) Falsification of records by existing pet shops is hereby deemed unlawful and subject to the penalties under this section.
- (f) *Adoption promotion.*
- (1) Owners of existing pet shops shall be required to place, on a sign that is in poster format and in clear view, and in a readable disclaimer on their pet shop website and any and all of their marketing materials, a message promoting adoption from animal shelters and rescue organizations as another option to acquire a dog and/or cat, information about their adoption programs and their contact information, including website addresses to view the dogs and/or cats available for adoption.
 - (2) Owners of existing pet shops shall require potential purchasers, at the time of their transactions, to sign an affidavit attesting that they were informed about the adoption options, had the opportunity to read the poster, website, or marketing information with the adoption options and other information included, and reviewed the USDA breeder reports, records and other breeder contact and background information required to be maintained by the existing pet shops.
 - a. The signed affidavits for dogs and/or cats sold in a given business day and, therefore, no longer present in the existing pet shop, shall be maintained in hard copy for immediate inspection by the Department.
 - b. All other signed affidavits for dogs and/or cats sold by the pet shop must be kept in either electronic or hard copy form for three years and available for inspection within three days of the Department's request.
- (g) *Inspections.*
- (1) The Department shall conduct, at a minimum, two inspections of the existing pet shops.
 - (2) Owners of existing pet shops, or designated representatives, shall be required to personally inspect the USDA breeding facilities from which they receive their dogs

been in business between one year and two years, the USDA pre-licensing inspection, the first USDA post-licensing inspection, and a statement that no other inspections have been completed shall suffice.

- (3) A sign, in poster format, shall be placed in the existing pet shop, in clear view, stating that this information is available for review by all potential purchasers, the Department, and the State upon request. In addition, this information shall be posted and maintained on each animal's cage, kennel, or enclosure, within clear view and in a reasonable proximity thereof.
 - (4) At the time of registration, all owners of existing pet shops shall inform the Department of all dogs and/or cats that are available for retail sale and were acquired, before the effective date of the ordinance from which this section was derived, from breeders who do not meet the buying standards above. Those dogs and/or cats may be sold by the existing pet shop, however, after the effective date of this section, all dogs and/or cats that will be available for retail sale by the existing pet shop must be acquired from breeders who meet the buying standards.
- (c) *Microchip requirement.* Except for the dogs and/or cats that are already microchipped at the time they are received by the existing pet shop, all dogs and/or cats offered for retail sale in an existing pet shop must be implanted with a permanent electronic animal radio frequency identification device (RFID-microchipped) by a licensed veterinarian facility. All dogs and/or cats offered for retail sale by the existing pet shop must have the microchip registered to the existing pet shop as the primary owner within five business days of the receipt of the dog and/or cat by the existing pet shop.
- (d) *Rehoming.*
- (1) All stray, abandoned, or unwanted dogs and/or cats held by an animal shelter or rescue organization as a rescue shall not be euthanized if the dogs and/or cats are found to have been previously sold at an existing pet shop. This provision does not apply to dogs and/or cats that have been, based on the medical opinion of a veterinarian, severely injured or are otherwise suffering.
 - (2) The person who found the dog and/or cat has the option to retain the animal in an attempt to rehome the dog and/or cat, at their sole expense.
 - (3) An animal shelter or animal rescue may request that the existing pet shop pick up the stray, abandoned, or unwanted dog and/or cat being held in their care, within three days of the date of the request, and the existing pet shop shall be responsible for the regular and customary fees to reclaim the pet.
- (e) *Record keeping.*
- (1) The following records must be maintained by owners of existing pet shops:

by an existing pet shop owner, after the effective date of the ordinance from which this section was derived, shall be required to register, by complying with the registration requirements set forth above, within 90 days of the transfer, sell, or assignment.

Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-62. - Additional retail sale regulations for existing pet shops.

All owners of existing pet shops, including any and all transferees, assignees, or new owners, shall be obligated to comply with the following additional retail sale regulations:

- (a) *Sourcing transparency.* All existing pet shop owners shall have the following information readily available for all potential purchasers, the Department, and the State:
 - (1) The name of the United States Department of Agriculture (USDA) breeding facility where the dog and/or cat was bred; and
 - (2) The license number of the USDA breeding facility; and
 - (3) The city and state of the dog's and/or cat's breeding origin.
 - (4) Specific contact information for the breeder of the dog and/or cat may be provided at the discretion of the pet shop to its potential purchasers, however, this information is required to be provided to the Department in accordance with the record keeping standards outlined in Section (e) below.
 - (5) A sign, in poster format, shall be placed in the existing pet shop, in clear view, stating that the information required above is available for review by all potential purchasers, the Department, and the State upon request.
- (b) *Buying standards.*
 - (1) All existing pet shop owners shall only purchase dogs and/or cats that are intended to be sold to potential purchasers from breeders:
 - a. Approved and licensed by the USDA; and
 - b. That have not received any direct violations from the USDA in the past two years; and
 - c. That have not received more than four indirect violations from the USDA in the past two years; and
 - d. That have not received any State law violations in the past two years.
 - (2) All existing pet shop owners shall have readily available for all potential purchasers, the Department, and the State and shall maintain for three years, USDA inspection reports in their entirety for the breeders of all dogs and/or cats being offered for retail sale in their existing pet shops. For breeders that have

or at any time while the existing pet shop is enjoying the grandfather privilege and any and all rights appurtenant thereto, any final determination or adjudication of one or more violations of any Federal or State administrative rule, regulation, or statute administered or enforced by the United States Department of Agriculture (USDA), the Florida Department of Agriculture and Consumer Services, or any other State agency with jurisdiction, resulting in one or more final determination or adjudication of violation, whether administrative, civil, or criminal, including, but not limited to, any consent decree, final agency order, court order, verdict, plea of guilty or plea of nolo contendere, shall lose their grandfather privilege and not be permitted to continue the retail sale of dogs and/or cats in the County in accordance with their respective business models. Such pet shops shall be considered a "new pet shop" and shall be obligated to fully comply with the adoption-based business model for the retail sale of dogs and/or cats and all other requirements pertaining thereto.

- (b) All owners of existing pet shops (including any and all transferees, assignees, or new owners), shall be obligated to annually register their business/es by submitting the following information, which may be subject to independent audit, to the Department by the first of February each year:
- (1) Business name; and
 - (2) Business mailing address/physical location; and
 - (3) Business owner's name and mailing address; and
 - (4) Federal tax ID number, if applicable; and
 - (5) USDA license number, if applicable; and
 - (6) Certain supporting business documentation, including:
 - a. Proof of its business operations through any Federal, State, or local business/occupational licenses, tax receipts, or other documentation readily authenticated as true and correct documents; and
 - b. Proof of its retail sales business and location through franchise agreements, leases, or other documentation readily authenticated as true and correct documents; and
 - c. Any other such documentation related to the acquisition, care, and sale of the animals that may be found necessary by the Department in any internal policies and procedures promulgated for the implementation of this article.
- (c) All owners of existing pet shops (those in existence on or before the effective date of the ordinance from which this section was derived) shall be required to initially register for the grandfather privilege, by complying with the registration requirements set forth above, within 90 days of the effective date of this article. Pet shops that are transferred, sold, or assigned

Sec. 6-61. - Grandfathering in existing pet shops, registration requirements, and certain regulations.

- (a) All lawfully operating pet shops in existence, on or before the effective date of the ordinance from which this section was derived, and found to not have received, after such effective date or at any time while the existing pet shop is enjoying the grandfather privilege and any and all rights appurtenant thereto, any final determination or adjudication of one or more violations of any Federal or State administrative rule, regulation, or statute administered or enforced by the United States Department of Agriculture (USDA), the Florida Department of Agriculture and Consumer Services, or any other State agency with jurisdiction, resulting in one or more final determination or adjudication of violation, whether administrative, civil, or criminal, including, but not limited to, any consent decree, final agency order, court order, verdict, plea of guilty or plea of nolo contendere, shall be permitted to continue the retail sale of dogs and/or cats in Hillsborough County in accordance with their respective business models, provided, however, each existing pet shop is at all times in full compliance with any and all existing and future retail sale regulations adopted by the County for existing pet shops and provided they are in compliance with the applicable provisions of this article and the additional restrictions set forth below:
- (1) An owner of an existing pet shop shall be permitted to transfer, assign, sell, or relocate their existing pet shop. The transferee, assignee, or new owner must comply with any and all existing and future retail sale regulations adopted by the County for existing pet shops, the applicable provisions of this article, and any additional restrictions set forth herein.
 - (2) An owner of an existing pet shop shall not be permitted to open any additional pet stores as of the date of the ordinance from which this section was adopted (the date the Board of County Commissioners voted and approved the passage of the ordinance). Any pet shop opened as of the adoption date of this article shall be considered a new pet shop and said owner shall be obligated to fully comply with the adoption-based business model for the retail sale of dogs and/or cats and all other requirements prescribed for all new pet shops in the County.
 - (3) An existing pet shop owner that allows any of their Federal, State, and/or local occupational business license/s, or other requirement/s related to the operation of their business, to lapse, making them legally ineligible to operate their business, or voluntarily abandons their respective retail sale business model, for a period of more than 90 days, shall lose their grandfather privilege of reopening and operating in its usual manner and shall be obligated to fully comply with the adoption-based business model for the retail sale of dogs and/or cats in the County and all other requirements pertaining thereto.
 - (4) Pet shops in existence, on or before the effective date of the ordinance from which this section was derived, and found to have received, after the effective date of the section

Sec. 6-61. - Grandfathering in existing pet shops, registration requirements, and certain regulations.

