

ORDINANCE 25- ____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 14 OF SAID CODE; PROVIDING FOR REVISIONS TO CHAPTER 14 OF THE CODE INCLUDING REVISIONS PERTAINING TO PUBLIC NUISANCE ANIMAL COMPLAINTS, THE RETAIL SALE OF ANIMALS, CLARIFYING DEFINITIONS WITHIN THE CODE, AND OTHER PROVISIONS SUPPORTING ANIMAL WELFARE IN THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION ON THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, changes to the existing code will improve the safety and welfare of residents and animals within Pinellas County, and support the enforcement and operations of the Animal Services Department; and

WHEREAS, the Board finds that these revisions are in the interest of the health, safety, and welfare of the residents of Pinellas County;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this __ day of _____ 20__, that:

SECTION 1. Chapter 14 of the Pinellas County Code is hereby amended to read as follows:

ARTICLE I. IN GENERAL

Secs. 14-1—14-25. Reserved.

ARTICLE II. ANIMAL SERVICES

DIVISION 1. GENERALLY

Sec. 14-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to forsake entirely or neglect or refuse to provide or perform the legal obligations for care and support of an animal.

Animal means any living dumb creature.

Animal control code enforcement officer means all employees of the county department of animal services who have successfully completed the minimum standards training course approved by the Florida Animal Control Association.

Animal hoarding means the activity of a person characterized by the following:

- (1) Failure to provide minimal standards of sanitation, space, nutrition, and veterinary care for animals; and
- (2) Attempts to accumulate or maintain a collection of animals in the face of progressively deteriorating conditions.

Animal shelter means any facility maintained by the county and any facility maintained by a nonprofit humane organization or municipal agency, as approved by the board of county commissioners, for the confinement, care, control or disposition of animals that come into its custody, and which does not breed animals or obtain, in exchange for consideration of any kind, animals from a breeder. A facility meeting the definition of commercial establishment is excluded from this definition.

At-large means any dog or cat on the owner's premises which is not within the unobstructed sight and in the control of the owner, or any dog or cat not confined by sufficient means to assure that it is maintained on the property of the owner; or any dog or cat off the owner's premises which is not controlled by an adequate leash or tether, or otherwise under the owner's physical control, as defined in this section.

Baiting shall have the meaning provided by F.S. § 828.122, as may be amended.

Cat means the domestic cat, *Felis catus*.

Certificate of source means a document which includes the following information about the dog or cat involved in any retail sale at a commercial establishment:

- (1) The name, address, telephone number, and email address of any breeder, wholesaler, and transporter;
- (2) Breed;
- (3) Color;
- (4) Age;
- (5) Approximate weight; and
- (6) The signatures of the breeder, wholesaler, and transporter.

Commercial establishment shall mean a business which is open to the public, whether by appointment or during reoccurring business hours, and that engages in a retail sale. The term commercial establishment as used herein does not apply to an entity meeting the requirements of and operating as a Hobby Breeder.

Cruelty shall have the meaning provided by F.S. § 828.27, as may be amended.

Dangerous dog shall have the meaning provided by F.S. § 767.11, as may be amended.

Department of animal services or department means the animal services department of the county.

Director means that person in charge of the administration of the department of animal services or anyone designated by him or her.

Dog means the domestic dog, *Canis familiaris*.

Feral cat colony caretaker or Colony caregiver means any person who provides food, water, shelter and medical care to and traps, sterilizes and vaccinates a feral cat or cats.

Guard dog means any type of dog used for the purpose of defending, patrolling or protecting property or life at any commercial establishment.

Harboring means the act of keeping and caring for an animal, or providing food, shelter, or care for the animal for a period of at least 48 hours, regardless of whether or not the person is acting alone or in concert with others.

Hobby breeder means a person or entity that is a current member of a dog, cat or kennel club at the national, state, or local level that is, or is affiliated with, a nationally recognized organization and that houses or breeds dogs or cats in or on the property of a private residence.

Humane Organization shall mean an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is to provide for the protection of animals. A humane organization operates from a business facility on appropriately zoned property and has advertised and set hours for public access.

Humane or humanely shall mean the responsible practice of good animal husbandry, management, and care in regard to feeding, watering, ventilation, space and confinement, exercise, lighting, shelter with protection from the elements, handling, and treatment in a manner consistent with the physical and behavioral needs of the species. The definition also includes the provision of euthanasia consistent with lawful practices.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying or letting for hire for a fee, dogs or cats. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

Owner means any person possessing, harboring, keeping, or having control or custody of an animal or, if the animal is owned by a person under the age of 18 years, that person's parent or guardian.

