

Sec. 18½-4. - Retail sale of dogs, cats and rabbits.

- (a) *Findings of fact.* The board of county commissioners hereby makes the following findings of fact:
- (1) F.S. § 828.27, authorizes the board of county commissioners to enact an ordinance relating to animal control and cruelty.
  - (2) Animal control regulations are necessary to protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild, or exotic animals.
  - (3) Animal control regulations establish uniformity in the control and eradication of rabies.
  - (4) Animal control regulations help abate nuisance created by animals that interfere with the enjoyment of property or the peace and safety of the community.
  - (5) Animal control regulations help regulate animal population.
  - (6) Animal control regulations protect animals from abuse or conditions harmful to their well-being.
  - (7) According to the Humane Society of the United States, hundreds of thousands of dogs, cats, and rabbits in the United States have been housed and bred at substandard breeding facilities, known as "puppy mills", "kitten factories" or "rabbit mills", the mass-produce animals for sale to the public, many of which are sold in pet stores.
  - (8) Undercover pet store investigations performed by the Humane Society of the United States have repeatedly proven that most pet stores get their puppies from puppy mills, despite claims to the contrary.
  - (9) National animal welfare organizations, including the Humane Society of the United States (HSUS), the Humane Society Veterinary Medical Association (HSVMA) and the American Society for the Prevention of Cruelty to Animals (ASPCA) all concur that the animal welfare act standards are insufficient to protect dogs in puppy mills, and that even those breeders who repeatedly violate those weak standards seldom face a significant penalty.
  - (10) Cats, dogs and rabbits that are bred in puppy mills, kitten factories, or rabbit mills often suffer from health, social, and/or temperament problems that frequently result in costly treatment or even death.
  - (11) In addition to the congenital and hereditary conditions resulting from substandard breeding facilities, dogs, cats and rabbits bred at these facilities may arrive in pet stores and their new homes with giardia, parvovirus, and distemper, illnesses that can be transmitted to healthy family animals.
  - (12) According to the Humane Society of the United States, Florida has the highest number of consumer complaints submitted to the Humane Society regarding sick puppies purchased from puppy mills.
  - (13)

In addition to the above-mentioned abuses, rabbit mills are particularly prone to problems of overcrowding. Rabbits can multiply every twenty-eight (28) days, causing breeders to easily get overwhelmed which leads to crowding, filthy living situations and toxic amounts of ammonia in the air from urine in uncleaned cages.

(14) The board of county commissioners deems the prohibition of the retail sale of dogs, cats and rabbits in the county to be in the best interest of the health, safety, and welfare of its residents and citizens and the public at large, that such prohibition constitutes a municipal purpose and will encourage pet consumers to adopt dogs, cats or rabbits from shelters or home based breeders, thereby promoting consumer protection, saving animals' lives, and reducing the cost to the public of sheltering and euthanizing animals.

(b) *Definitions.* As used in the section, the following words and phrases shall have the following meanings, unless the context clearly indicates otherwise:

*Adoption fee* means remuneration to recover the costs of feeding, sheltering, and providing care for an animal, not including transportation of animal, without profit.

*Animal shelter* means a county animal shelter or animal control facility devoted to the rescue, care and adoption of stray, abandoned or surrendered animals and which does not breed animals.

*Animal welfare organization* means a duly incorporated non-profit organization that as tax exempt status under section 501(c)(3) of the United States Internal Revenue Code, whose mission is devoted to the welfare, care, and adoption of stray, abandoned, or surrendered animals, and which does not breed animals. An animal welfare organization does not auction, barter, display for sale, offer for sale, give away, or sell animals, but rather only accepts an adoption fee which does not exceed the cost of boarding, feeding and care of the animal being adopted.

*Cat* means an animal of the Felidae family of the order Carnivora.

*Certificate of source* means a document declaring the permitted source of the origin of the dog, cat or rabbit sold, transferred or offered for sale or transfer. This certificate shall include the breed, color, age, and approximate weight of the animal, the name, address and telephone number of the original source of the dog, cat or rabbit and shall be signed by the purchaser or transferee of the animal acknowledging receipt of the certificate.

*Commercial establishment* shall mean a business which is open to the public and that engages in a retail sale and shall include pet stores.