- (a) All lawfully operating pet shops in existence, on or before the effective date of the ordinance from which this section was derived, and found to not have received, after such effective date or at any time while the existing pet shop is enjoying the grandfather privilege and any and all rights appurtenant thereto, any final determination or adjudication of one or more violations of any Federal or State administrative rule, regulation, or statute administered or enforced by the United States Department of Agriculture (USDA), the Florida Department of Agriculture and Consumer Services, or any other State agency with jurisdiction, resulting in one or more final determination or adjudication of violation, whether administrative, civil, or criminal, including, but not limited to, any consent decree, final agency order, court order, verdict, plea of guilty or plea of nolo contendere, shall be permitted to continue the retail sale of dogs and/or cats in Hillsborough County in accordance with their respective business models, provided, however, each existing pet shop is at all times in full compliance with any and all existing and future retail sale regulations adopted by the County for existing pet shops and provided they are in compliance with the applicable provisions of this article and the additional restrictions set forth below:
- (1) An owner of an existing pet shop shall be permitted to transfer, assign, sell, or relocate their existing pet shop. The transferee, assignee, or new owner must comply with any and all existing and future retail sale regulations adopted by the County for existing pet shops, the applicable provisions of this article, and any additional restrictions set forth herein.
 - (2) An owner of an existing pet shop shall not be permitted to open any additional pet stores as of the date of the ordinance from which this section was adopted (the date the Board of County Commissioners voted and approved the passage of the ordinance). Any pet shop opened as of the adoption date of this article shall be considered a new pet shop and said owner shall be obligated to fully comply with the adoption-based business model for the retail sale of dogs and/or cats and all other requirements prescribed for all new pet shops in the County.
 - (3) An existing pet shop owner that allows any of their Federal, State, and/or local occupational business license/s, or other requirement/s related to the operation of their business, to lapse, making them legally ineligible to operate their business, or voluntarily abandons their respective retail sale business model, for a period of more than 90 days, shall lose their grandfather privilege of reopening and operating in its usual manner and shall be obligated to fully comply with the adoption-based business model for the retail sale of dogs and/or cats in the County and all other requirements pertaining thereto.
 - (4) Pet shops in existence, on or before the effective date of the ordinance from which this section was derived, and found to have received, after the effective date of the section

or at any time while the existing pet shop is enjoying the grandfather privilege and any and all rights appurtenant thereto, any final determination or adjudication of one or more violations of any Federal or State administrative rule, regulation, or statute administered or enforced by the United States Department of Agriculture (USDA), the Florida Department of Agriculture and Consumer Services, or any other State agency with jurisdiction, resulting in one or more final determination or adjudication of violation, whether administrative, civil, or criminal, including, but not limited to, any consent decree, final agency order, court order, verdict, plea of guilty or plea of nolo contendere, shall lose their grandfather privilege and not be permitted to continue the retail sale of dogs and/or cats in the County in accordance with their respective business models. Such pet shops shall be considered a "new pet shop" and shall be obligated to fully comply with the adoption-based business model for the retail sale of dogs and/or cats and all other requirements pertaining thereto.

- (b) All owners of existing pet shops (including any and all transferees, assignees, or new owners), shall be obligated to annually register their business/es by submitting the following information, which may be subject to independent audit, to the Department by the first of February each year:
- (1) Business name; and
 - (2) Business mailing address/physical location; and
 - (3) Business owner's name and mailing address; and
 - (4) Federal tax ID number, if applicable; and
 - (5) USDA license number, if applicable; and
 - (6) Certain supporting business documentation, including:
 - a. Proof of its business operations through any Federal, State, or local business/occupational licenses, tax receipts, or other documentation readily authenticated as true and correct documents; and
 - b. Proof of its retail sales business and location through franchise agreements, leases, or other documentation readily authenticated as true and correct documents; and
 - c. Any other such documentation related to the acquisition, care, and sale of the animals that may be found necessary by the Department in any internal policies and procedures promulgated for the implementation of this article.
- (c) All owners of existing pet shops (those in existence on or before the effective date of the ordinance from which this section was derived) shall be required to initially register for the grandfather privilege, by complying with the registration requirements set forth above, within 90 days of the effective date of this article. Pet shops that are transferred, sold, or assigned

by an existing pet shop owner, after the effective date of the ordinance from which this section was derived, shall be required to register, by complying with the registration requirements set forth above, within 90 days of the transfer, sell, or assignment.

(Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-62. - Additional retail sale regulations for existing pet shops.

All owners of existing pet shops, including any and all transferees, assignees, or new owners, shall be obligated to comply with the following additional retail sale regulations:

- (a) *Sourcing transparency.* All existing pet shop owners shall have the following information readily available for all potential purchasers, the Department, and the State:
 - (1) The name of the United States Department of Agriculture (USDA) breeding facility where the dog and/or cat was bred; and
 - (2) The license number of the USDA breeding facility; and
 - (3) The city and state of the dog's and/or cat's breeding origin.
 - (4) Specific contact information for the breeder of the dog and/or cat may be provided at the discretion of the pet shop to its potential purchasers, however, this information is required to be provided to the Department in accordance with the record keeping standards outlined in Section (e) below.
 - (5) A sign, in poster format, shall be placed in the existing pet shop, in clear view, stating that the information required above is available for review by all potential purchasers, the Department, and the State upon request.
- (b) *Buying standards.*
 - (1) All existing pet shop owners shall only purchase dogs and/or cats that are intended to be sold to potential purchasers from breeders:
 - a. Approved and licensed by the USDA; and
 - b. That have not received any direct violations from the USDA in the past two years; and
 - c. That have not received more than four indirect violations from the USDA in the past two years; and
 - d. That have not received any State law violations in the past two years.
 - (2) All existing pet shop owners shall have readily available for all potential purchasers, the Department, and the State and shall maintain for three years, USDA inspection reports in their entirety for the breeders of all dogs and/or cats being offered for retail sale in their existing pet shops. For breeders that have

been in business between one year and two years, the USDA pre-licensing inspection, the first USDA post-licensing inspection, and a statement that no other inspections have been completed shall suffice.

- (3) A sign, in poster format, shall be placed in the existing pet shop, in clear view, stating that this information is available for review by all potential purchasers, the Department, and the State upon request. In addition, this information shall be posted and maintained on each animal's cage, kennel, or enclosure, within clear view and in a reasonable proximity thereof.
 - (4) At the time of registration, all owners of existing pet shops shall inform the Department of all dogs and/or cats that are available for retail sale and were acquired, before the effective date of the ordinance from which this section was derived, from breeders who do not meet the buying standards above. Those dogs and/or cats may be sold by the existing pet shop, however, after the effective date of this section, all dogs and/or cats that will be available for retail sale by the existing pet shop must be acquired from breeders who meet the buying standards.
- (c) *Microchip requirement.* Except for the dogs and/or cats that are already microchipped at the time they are received by the existing pet shop, all dogs and/or cats offered for retail sale in an existing pet shop must be implanted with a permanent electronic animal radio frequency identification device (RFID-microchipped) by a licensed veterinarian facility. All dogs and/or cats offered for retail sale by the existing pet shop must have the microchip registered to the existing pet shop as the primary owner within five business days of the receipt of the dog and/or cat by the existing pet shop.
- (d) *Rehoming.*
- (1) All stray, abandoned, or unwanted dogs and/or cats held by an animal shelter or rescue organization as a rescue shall not be euthanized if the dogs and/or cats are found to have been previously sold at an existing pet shop. This provision does not apply to dogs and/or cats that have been, based on the medical opinion of a veterinarian, severely injured or are otherwise suffering.
 - (2) The person who found the dog and/or cat has the option to retain the animal in an attempt to rehome the dog and/or cat, at their sole expense.
 - (3) An animal shelter or animal rescue may request that the existing pet shop pick up the stray, abandoned, or unwanted dog and/or cat being held in their care, within three days of the date of the request, and the existing pet shop shall be responsible for the regular and customary fees to reclaim the pet.
- (e) *Record keeping.*
- (1) The following records must be maintained by owners of existing pet shops:

- a. Health certificate from a Florida licensed veterinarian; and
 - b. Microchip information; and
 - c. Sourcing/purchase information.
 - (2) The above records for all dogs and/or cats that are present in the existing pet shop shall be maintained, in hard copy, for immediate inspection by potential purchasers and/or the Department.
 - (3) The above records for all dogs and/or cats sold by the existing pet shop and, therefore, no longer present in the existing pet shop, must be kept in either electronic or hard copy form for three years and be available for inspection within three days of the Department's request.
 - (4) Falsification of records by existing pet shops is hereby deemed unlawful and subject to the penalties under this section.
- (f) *Adoption promotion.*
- (1) Owners of existing pet shops shall be required to place, on a sign that is in poster format and in clear view, and in a readable disclaimer on their pet shop website and any and all of their marketing materials, a message promoting adoption from animal shelters and rescue organizations as another option to acquire a dog and/or cat, information about their adoption programs and their contact information, including website addresses to view the dogs and/or cats available for adoption.
 - (2) Owners of existing pet shops shall require potential purchasers, at the time of their transactions, to sign an affidavit attesting that they were informed about the adoption options, had the opportunity to read the poster, website, or marketing information with the adoption options and other information included, and reviewed the USDA breeder reports, records and other breeder contact and background information required to be maintained by the existing pet shops.
 - a. The signed affidavits for dogs and/or cats sold in a given business day and, therefore, no longer present in the existing pet shop, shall be maintained in hard copy for immediate inspection by the Department.
 - b. All other signed affidavits for dogs and/or cats sold by the pet shop must be kept in either electronic or hard copy form for three years and available for inspection within three days of the Department's request.
- (g) *Inspections.*
- (1) The Department shall conduct, at a minimum, two inspections of the existing pet shops.
 - (2) Owners of existing pet shops, or designated representatives, shall be required to personally inspect the USDA breeding facilities from which they receive their dogs

and/or cats.

(Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-63. - Adoption-based business model for retail sale of dogs and cats and other requirements for new pet shops.

- (a) No new pet shop shall offer for retail sale dogs or cats in Hillsborough County, unless that dog or cat was obtained from:
 - (1) An animal shelter;
 - (2) A rescue organization.
- (b) All dogs and/or cats offered for retail sale in Hillsborough County, by a new pet shop, an animal shelter, or rescue organization, shall be required to be implanted with a permanent electronic animal radio frequency identification device (RFID-microchipped), registered to the legal owner of the animal.
- (c) The following record keeping and disclosure requirements shall apply to all new pet shops:
 - (1) New pet shops shall post and maintain on each animal's cage, kennel, or enclosure, within clear view and in a reasonable proximity thereof, a label stating the name and address, including city and state, of the animal shelter or rescue organization from which the new pet shop acquired the animal or that owns the animal kept in the cage, kennel, or enclosure.
 - (2) New pet shops shall maintain records, stating the name and address of the animal shelter or rescue organization that each dog or cat was obtained from, for three years following the date of acquisition or in accordance with the required retention time set forth by business standards and practices governing the particular commercial establishment record, whichever is greater, and, annually submit a copy of the record for the previous year to the County's animal control officers or any other County officials charged with enforcing the provisions of this Section, by February 1st of each year.
 - (3) Any such records shall be made available, immediately upon request, to the County's animal control officers, any other County officials charged with enforcing the provisions of this Section, and/or law enforcement.
 - (4) Falsification of records by new pet shops is hereby deemed unlawful and subject to the penalties under this section.

(Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-64. - Prohibition on retail sale in public places.

- (a) There shall be no retail sale of dogs or cats on any public thoroughfare, public common

areas, or other places of public accommodations, flea markets, festivities, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, or other similar activities, regardless of whether such access is authorized by the owner.

(b) This section shall not apply to the following:

- (1) The retail sale of dogs and/or cats by an animal shelter or rescue organization;
- (2) The retail sale of dogs and/or cats as part of a state or county fair exhibition, 4-H program, or similar exhibition or education program.

(Ord. No. 17-12, § 2, 5-26-2017)

Sec. 6-65. - Penalties.

- (a) It shall be a violation of this section to fail to comply with any of the requirements or restrictions contained herein, which, for existing pet shops operating under the grandfather privilege, can result in the loss of said privilege and any and all rights appurtenant thereto.
- (b) Consistent with other sections of this section, any violation of this section is a civil infraction punishable by a maximum civil penalty not to exceed \$500.00 and the amount of any penalties may be established by BOCC resolution.
- (c) A person found to have violated this section could also be subject to the following penalties:
 - (1) For the first inspection, a warning notice may be issued by the Department;
 - (2) For the second inspection (on any new or continuing violation, that is more than 30 days old), a fine of \$250.00 may be imposed per violation;
 - (3) For the third and any subsequent inspection (on any new or continuing violation, that is more than 30 days old), a fine of \$500.00 shall be imposed per violation.
 - (4) For the fourth inspection within a year (on any or continuing violation, that is more than 30 days old), the maximum fine of \$500.00 shall be imposed per violation, and for existing pet shops operating under the grandfather privilege, this shall result in the loss of said privilege and any and all rights appurtenant thereto.

Where practical and appropriate, the Department should provide 30 days for the pet shop to correct the violation. The inspection time will reset every 24 months for purposes of calculating the number of violations.

- (d) Nothing contained herein shall prevent the County 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 section, including, but not limited to, pursuit of injunctive and/or declaratory relief and/or injunction, 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 section.
- (e) Each day of a continuing violation shall constitute a separate and distinct violation. A

separate and distinct offense occurs per animal.

(Ord. No. 17-12, § 2, 5-26-2017)

Secs. 6-66—6-78. - Reserved.

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee.—

(1)(a) For each dog transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the dog's entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each dog transported into the state for sale.

(b) For each dog offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Canine distemper.
2. Leptospirosis.
3. Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale).
4. Parainfluenza.
5. Hepatitis.
6. Canine parvo.
7. Rabies, provided the dog is over 3 months of age and the inoculation is administered by a licensed veterinarian.
8. Roundworms.
9. Hookworms.

If the dog is under 4 months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than 21 days before sale within the state. If the dog is 4 months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after 3 months of age, but no more than 1 year before sale within the state.

(2)(a) For each cat transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the cat's entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each cat transported into the state for sale.

(b) For each cat offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered before the cat is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat. Each cat must receive vaccines and anthelmintics against the following diseases and internal parasites:

1. Panleukopenia.
2. Feline viral rhinotracheitis.
3. Calici virus.
4. Rabies, if the cat is over 3 months of age and the inoculation is administered by a licensed veterinarian.
5. Hookworms.
6. Roundworms.



A Highlands County Animal Services officer walks past animals taken from the home of Jinece Loughry, 66, on Thursday. Officers found more than 70 animals in the home, 23 of which were dead. (Courtesy of Highlands County Sheriff's Office)

Deputies: Animal Rescue Volunteer Stored Animals in Abandoned Home

By Spectrum News Staff | Florida | January 4, 2019 @4:45 PM



HIGHLANDS COUNTY, Fla. — A volunteer at an animal rescue has been charged with animal cruelty after deputies say that instead of finding homes for animals, she was storing them in an abandoned, squalid home with dead animals.

- Jinece Elizabeth Loughry, 66, faces 72 counts of animal cruelty
- Loughry is a volunteer for Hardee Animal Rescue Team
- She told group she was finding homes for animals she was storing

Highlands County Sheriff's officials charged Jinece Loughry, 66, with 72 counts of animal cruelty after deputies said they found 49 living and 23 dead animals in a 1,002 square-foot home she owned but didn't live in.

Deputies said some of the animals were kept in crates stacked three-high in the house's living room. Others were roaming free in the house, which had no running water.

Loughry, according to the agency, had not been living in the home since November. The house was also reportedly infested with rats and roaches.