Pet dealer (or pet dealership) means any person who advertises or engages in the sale of one or more litters of dogs or cats per year to the public. Such term includes breeders of animals who sell such animals directly to a consumer. County-operated or city-operated animal services agencies and registered nonprofit humane organizations shall be exempt from this definition.

Photographic documentation is photographs or images that can be used as proof or documentation to support or refute claims, observations, or findings.

Physical control means the immediate, continuous physical control of a dog or cat at all times, such as by means of a leash, cord, or chain of such strength to restrain the dog or cat.

Private animal nonprofit organization shall mean an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is sheltering, adopting, fostering, providing TNVR, providing rescue or old age homes for dogs and/or cats. "Rescue" shall include legally receiving dogs and/or cats from shelters or owners and providing medical or behavioral rehabilitation for placement into new homes. Breeding of rescue dogs or cats is prohibited.

Proper enclosure of a dangerous dog shall have the meaning provided by F.S. § 767.11, as may be amended.

Public nuisance animal means any animal or combination of animals that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall mean and include, but is not limited to, any animal that:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Chases vehicles, bicycles, persons, or other animals;
- (4) Makes excessive noises, including, but not limited to, continued or repeated howling, barking, whining, or other utterances ;
- (5) Causes fouling of the air by odor;
- (6) Is offensive or dangerous to the public health, safety, or welfare; or
- (7) Repeatedly defecates on the property of another.

Quarantine shall mean the strict, humane, confinement, isolation and observation of an Animal suspected of, or displaying signs and symptoms of, carrying or being infected with rabies or some other contagious disease.

Retail sale means the auction, barter, display for sale, offer for sale by any means, or selling of any animal.

Severe injury shall have the meaning provided by F.S. § 767.11, as may be amended.

Shelter means provision of and access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof and made of durable material. At the minimum, the structure must:

- (1) Provide sufficient space for each animal to comfortably stand up, sit down, lie down, and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down, and turn around simultaneously ;
- (2) Be designed to protect the sheltered animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions;
- (3) Be free of standing water, accumulated waste and debris, protect the sheltered animal from injury, and have adequate ventilation and, for dogs and cats, provide a solid surface, resting platform, pad, floormat or similar device that is large enough for the animal to lie on in a normal manner; and
- (4) Be properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian. Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited except for birds where perches are provided.

Unprovoked shall have the meaning provided by F.S. § 767.11, as may be amended.

Unsanitary conditions shall mean an animal's living space, including shelter and exercise area contaminated by health hazards, irritants, items, or conditions that endanger or pose a risk to an animal's health, including, but not limited to:

- (1) Excessive animal waste or odor;
- (2) Garbage, trash, or an outflow of waste;
- (3) Standing water or mud;

- (4) Rancid/contaminated food or water;
- (5) Fumes, foul or noxious non-natural odors, contaminated air, hazardous chemicals, or poisons;
- (6) Decaying material;
- (7) Uncontrolled parasites or rodent infestation; or
- (8) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp objects, or other items that cause injury, illness, or death to an animal.

Veterinarian shall have the meaning provided by F.S. § 474.202, as may be amended.

Video documentation is recorded visual material that can be used as proof or documentation to support or refute claims, observations, or findings.

Water means provision of and access to clean, fresh potable water of a drinkable temperature which is free from contamination and provided in a suitable manner, in sufficient volume, and at suitable intervals to at all times maintain normal hydration for the age, species, condition, size and types of each animal, except as otherwise prescribed by a veterinarian or as dictated by naturally occurring states of hibernation. An animal confined outdoors shall have a continuous supply of clean, fresh, and potable water, unless the animal is under direct supervision.

Sec. 14-27. Violations of article; penalties.

The provisions of this article, other than provisions relating to the performance of duties by county officers, law enforcement officers or employees, may be enforced as provided in section 1-8 of this Code, as well as by any other means legally available to the county.

Sec. 14-28. Areas embraced.

All territory within the legal boundaries of Pinellas County, Florida, including all incorporated and unincorporated areas, shall be embraced by the provisions of this article.

Sec. 14-29. Pet dealerships; kennels; and hobby breeders.