*Dog* means, but expressly is not limited to, domestic dog, *Canis familiaris*, and any genetic hybridization thereof, including, but expressly not limited to, wolf hybrids and coyote hybrids, that is not under the jurisdiction of the state fish and wildlife conservation commission.

*Flea market* means any indoor or outdoor marketplace where a space or location is provided for a fee to a vendor for the vendor to exhibit or offer for sale or trade new or used tangible goods or articles. This definition includes, but is not limited to, swap meets, bazaars, garages sales, penny markets or rummage sales.

*Local breeder* means a person that barter, offers for sale, displays for sale or sells dogs, cats or rabbits from the property in the county on which they were bred and reared, and is in compliance with all zoning and animal control laws, ordinances and regulations.

*Public thoroughfare, public common area, and flea market sales* means the sale or transfer, offer for sale or transfer, auction, barter, display, advertisement for sale, giving away or otherwise disposing of any live dog, cat or rabbit, on any public thoroughfare, public common area, roadside area, in any parking lot, in any flea market, government property, excluding for agricultural purposes, to any member of the public.

*Rabbit* means all members of the classification, *Oryctolagus cuniculus*.

*Retail sale* means to sell, offer for sale, or selling of any live dog, cat or rabbit for commercial purposes.

(c) *Animal sale prohibitions and requirements.*

(1) *Prohibitions.* The following acts shall be a violation of this section:

- a. Any retail sale of any dog, cat or rabbit from a commercial establishment.
- b. Any retail sale of any dog, cat or rabbit from any and all public thoroughfares, public common areas or flea market sale.

(2) *Exemptions.* The following shall be exempt from the prohibitions in subsection (1) of this subsection:

- a. Animal shelters.
- b. Local breeders.
- c. Animal welfare organizations.
- d. Adoption of animals. Nothing in this article shall prevent a commercial establishment from showcasing adoptable dogs, cats or rabbits owned by any animal welfare organization or animal shelter and collecting an adoption fee to be turned over to the animal welfare organization or animal shelters. Dogs shall not be kept overnight on the premises and shall not be younger than eight (8) weeks. Cats and rabbits can be kept overnight on the premises and shall not be younger than eight (8) weeks.
- e. Bona fide agricultural activities protected under the Florida Right to Farm Act, F.S. § 823.14.
- f. Future Farmers of America (FFA) and Florida 4-H activities involving agricultural education and other related programs, events or activities, including, but not limited to state or county fair exhibitions, and any direct person to person private sale resulting therefrom.

g. The exemptions set forth in paragraph (2) do not allow those that are exempt (a—f) to sell to, or in commercial establishments.

(d) *Certificate of source.*

- (1) Commercial establishments within the county who obtain dogs, cats or rabbits from a permitted source shall post and maintain on each enclosure for each animal, a certificate of source of each dog, cat or rabbit offered for adoption or transfer, and shall provide a copy of such certificate to the transferee of any dog, cat or rabbit transferred or adopted.
- (2) Local breeders shall post and maintain for each animal a certificate of source of each dog, cat or rabbit offered for sale or barter.
- (3) Any law enforcement officer or animal control officer may, at any time, request to review copies of such certificates and, upon such request, the pet store operator or breeder must present such certificates at that time and without delay.
- (4) Falsification of a certificate of source by a pet store, pet store operator, or breeder, or any other person shall be deemed a violation of this section.

(e) *Enforcement.*

- (1) Violations of this section may be prosecuted in the same manner misdemeanors are prosecuted pursuant to F.S. § 125.69, punishable by a fine not to exceed five hundred dollars (\$500.00), per day per animal or by imprisonment in the county jail not to exceed sixty (60) days, or by both fine and imprisonment. Each animal produced, reared, bred, kept, sold or released in violation of this section shall be deemed a separate offense.
- (2) The county or sheriff may also enforce this article by action in equity, including injunctive or declaratory relief, in the appropriate court of competent jurisdiction.
- (3) Any person who knowingly violates any provision of this section, including refusal to allow a law enforcement officer, animal services officer, or code enforcement officer to make an inspection under this section, shall also be punished in the same manner as a misdemeanor as provided by general law.

(Ord. No. 2020-20, § 1, 7-16-20; Ord. No. 2023-008, § 1, 3-27-23)

Ord. No. 2020-20, § 1, adopted July 16, 2020, did not specify manner of inclusion; hence, codification as § 18½-4 was at the discretion of the editor.