Some of the dead animals were in such advanced states of decomposition that it's been difficult to determine whether they were cats or dogs.

Among the live animals taken from the home, there were 42 dogs, six cats, and one bird.

Loughry was reportedly a volunteer for Hardee County-based HART, the Hardee Animal Rescue Team. According to authorities, Loughry had been telling HART that she was finding homes for the animals, but deputies said that instead, she was storing them in the house.

Highlands County authorities got a tip about the home Thursday. After obtaining a search warrant, deputies and Animal Services officers went in.

“There is no excuse for animals to be abused like this,” Sheriff Paul Blackman said in a statement.

"I will be reaching out to the county commission as soon as possible to discuss a county ordinance that would require anyone operating a rescue or serving as a foster home for animals as part of a rescue — even as a volunteer — to register with Animal Services so they can be monitored and inspected on a regular basis," Blackman went on. "We need to make sure something like this horrible tragedy never happens again in our county."

The county said all the animals taken from the home were transported to HART's facility in Wauchula for treatment. All of them survived the night, and a veterinarian was scheduled to examine them Friday.

The surviving animals will all be made available for adoption through HART. Anyone interested in adopting can call [863-781-2045](tel:863-781-2045), or visit hardeeanimalrescueteam.com.



**PICK-POCKET
PROOF®
TRAVELWEAR
YOU WANT.**

*"The CIA version
of khakis."*
- FORBES

[Upgrade Now](#)

CLOTHING ARTS

ADVERTISEMENT

or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

(c) The right to retain the animal and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

Reimbursement for veterinary costs may not exceed the purchase price of the animal. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

(6) A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:

(a) The right to return the animal and receive a refund of the purchase price, including sales tax, but excluding the veterinary costs related to the certification that the dog or cat is unfit; or

(b) The right to return the animal and receive an exchange dog or cat of the consumer's choice of equivalent value, but not a refund of the veterinary costs related to the certification that the dog or cat is unfit.

(7) A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those disorders.

(8) The refund or exchange required by subsection (5) or subsection (6) shall be made by the pet dealer not later than 10 business days following receipt of a signed veterinary certification as required in subsection (5) or subsection (6). The consumer must notify the pet dealer within 2 business days after the veterinarian's determination that the animal is unfit. The written certification of unfitness must be presented to the pet dealer not later than 3 business days following receipt thereof by the consumer.

(9) An animal may not be determined unfit for sale on account of an injury sustained or illness contracted after the consumer takes possession of the animal. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the animal is clinically ill because of that condition.

(10) If a pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a consumer under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection (5) or subsection (6) within 10 business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

(11) This section does not in any way limit the rights or remedies that are otherwise available to a consumer under any other law.

(12) Every pet dealer who sells an animal to a consumer must provide the consumer at the time of sale with a written notice, printed or typed, which reads as follows:

It is the consumer's right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each dog or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination. In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer within 2 business days of the veterinarian's determination that the animal was unfit. The consumer has the right to retain, return, or exchange the

animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.

(13) For the purposes of subsections (5)-(12) and (16), the term "pet dealer" means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer.

(14) The state attorney may bring an action to enjoin any violator of this section or s. 828.12 or s. 828.13 from being a pet dealer.

(15) County-operated or city-operated animal control agencies and registered nonprofit humane organizations are exempt from this section.

(16) A pet dealer may not knowingly misrepresent the breed, sex, or health of any dog or cat offered for sale within the state.

(17) Except as otherwise provided in this chapter, a person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

1/8/19 J(5) BCC
Legislative intent puppy mills

Harley's Story

by Harley's mom, Rudi Taylor

He'd been roughly and unceremoniously pulled from the cramped, filthy cage at the puppy mill — his only home for all of his 10 years. The old dog was tossed in a bucket along with some dead puppies. There, his life would end, painfully and brutally.

Miraculously, a worker at the puppy mill noticed he was still breathing. She retrieved him from the bucket and passed the tiny, disfigured Chihuahua on to a nearby rescue. He immediately received medical care, and afterwards he was placed in the grass (probably for the first time in his life) where his very first photo was taken. He appeared sad and afraid, he was old and crooked, and he had only one eye.

When I saw the photo I knew instinctively that this little Chihuahua was meant to be with me. I called the women who ran the rescue; we spoke for an hour, and the next thing I knew I was on my way to pick up "my boy" a couple states away.

To be honest, my intention was to give this little dog a loving home for his final days, which the vet said would likely be about three months. A soft bed, good food and clean water — but most importantly, love — that is what Dan and I would give him for the first time in his life. We named him Harley ... a name that seemed fitting for a tough little guy who was clearly a survivor.

For all of his 10 years and until the day of his rescue, Harley's only purpose had been to father countless puppies ... puppies who would be sold in pet stores around the country. His life had been rough, he was sick and afraid, and he'd never known a kind human touch. Harley's grizzled appearance is a testament to the care and nurturing that he had never received.

Harley had issues: a diseased heart, a mouth filled with rot, an injured spine, a broken tail, gnarled toes, and legs that were deformed. And then there was the missing eye — the result of his cage being power-washed with him in it (an all too common practice in puppy mills). All of these conditions were the result of years of horrendous neglect and abuse.

But this little one-eyed dog truly was a survivor. Harley thrived on the newfound love and attention he was receiving for the first time in his life. He saw numerous veterinarians and underwent two surgeries. Through it all, Harley had his ups and downs, but overall his physical condition steadily improved. I was awestruck and inspired by his transformation; his courage and his determination to grab this wonderful new life and hold onto it with everything he had ... and I fell more deeply in love with him every day. It was as though he KNEW his life had to serve a greater purpose than fathering hundreds of puppies. He needed to make a difference to other dogs just like him — to give them a chance at the kind of life he'd miraculously fallen into after so many years in misery.

From the beginning, there was something "magical" about Harley. Everyone who met him saw it. People were drawn to him and he was drawn to people. It became clear that Harley had a very important reason to live ... and somehow I was the lucky one chosen to help him in his journey.

In adopting Harley, I found a new depth of compassion within myself, and he indeed made my life complete as a result. Harley spoke through me on his Facebook page to his adoring fans all over the world. There he is known as "a little dog with a big dream" ... to end puppy mills. He would tell his fans about life in the puppy mill and explain just where those adorable pet store puppies really come from. He became the voice for the tens of thousands of dogs who still remain in the mills, and he made a difference to so many of them. During his special appearances at schools and events, he spread awareness with his mantra, "adopt, don't shop".

Along the way, Harley inspired me to create a campaign called "Harley to the Rescue" and through this, he participated in the freeing of more than 700 dogs from puppy mills across the Midwest, and raised the money that gave freedom to hundreds more. Harley would personally go on these rescue missions, and there was no doubt ... he was keenly aware of what was happening! There is something indescribable in the way he communicated with the sad and scared dogs. Harley clearly recognized his role in helping to bridge the gap between canine and human.

Harley lived another five years after we adopted him ... far beyond his original prognosis of three months ... and I know beyond a doubt that it was his knowledge of his mission that strengthened him and kept him going. On March 20, 2016, Harley passed away. Our world was shattered, and for a time we were inconsolable. But Harley's fans gave us strength, and Dan and I knew he would want us to carry on with his mission ... and that we will do as long as we are breathing, or until there are no more puppy mills.

In a world so full of evil and hate, it's easy to become cynical. This special little dog, with such a horrible past, helped me see how much love and caring there really is in the world. Harley taught me to look for (and expect) love and kindness from people, because he only saw the best in people. He truly changed my life in remarkable ways, and I will never be the same. He is forever a part of me. As I continue to share his mission and spread his message about puppy mills, I feel his spirit ever present ... strengthening me and guiding me forward, carrying on in his name.

Learn more about Harley at www.HarleysDream.org.





**Best
Friends
Animal
Society**

J(5) 1/8/19
Legislative intent
ban puppy mill / kitten factory

SAVE THEM ALL™

3 January 2019

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, FL 32940

Re: Support for a Retail Pet Sales Ordinance

Dear Commission Chair Isnardi, Vice Chair Lober and Commissioners:

On behalf of Best Friends Animal Society and our Florida members, I am pleased to offer support for an ordinance to restrict the retail sale of companion animals in Brevard County pet stores. We encourage you to join more than 300 municipalities that have enacted legislation to prohibit pet stores from selling commercially bred pets, unless the pets are sourced from shelters or rescue groups.

Pet mills, particularly puppy mills, are a serious problem in the U.S. These facilities, which supply nearly 100% of retail pet stores and online retailers, are cruel and inhumane breeding factories in which profit takes priority over the health, comfort and welfare of the animals.