I. Activities requiring permits.

- (a) No kennel shall operate without having a valid kennel permit issued by the department.
- (b) Pet dealers shall be required to obtain a pet dealer's permit within the time period prescribed by the department, or, alternatively, rather than obtain a pet dealer's permit, the pet dealer may elect to have the dog or cat that gave birth to the litter(s) sterilized.

Failure to obtain a pet dealer's permit within the time period prescribed by the department or to have the dog or cat that gave birth to the litter(s) sterilized within the time period prescribed by the department, shall result in the issuance of a citation by the department.

(c) Hobby breeders are exempt from the provisions of subsection 14-29(I)(b) and (d), and may instead operate under a hobby breeder permit, provided that:

(1) They sell no more than two litters, or 20 animals, per year, whichever is greater, per household; and

(2) They are in compliance with all other provisions of this article and applicable laws relating to animals.

(d) Commercial establishments engaging in the retail sale of dogs or cats must acquire and maintain a valid and current retail sales permit, and operate only within the scope and terms of the permit. A commercial establishment is required to obtain a retail sales permit within the time period prescribed by the department, and in order to qualify, acquire, and maintain a retail sales permit, a commercial establishment must at all times maintain compliance with the requirements of this Code, specifically the section pertaining to the retail sales of animals, as well as any other applicable regulations. No retail sales permit will be issued to any commercial establishment that was not already in operation prior to January 1, 2022. Notwithstanding the foregoing, existing commercial establishments eligible for retail sales permits, will not be issued a permit that expands their operations, including but not limited to a proposed expansion to any new location, or the expansion of the floor space of any premises used by the commercial establishment to conduct retail sales. Existing commercial establishments that are eligible for a retail sales permit pursuant to this Code, may transfer, assign or sell their business provided that the transferee, assignee or new owner meets all applicable legal requirements and maintains a retail sales permit under the same terms in compliance with this Code. Furthermore, an existing commercial establishment eligible for retail sales as provided herein may move its operations to a new location while preserving its eligibility for continued retail sales only when the following requirements are met:

The proposed new location must:

a. Have a total building square footage smaller than the existing location; and

b. Maintain a square footage of retail pet sales floor space that is smaller than the existing location; and

c. Maintain a number of kennels on the sales floor that is a minimum ten percent lower than that of the existing location; and

d. Submit a new permit application and pay the applicable application fee; and

e. Pass the permitting inspection.

II. *Permit procedures.* The following provisions shall apply to permits required by this section:

(a) Any person or entity desiring to operate as a pet dealer, kennel, hobby breeder, or retail sales commercial establishment shall file a permit application with the department on such form as provided by the department and within the timeframe required by the department.

(b) All permit holders and applicants shall provide an update within 15 calendar days of any addition or change of the physical address of the location(s) of all animals being bred or offered for sale.

(c) A permit issued under this section is nontransferable from one entity or person to another or from one location to another.

(d) All permits issued under this section shall be valid for one year.

(e) In order to cover administrative and enforcement costs associated with this section, the board of county commissioners will establish by resolution annual permitting application fees for each permit category. Annual application fees are nonrefundable.

(f) It shall be a violation of this article if the permit holder fails to meet the standards set forth for basic animal care and facility sanitation as established by the department, which standards shall be available on the department's website. A permit holder is responsible for remaining familiar with the most recent standards.

(g) All locations identified by the permit applicant shall be subject to an initial inspection to determine compliance with the department's applicable published standards.

(h) An annual inspection shall be required prior to any permit issuance or renewal. The renewal inspection period shall extend from sixty (60) days prior to the end of a current permit period until the last day of the current permit period. Notice of the renewal inspection period, including a description of the scope and criteria of the inspection, shall be provided no later than ten (10) days prior to a renewal inspection period, and any effort to seek review by a competent jurisdiction of the intended inspection must be initiated before the renewal period begins. The renewal inspection shall be unscheduled, and conducted at any reasonable hour by any animal control code enforcement officer, who shall act in accordance with the renewal inspection period notice and at a minimum shall be given access to and the opportunity to investigate the animals, premises and records of a permit holder to determine compliance with F.S. Chs. 767 and 828, as may be amended, and this article.

(i) Commercial establishments shall be subject to two (2) formal permit inspections annually.

(j) If a permit holder under this section receives an unsatisfactory inspection or an ordinance violation, a permit may be suspended or revoked. Upon correction of violations and, provided a satisfactory reinspection is completed, a permit may be reinstated for the duration of the permit period for a reinstatement fee, as established by the board of county commissioners.