Although the USDA regulates these breeders, the minimum federal standards do not ensure a humane life for dogs. These types of kennels can legally have more than a thousand dogs in one facility, and these dogs are allowed to be confined to very small cages for their entire lives, breeding continuously in order to produce as many puppies as possible for the pet trade. And USDA inspection reports show that many USDA-licensed breeders continue to sell animals to local pet stores even after being cited for serious violations at their facilities.

Pet stores rely on high-volume commercial pet mills – and their distributors – to supply their stores because reputable breeders won't sell to pet stores for two simple reasons: it's not financially viable and they don't sell to third parties. And this pledge never to sell a puppy to a pet store can be found in every reputable breeder's code of ethics, including virtually all of the parent breed clubs on the American Kennel Club website.

Because the goal is to make a profit, pet mill owners cut all possible corners to keep their overhead low, at the expense of the well-being of their animals. For the unsuspecting consumer, this frequently results in the purchase of a pet facing an array of immediate veterinary problems or harboring genetic diseases that surface down the line. This creates a financial burden on the consumer and results in many of these animals being surrendered to overcrowded, taxpayer-subsidized shelters. Thus, this is not just an animal welfare issue but a consumer protection concern.

It makes little sense to continue manufacturing dogs and cats when so many are being killed for lack of space. Public education has been effective, but until communities take the initiative to limit the supply of pets being imported from substandard commercial facilities, there can be no hope of preventing these unnecessary deaths.

Best Friends Animal Society
5001 Angel Canyon Road
Kanab, UT 84741
bestfriends.org

Best Friends Animal Society – Los Angeles
15321 Brand Blvd.
Mission Hills, CA 91345
bestfriends.org/la

Best Friends Animal Society –
New York City
contactnyc@bestfriends.org

Best Friends Animal Society – Utah
2005 South 1100 East
Salt Lake City, UT 84106
bestfriends.org/utah



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Also concerning is the fact that Florida is one of 17 states to have been hit by an outbreak of a strain of bacteria (*Campylobacter*) that is linked to pet shop puppies, which is resistant to antibiotics and contagious to humans. Brevard County residents should not unwittingly be exposed to this serious public health threat.

Those who benefit most from companion animal sales in pet stores are the retailers themselves. While they may profit from the practice of buying these pets at a low price from commercial brokers and then selling them at a high price (typically without first spaying or neutering them), it is the taxpaying public who pays for animal control to house and kill unwanted animals in the community.

Puppy and kitten mill-supplied pet stores can choose to be part of the solution rather than the problem by phasing out the sale of commercially bred pets in favor of other common revenue streams such as pet product sales, grooming and day care, and by offering space for animal rescue organizations to adopt out animals from those stores.

Pet stores that have transitioned from selling commercially milled pets to offering rescued pets for adoption have found this animal-friendly model to be both viable and embraced by the communities in which the stores are located. Therefore, a restriction on the retail sale of pets would not preclude pet stores from doing business, but would, in fact, alleviate a significant burden on local shelters by increasing pet adoptions. Further, it would not prevent anyone from purchasing a pet directly from a private breeder.

Best Friends and our Florida members thank you in advance for taking a compassionate, common sense initiative to address the pet mill problem in Brevard County and setting a positive example for the rest of the country to follow. We have been privileged to work with the majority of municipalities throughout the U.S. that have enacted pet sales ordinances, as well as the recently enacted statewide California and Maryland retail pet sales bans, and we would be pleased to help Brevard County do the same.

Thank you for your consideration of this important reform.

Respectfully,

Elizabeth Oreck

Elizabeth Oreck

National Manager, Puppy Mill Initiatives
Best Friends Animal Society
bestfriends.org/puppymills
elizabetho@bestfriends.org



Best
Friends
Animal
Society

SAVE THEM ALL™

Retail Pet Sales Bans Enacted in North America (308)

(Links to legislation available at bestfriends.org/puppymills)

(1-3-19)

ALABAMA

Huntsville, AL – Enacted December 2018; effective immediately

ARIZONA

Phoenix, AZ – Enacted December 2013; effective January 2014

Tempe, AZ – Enacted February 2016; effective May 2016

CALIFORNIA

South Lake Tahoe, CA – Enacted April 2009; effective May 2011

West Hollywood, CA – Enacted February 2010; effective March 2010

Hermosa Beach, CA – Enacted March 2010; effective April 2010

Turlock, CA – Enacted May 2010; effective June 2010

Glendale, CA – Enacted August 2011; effective August 2012

Irvine, CA – Enacted October 2011; effective immediately

Dana Point, CA – Enacted February 2012; effective immediately

Chula Vista, CA – Enacted March 2012; effective April 2012

Laguna Beach, CA – Enacted May 2012; effective immediately

Aliso Viejo, CA – Enacted May 2012; effective immediately

Huntington Beach, CA – Enacted June 2012; effective June 2014

Los Angeles, CA – Enacted October 2012; effective June 2013

Burbank, CA – Enacted February 2013; effective August 2013

Rancho Mirage, CA – Enacted February 2013; effective March 2013

San Diego, CA – Enacted July 2013; effective September 2013

Ventura County, CA – Enacted December 2013; effective December 2014

Chino Hills, CA – Enacted October 2014; effective November 2014

Oceanside, CA – Enacted January 2015; effective September 2015



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Long Beach, CA – Enacted March 2015; effective October 2015

Garden Grove, CA – Enacted March 2015; effective March 2016

Encinitas, CA – Enacted July 2015; effective immediately

Beverly Hills, CA – Enacted August 2015; effective September 2015

Vista, CA – Enacted September 2015; effective October 2015

Palm Springs, CA – Enacted October 2015; effective immediately

San Marcos, CA – Enacted January 2016; effective February 2016

Cathedral City, CA – Enacted January 2016; effective February 2016

Truckee, CA – Enacted February 2016; effective immediately

Indio, CA – Enacted April 2016; effective immediately

La Quinta, CA – Enacted April 2016; effective May 2016

Carlsbad, CA – Enacted May 2016; effective June 2016

Colton, CA – Enacted June 2016; effective July 2016

Solana Beach, CA – Enacted July 2016; effective immediately

San Francisco, CA – Enacted February 2017; effective March 2017

Sacramento, CA – Enacted May 2017; effective immediately

South Pasadena, CA – Enacted June 2017; effective July 2017

Del Mar, CA – Enacted August 2017; effective September 2017

The State of California (Assembly Bill 485) – Enacted October 2017; effective January 2019

COLORADO

Fountain, CO – Enacted May 2011; effective May 2011

FLORIDA

Flagler Beach, FL – Enacted June 2009; effective immediately

Lake Worth, FL – Enacted February 2011; effective February 2011

Coral Gables, FL (applies to dogs only)

Opa-Locka, FL (applies to dogs only)

North Bay Village, FL (applies to dogs only)

Hallandale Beach, FL – Enacted April 2012; effective immediately



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Margate, FL – Enacted October 2013; effective immediately
Pinecrest, FL – Enacted October 2013; effective immediately
Palmetto Bay, FL – Enacted December 2013; effective immediately
Coconut Creek, FL – Enacted January 2014; effective immediately
Wellington, FL – Enacted January 2014; effective immediately
Surfside, FL – Enacted February 2014; effective immediately
Aventura, FL – Enacted March 2014; effective immediately
Wilton Manors, FL – Enacted March 2014; effective immediately
Greenacres, FL – Enacted April 2014; effective immediately
North Lauderdale, FL – Enacted April 2014; effective immediately
Bay Harbor Islands, FL – Enacted April 2014; effective immediately
Pompano Beach, FL – Enacted May 2104; effective immediately
North Miami Beach, FL – Enacted May 2014; effective immediately
Miami Beach, FL – Enacted May 2014; effective January 2015
Bal Harbour Village, FL – Enacted May 2014; effective immediately
Sunny Isles Beach, FL – Enacted May 2014; effective immediately
Dania Beach, FL – Enacted June 2014; effective immediately
Palm Beach Gardens, FL – Enacted July 2014; effective immediately
Juno Beach, FL – Enacted July 2014; effective immediately
Cutler Bay, FL – Enacted August 2014; effective immediately
North Palm Beach, FL – Enacted August 2014; effective immediately
Hypoluxo, FL – Enacted September 2014; effective immediately
Jupiter, FL – Enacted October 2014; effective immediately
Homestead, FL – Enacted October 2014; effective immediately
Tamarac, FL – Enacted December 2014; effective immediately
Palm Beach, FL – Enacted January 2015; effective immediately
North Miami, FL – Enacted April 2015; effective immediately
Lauderhill, FL – Enacted April 2015; effective immediately
Fernandina Beach, FL – Enacted July 2015; effective immediately
Jacksonville Beach, FL – Enacted August 2015; effective immediately



Best
Friends
Animal
Society

SAVE THEM ALL™

Deerfield Beach, FL – Enacted November 2015; effective May 2016
West Melbourne, FL – Enacted November 2015; effective immediately
Casselberry, FL – Enacted November 2015; effective immediately
Neptune Beach, FL – Enacted January 2016; effective February 2016
Sarasota County, FL – Enacted January 2016; effective January 2017
South Miami, FL – Enacted January 2016; effective immediately
Delray Beach, FL – Enacted March 2016; effective immediately
Hollywood, FL – Enacted June 2016; effective December 2016
St. Petersburg, FL – Enacted July 2016; effective immediately
Key West, FL – Enacted August 2016; effective immediately
Miramar, FL – Enacted August 2016; effective immediately
Palm Beach County, FL – Enacted September 2016; effective November 2016
Safety Harbor, FL – Enacted November 2016; effective immediately
Holmes Beach, FL – Enacted February 2017; effective immediately
Fort Lauderdale, FL – Enacted June 2017; effective immediately
DeSoto County, FL – Enacted July 2017; effective immediately
Oakland Park, FL – Enacted December 2017; effective immediately
Seminole County, FL (unincorporated areas) – Enacted February 2018; effective immediately
Atlantic Beach, FL – Enacted March 2018; effective immediately
Lake County, FL – Enacted May 2018; effective immediately
Sanford, FL – Enacted July 2018; effective immediately
Dunedin, FL – Enacted July 2018; effective immediately
Royal Palm Beach, FL – Enacted July 2018; effective immediately

GEORGIA

Canton, GA – Enacted March 2017; effective immediately
Holly Springs, GA – Enacted May 2017; effective immediately
Waleska, GA – Enacted May 2017; effective immediately
Woodstock, GA – Enacted June 2017; effective immediately
Senoia, GA – Enacted November 2017; effective immediately



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Sandy Springs, GA – Enacted November 2017; effective February 2018

Ball Ground, GA -- Enacted January 2018; effective immediately

Centerville, GA – Enacted January 2018; effective immediately

Atlanta, GA – Enacted November, 2018; effective immediately

ILLINOIS

Waukegan, IL – Enacted June 2012; effective immediately

Chicago, IL – Enacted March 2014; effective March 2015

Cook County, IL – Enacted April 2014; effective October 2014

Warrenville, IL – Enacted February 2016; effective immediately

Crest Hill, IL – Enacted October 2017; effective January 2018

Kankakee County, IL – Enacted May 2018; effective immediately

INDIANA

St. Joseph County, IN (unincorporated areas) – Enacted May 2017; effective immediately

IOWA

Fraser, Iowa – Enacted October 2017; effective immediately

Boone, IA – Enacted May 2018; effective immediately

MAINE

Portland, ME – Enacted September 2016; effective immediately

Bar Harbor, ME – Enacted December 2017; effective January 2018

MARYLAND

Montgomery County, MD – Enacted March 2015; effective June 2015

The State of Maryland (House Bill 1662) – Enacted April 2018; effective January 2020

MASSACHUSETTS

Boston, MA – Enacted March 2016; effective immediately



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Stoneham, MA – Enacted May 2017; effective immediately

Cambridge, MA – Enacted August 2017; effective November 2017

MICHIGAN

Eastpointe, MI – Enacted September 2015; effective January 2016

Memphis, MI – Enacted September 2015; effective immediately

New Baltimore, MD – Enacted November 2015; effective November 2016

Fraser, MI – Enacted December 2015; effective immediately

MINNESOTA

Roseville, MN – Enacted March 2017; effective September 2017

Eden Prairie, MN – Enacted May 2018; effective immediately

St. Paul, MN – Enacted December 2018; effective January 2019

NEVADA

Mesquite, NV – Enacted May 2016; effective June 2016

North Las Vegas, NV – Enacted December 2016; effective immediately

NEW JERSEY

Point Pleasant, NJ – Enacted May 2012; effective immediately

Brick, NJ – Enacted July 2012; effective immediately

Manasquan, NJ – Enacted September 2012; effective immediately

Point Pleasant Beach, NJ – Enacted October 2012; effective immediately

Hoboken, NJ – Enacted May 2013; effective immediately

Oceanport, NJ – Enacted August 2013; effective immediately

North Brunswick, NJ – Enacted October 2013; effective November 2013

Randolph, NJ – Enacted September 2014; effective immediately

Camden County, NJ – Enacted September 2015; effective immediately

Voorhees, NJ – Enacted October 2015; effective immediately

Brooklawn, NJ – Enacted October 2015; effective immediately

Audubon, NJ – Enacted October 2015; effective immediately



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Waterford, NJ – Enacted October 2015; effective January 2016
Cherry Hill, NJ – Enacted November 2015; effective immediately
Merchantville, NJ – Enacted November 2015; effective immediately
Runnemede, NJ – Enacted December 2015; effective March 2016
Somerdale, NJ – Enacted December 2015; effective March 2016
Laurel Springs, NJ – Enacted December 2015; effective March 2016
Oaklyn, NJ – Enacted December 2015; effective immediately
Westville, NJ – Enacted December 2015; effective March 2016
Haddon Heights, NJ – Enacted December 2015; effective March 2016
Gloucester Township, NJ – Enacted December 2015; effective January 2016
Glassboro, NJ – Enacted December 2015; effective March 2016
Magnolia, NJ – Enacted December 2015; effective March 2016
Bellmawr, NJ – Enacted January 2016; effective immediately
Berlin Township, NJ – Enacted February 2016; effective May 2016
Clementon, NJ – Enacted March 2016; effective June 2016
Pine Hill, NJ – Enacted March 2016; effective immediately
Haddon Township, NJ – Enacted March 2016; effective immediately
Winslow, NJ – Enacted March 2016; effective immediately
Jackson, NJ – Enacted March 2016; effective immediately
Collingswood, NJ – Enacted April 2016; effective immediately
Audubon Park, NJ – Enacted April 2016; effective immediately
Mount Ephraim, NJ – Enacted April 2016; effective immediately
Barrington, NJ – Enacted April 2016; effective immediately
Berlin Borough, NJ – Enacted April 2016; effective immediately
East Brunswick, NJ – Enacted April 2016; effective May 2016
Gloucester City, NJ – Enacted April 2006; effective July 2016
Chesilhurst, NJ – Enacted May 2016; effective August 2016
Greenwich, NJ – Enacted May 2016; effective June 2016
Pennsauken, NJ – Enacted May 2016; effective immediately
Beverly, NJ – Enacted May 2016; effective immediately



Best
Friends
Animal
Society

SAVE THEM ALL™

Clayton, NJ – Enacted May 2016; effective August 2016
Mantua, NJ – Enacted May 2016; effective immediately
Washington (Gloucester County), NJ – Enacted June 2016; effective July 2016
Gibbsboro, NJ – Enacted June 2016; effective September 2016
Little Ferry, NJ – Enacted June 2016; effective September 2016
Wyckoff, NJ – Enacted June 2016; effective immediately
Lindenwold, NJ – Enacted June 2016; effective immediately
Hackensack, NJ – Enacted June 2016; effective September 2016
Bordentown, NJ – Enacted June 2016; effective immediately
Hi-Nella, NJ – Enacted June 2016; effective September 2016
Mount Holly, NJ – Enacted July 2016; effective October 2016
Pitman, NJ – Enacted July 2016; effective October 2016
Camden City, NJ – Enacted July 2016; effective August 2016
Maywood, NJ – Enacted July 2016; effective immediately
East Rutherford, NJ – Enacted July 2016; effective October 2016
Union City, NJ – Enacted July 2016; effective immediately
Glen Rock, NJ – Enacted July 2016; effective October 2016
Woodlynn, NJ – Enacted July 2016; effective October 2016
Woodcliff Lake, NJ – Enacted August 2016; effective immediately
Saddle Brook, NJ – Enacted August 2016; effective November 2016
Washington (Burlington County), NJ – Enacted August 2017; effective immediately
Upper Saddle River, NJ – Enacted September 2016; effective immediately
Eatontown, NJ – Enacted September 2016; effective December 2016
Swedesboro, NJ – Enacted September 2016; effective December 2016
Ridgefield, NJ – Enacted September 2016; effective December 2016
Fanwood, NJ – Enacted September 2016; effective immediately
Fairview, NJ – Enacted September 2016; effective December 2016
Wallington, NJ – Enacted September 2016; effective immediately
New Milford, NJ – Enacted September 2016; effective immediately
Hamilton, NJ (Mercer County) – Enacted September 2016; effective October 2016



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Ridgewood, NJ – Enacted October 2016; effective November 2016
Edgewater, NJ – Enacted October 2016; effective January 2016
Woodbury Heights, NJ – Enacted October 2016; effective immediately
Marlboro, NJ – Enacted October 2016; effective January 2017
Fair Lawn, NJ – Enacted October 2016; effective immediately
Ocean, NJ – Enacted October 2016; effective November 2016
North Arlington, NJ – Enacted November 2016; effective immediately
Watchung, NJ – Enacted November 2016; effective immediately
Frenchtown, NJ – Enacted December 2016; effective March 2017
Palisades Park, NJ – Enacted December 2016; effective immediately
Union Beach, NJ – Enacted December 2016; effective immediately
Cliffside Park, NJ – Enacted December 2016; effective immediately
Bradley Beach, NJ – Enacted January 2017; effective immediately
Stratford, NJ -- Enacted February 2017; effective May 2017
Burlington, NJ – Enacted February 2017; effective March 2017
Haddonfield, NJ – Enacted February 2017; effective May 2017
Bound Brook, NJ – Enacted February 2017; effective immediately
Livingston, NJ – Enacted March 2017; effective June 2017
Franklin, NJ (Somerset County) – Enacted March 2017; effective June 2017
Secaucus, NJ – Enacted March 2017; effective immediately
Manalapan, NJ – Enacted April 2017; effective immediately
Scotch Plains, NJ – Enacted April 2017; effective immediately
Lodi, NJ – Enacted April 2017; effective April 2017
East Newark, NJ – Enacted April 2017; effective July 2017
Roselle Park, NJ – Enacted May 2017; effective immediately
Harrison (Gloucester County), NJ – Enacted May 2017; effective immediately
Brielle, NJ – Enacted May 2017; effective immediately
Caldwell, NJ – Enacted June 2017; effective immediately
Matawan, NJ – Enacted June 2017; effective immediately



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Maple Shade, NJ – Enacted June 2017; effective immediately

North Plainfield, NJ – Enacted June 2017; effective July 2017

Asbury Park, NJ – Enacted June 2017; effective July 2017

Leonia, NJ – Enacted July 2017; effective immediately

Hopewell Borough, NJ – Enacted August 2017; effective immediately

Springfield, NJ – Enacted September 2017; effective December 2017

Cranford, NJ – Enacted October 2017; effective immediately

Nutley, NJ – Enacted October 2017; effective January 2018

Moorestown, NJ – Enacted October 2017; effective November 2017

Rahway, NJ – Enacted November 2017; effective immediately

Lawrence, NJ – Enacted February 2018; effective March 2018

Holmdel, NJ – Enacted February 2018; effective May 2018

Barnegat, NJ – Enacted March 2018; effective immediately

Westfield, NJ – Enacted April 2018; effective immediately

Garwood, NJ – Enacted June 2018; effective September 2018

Linden, NJ – Enacted June 2018; effective immediately

Palmyra, NJ – Enacted June 2018; effective immediately

Teaneck, NJ – Enacted September 2018; effective December 2018

South Orange, NJ – Enacted November 2018; effective immediately

Wall, NJ – Enacted December 2018; effective immediately

NEW MEXICO

Albuquerque, NM – Enacted June 2006; effective August 2007

Bernalillo County, NM – Enacted February 2013; effective August 2013

Rio Rancho, NM – Enacted April 2017; effective November 2017

NEW YORK

Mamaroneck Village, NY – Enacted February 2016; effective immediately

Mount Pleasant, NY – Enacted March 2016; effective immediately

Yorktown, NY – Enacted July 2016; effective immediately



Best
Friends
Animal
Society

SAVE THEM ALL™

Rye Brook, NY – Enacted August 2016; effective immediately

Port Chester, NY – Enacted October 2016; effective immediately

OHIO

Toledo, OH – Enacted December 2013; effective January 2014

Grove City, OH – Enacted March 2016; effective January 2017

PENNSYLVANIA

Pittsburgh, PA – Enacted December 2015; effective June 2016

Philadelphia, PA – Enacted April 2016; effective July 2016

Wilksburg, PA – Enacted October 2017; effective immediately

Sharpsburg, PA – Enacted April 2018; effective immediately

RHODE ISLAND

East Providence, RI – Enacted June 2014; effective immediately

Warwick, RI – Enacted July 2017; effective August 2017

TENNESSEE

Nashville and Davidson County, TN – Enacted May 2018; effective August 2018

Franklin, TN – Enacted December 2018; effective March 2019

TEXAS

El Paso, TX – Enacted October 2010; effective January 2011

Austin, TX – Enacted December 2010; effective December 2010

UTAH

Salt Lake County, UT – Enacted October 2015; effective immediately

Millcreek, UT – Enacted December 2016; effective immediately

Emigration Canyon, UT – Enacted January 2017; effective immediately



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Copperton, UT – Enacted January 2017; effective immediately

Kearns, UT – Enacted January 2017; effective immediately

Magna, UT – Enacted January 2017; effective immediately

White City, UT – Enacted January 2017; effective immediately

Sandy City, UT – Enacted May 2018; effective immediately

Midvale, UT – Enacted July 2018; effective immediately

Murray City, UT – Enacted August 2018; effective immediately

Salt Lake City, UT – Enacted November 2018; effective February 2019

WASHINGTON

Bainbridge Island, WA – Enacted June 2017; effective July 2017

Bremerton, WA – Enacted September 2017; effective immediately

Poulsbo, WA – Enacted January 2018; effective immediately

WYOMING

Rock Springs, WY – Enacted April 2018; effective immediately

CANADA

Richmond, British Columbia – Enacted November 2010; effective April 2011

Toronto, Ontario – Enacted September 2011; effective September 2012

Rosemont-La Petite-Patrie, Quebec – Enacted December 2011; effective immediately

Mississauga, Ontario – Enacted July 2012; effective January 2013

New Westminster, British Columbia – Enacted November 2012; effective immediately

Kingston, Ontario – Enacted August 2013; effective November 2013

Vaughan, Ontario – Enacted April 2014; effective immediately

Hudson, Quebec – Enacted September 2014; effective immediately

Waterloo, Ontario – Enacted September 2014; effective January 2015

Mount Royal, Quebec – Enacted May 2015; effective immediately

Oakville, Ontario – Enacted November 2015; effective immediately

Beaconsfield, Quebec – Enacted December 2015; effective immediately



**Best
Friends
Animal
Society**

SAVE THEM ALL™

Ottawa, Ontario – Enacted April 2016; effective immediately

Cambridge, Ontario – Enacted October 2016; effective immediately

Delta, British Columbia – Enacted October 2017; effective November 2017

Vancouver, British Columbia – Enacted December 2017; effective immediately

Surrey, British Columbia – Enacted March 2018; effective June 2018

Burnaby, British Columbia – Enacted June 2018; effective immediately

Best Friends Animal Society
5001 Angel Canyon Road
Kanab, UT 84741
bestfriends.org

Best Friends Animal Society – Los Angeles
15321 Brand Blvd.
Mission Hills, CA 91345
bestfriends.org/la

Best Friends Animal Society –
New York City
contactnyc@bestfriends.org

Best Friends Animal Society – Utah
2005 South 1100 East
Salt Lake City, UT 84106
bestfriends.org/utah



BOARD OF COUNTY COMMISSIONERS

J(5) 1/8/19
*Legislative Intent ban puppy mills/
Kitten factory*
Rita Pritchett, District 1 Commissioner
2000 S. Washington Avenue, Suite 2
Titusville, FL 32780
(321) 607-6901
www.brevardfl.gov

January 8, 2018

Agenda Item J. 5

Attached are proposed changes to Amendment to Brevard County Code Of Ordinances pertaining to retail sale of dogs and cats.

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AMENDING CHAPTER 14 OF THE BREVARD COUNTY CODE OF ORDINANCES, "ANIMALS"; CREATING A NEW SECTION IN ARTICLE II OF CHAPTER 14, SECTION 14-64, "RETAIL SALE OF DOGS AND CATS AT PET STORES"; PROHIBITING THE RETAIL SALE OF DOGS AND CATS AT PET STORES UNLESS THE ANIMAL IS FROM AN ANIMAL SHELTER OR ANIMAL RESCUE ORGANIZATION OR HOBBY BREEDER OR LICENSED COMMERCIAL BREEDER. PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; 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 Article VIII, Section (1)(g) of the Florida Constitution and Section 125.01, Florida Statutes (2018), the Board of County Commissioners of Brevard County, Florida (hereinafter the "Board"), has broad authority to enact ordinances not inconsistent with general law or with special laws approved by the vote of the electors; and

WHEREAS, at the Federal level, the United States Department of Agriculture is responsible for enforcing the Animal Welfare Act, which establishes minimum standards of care for dogs bred for sale; and

WHEREAS, at the State level, Chapter 828, Florida Statutes (2018), deals with animal cruelty, animal sales, and animal protection regulations, but does not explicitly regulate all breeding facilities which may be referred to as "puppy mills" or "kitten factories," where dogs and cats are mass-produced for sale to the public, including through sale at pet stores; and

WHEREAS, according to the People for the Ethical Treatment of Animals, it is "standard practice for puppy mills to keep animals in cramped, crude, and filthy conditions without proper veterinary care or socialization"; and

WHEREAS, dogs and cats, due to their sentience and capability of feeling, perception, and affection, ought to be afforded certain protections not necessarily afforded to non-sentient creatures; and

WHEREAS, according to the Humane Society of the United States, there are an estimated ten thousand puppy mills in the United States and, on an annual basis, around two million three hundred thousand puppies who originated from these puppy mills are sold throughout the country, while roughly three million cats and dogs are euthanized by shelters every year in the United States; and

WHEREAS, due to poor conditions at these mills, dogs and cats are often sick, subjected to inhumane conditions, and suffer from painful and/or life-limiting congenital disorders; and

WHEREAS, this Ordinance does not affect a consumer's ability to obtain a dog or cat of his or her choice directly from an animal rescue organization, animal shelter, or reputable hobby breeder, or a licensed breeder; and

WHEREAS, an effective tool to eliminate the retail market for domestic dogs and cats bred through “puppy mills” and “kitten factories” is to require that pet shops utilize an adoption-based business model, which ensures that the animals sold by retail outlets are sourced from shelters, animal rescue organizations, licensed commercial breeder and hobby breeders. This ordinance is hoping to encourage the adoption of homeless pets and reducing the financial and emotional toll on consumers who purchase mill-bred pets with latent physical and behavioral problems; and

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of
Brevard County, Florida, as follows:

Section 1. Amendments to Chapter 14 of Brevard County Code of Ordinances.

Chapter 14 is hereby amended to include the following provisions:

Section 14-64. Reserved . Is now hereby entitled Section 14-64. **Retail Sale of
Dogs and Cats at Pet Stores.** and shall read as follows:

Section 14-64. Retail Sale of Dogs and Cats at Pet Stores.

(a) Definitions. The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them below or as defined in Section 14-36 of the Brevard County Code of Ordinances, except where the context clearly indicates a different meaning:

Animal rescue organization means duly incorporated nonprofit organization, properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and does not breed animals. When animal rescue organizations begin breeding animals to sell to other entities they shall have the same criteria as all breeders and will require the same boundaries as all breeding dogs or cats for sale.

Animal shelter shall have the same meaning as defined in Section 14-36 of the Brevard County Code of Ordinances.

Hobby Breeder means any person or entity that causes or allows the breeding or studing of one or more dogs or cats resulting in no more than twenty offspring per female dog per calendar year, while permitting consumers access to directly see the condition in which the dogs or cats are bred and raised, or can confer directly with the breeder concerning said conditions.

Cat means an animal of any age that is a member of *Felis Catus*, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Dog means an animal of any age that is a member of Canus Lupus Familiaris, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Official certificate of veterinary inspection, which is defined in Section 828.29, Florida Statutes (2018), as may be amended, means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture that shows:

- (1) The age, sex, breed, color, and health records of the dog or cat;
- (2) The printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number;
- (3) A list of all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof;
- (4) That the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks. The veterinarian shall be responsible for filling out the official certificate of veterinary inspection in accordance with Florida law.

Pet store means any retail establishment that: (1) has obtained a tax receipt, (2) is open to the public, and (3) sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat, or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment.

Puppy mills and kitten factories means Places that are massing producing puppies and kittens that are not from a home, hobby breeder or licensed commercial breeder.

Retail sale means a sale, regardless of whether any exchange of consideration for the animal takes place at the same time or location. This term includes, but is not limited to: offering for sale; auctioning; bartering; displaying for sale, adoption, or re-home; exchanging for compensation; giving away; trading; delivering; advertising for sale; or otherwise disposing of dogs or cats to a person in a pet store or in association with a pet store.

(b) Intent.

- (1) The intent is to protect animals from cruelty and cruel situations from those who are unlicensed, not a hobby breeder or rescue organization or animal shelter who are breeding animals that are sold to the public at large.
- (2) The Board finds it reasonable and necessary to establish regulations regarding the sale of cats and dogs at pet stores to protect the health, safety, and welfare of both animals and pet owners. Furthermore, the Board finds these regulations will encourage pet consumers to obtain dogs and cats from animal shelters or animal rescue organizations, thereby saving the lives of animals and reducing the cost to the public of sheltering and euthanizing animals.
- (3) The Board intends for this Section to conform with and supplement Chapter 828, Florida Statutes, as may be amended, relating to animal cruelty, animal sales, and animal protection regulations.

(c) Retail Sale of Dogs and Cats at Pet Stores.

- (1) A pet store shall offer dogs or cats for sale in Brevard County, that were obtained from an animal shelter or animal rescue organization or hobby breeder or those who abide by the criteria set forth by the American Kennel Club for humanly breeding of dogs, or licensed commercial breeder.
- (2) This adoption-based business model for the retail sale of dogs or cats in the County applies to any and all pet stores.
- (3) Any dog or cat offered for sale in Brevard County must be accompanied by an official certificate of veterinary inspection issued by a licensed, accredited veterinarian. Upon sale, a copy of the certificate must be given to the buyer and the seller must retain one copy of the certificate for at least one year after the date of sale.
- (4) Pet stores shall maintain records that include the name, address, telephone number, and email address of any organization or person who they acquired the dog from for three years.
- (5) Any such records shall be made available, immediately upon request, to the County's animal control authority or any other County official(s) charged with enforcing the provisions of this Section.

(d) Adoption of Shelter and Rescue Animals. Nothing in this Section shall prevent a pet store, its owner(s), operator(s), or employee(s), from providing space and appropriate care for animals owned by an animal shelter or animal rescue organization, and maintained at the pet store for the purpose of adopting those animals to the public.

(e) *Hobby Breeder and Licensed Commercial Breeders.* Nothing in this Section prohibits a hobby breeder from engaging in a retail sale at the hobby breeder's domicile provided such retail sale is otherwise permitted by applicable law. The same being held for Licensed Commercial Breeders which comply with state statutes. Any such retail sale is expressly conditioned upon compliance with any and all registration requirements put in place by the Board, the Brevard County Sheriff's Office, or any other entity lawfully entitled to regulate such activity.

(f) *Enforcement and Penalties.*

(1) Any pet store found to be in violation of this Section may be subject to any applicable enforcement mechanism(s) available to the County. Such mechanisms may include, but are not limited to: prosecuting a violation of this Section in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes (2018), as may be amended; prosecuting a violation of this Section in accordance with Section 1-7 of the Brevard County Code of Ordinances; and other forms of relief as may be granted by a court of competent jurisdiction.

(2) Each animal produced, reared, bred, kept, sold, or released in violation of this Section will be deemed a separate offense, and a separate offense will be deemed committed on each day during which a violation occurs or continues to occur.

(g) *Area Encompassed.* This Section shall apply throughout the incorporated and unincorporated areas of the County. A municipal ordinance shall prevail over this Section within the municipality's jurisdiction to the extent of any conflict with this Section.

(h) *Applicability.* This Section shall take effect one month after the date of its adoption. However, any individual or entity with a business tax receipt from the County for the retail sale of dogs or cats, issued on or before the date this Section is adopted, shall be given a twelve-month grace period from the date of adoption before being subject to the regulations provided for in this Section.

Section 2. 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 3. 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 4. 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 5. 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 _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: _____

Scott Ellis, Clerk of Court

By: _____

Kristine Isnardi, Chair

(as approved by Board on __/__/__)