(k) If a permit holder receives an animal cruelty or neglect violation, a citation may be issued at the maximum amount allowed and the permit may be suspended up to seven (7) days pending the outcome of an investigation conducted by the department. A permit suspension can be extended for an additional seven (7) days if a permit holder remains in noncompliance with the alleged violation. During a permit suspension period, an animal control officer will provide a follow-up within three (3) business days to evaluate the permit holders progress towards compliance and provide feedback toward permit reinstatement.

(l) If a permit holder has been convicted of cruelty to animals under any federal, state or local law, a permit may be suspended or revoked.

(m) Any decision by the department to deny, suspend, or revoke the permit of a permit applicant or permit holder may be reviewed by a Pinellas County special magistrate. A permit applicant or permit holder may initiate review by delivering a written request for review of the action to the director by 5:00 p.m. EST on, or before the fifth full business day after the date of the relevant department action. The written notice shall include the basis of review and relief sought, as well as any supporting materials which the requesting party deems relevant to the issues raised in the request. The special magistrate will issue a decision in writing stating the reason for the determination in the matter, with a copy furnished to the initiating party. The decision shall be final and conclusive as to the county unless a party commences action in a court of competent jurisdiction.

III. *Additional restrictions pertaining to animal sales by permitted entities.*

(a) Sales subject to this section shall only take place in locations authorized in permits and in no event shall such sale locations be permitted in a public thoroughfare, public common area, parking lots open to the public or flea market.

(b) No person or entity may advertise for the sale of animals, unless such advertisement includes the permit number issued by the department.

For purposes of this section, advertise (or advertisement) includes, but is not limited to, announcements, listings, displays, entries, or other written statements containing the name of the permit holder or identifying the services offered by the permit holder or by a person or entity subject to this section and that are placed in a magazine or periodical, newspaper or inserts, direct mail pieces, audio broadcasting or telephone directory, on the internet, or on vehicles or equipment.

(c) After each sale, pet dealers and hobby breeders shall submit point of sale certificates provided by the department.

IV. *Retail sales of animals.*

(a) Minimum operational standards for commercial establishments.

(1) General requirements for commercial establishments. For the purpose of this section, the word dog means a dog of any age and the word cat means a cat of any age.

a. For each dog and cat transported into the county from outside of the State of Florida for sale, the tests, vaccines, and anthelmintics required by this chapter 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 (OCVI). The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the dog or cat's entry into the State of Florida. An OCVI certifying compliance with this chapter must accompany each dog and cat transported into the State of Florida for sale.

b. Each OCVI shall contain records for only one dog or cat.

c. No dog or cat imported into the State of Florida for sale shall be offered for sale without an OCVI issued by a veterinarian licensed in the state of origin.

d. The following tests, vaccines, and anthelmintics must be administered to each dog before the dog is offered for sale in the county, unless a licensed, accredited veterinarian certifies on the OCVI 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:

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 four months of age and the inoculation is administered by a licensed veterinarian.

8. Roundworms.

9. Hookworms.

If the dog is under four months of age, the tests, vaccines, and anthelmintics required by this chapter must be administered no more than 21 days before sale within the county. If the dog is four months of age or older, the tests, vaccines, and anthelmintics required by this chapter must be administered at or after three months of age, but no more than one year before sale within the county.

e. The following tests, vaccines, and anthelmintics must be administered to each cat before the cat is offered for sale in the county, unless the licensed, accredited veterinarian certifies on the OCVI 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:

1. Panleukopenia.

2. Feline viral rhinotracheitis.

3. Calici virus.

4. Rabies, if the cat is over four months of age and the inoculation is administered by a licensed veterinarian.

5. Hookworms.

6. Roundworms.

If the cat is under four 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 cat is four months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after three months of age, but no more than one year before sale within the State.

f. Every dog and cat offered for sale by a commercial establishment must be accompanied by a current OCVI at all times while being offered for sale within the county. The examining veterinarian must retain one copy of the OCVI on file for at least one year after the date of examination.

g. Each dog and cat in the possession of a commercial establishment shall be examined by a veterinarian licensed to practice in Florida no more than 30 days before the sale within the county. The examination must include, but not be limited to, an evaluation for possible congenital defects and contagious diseases and a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. At the conclusion of the examination, the veterinarian shall complete an OCVI including all medical findings, which shall remain current for a period of 30 days. Each dog and cat in the possession of a commercial establishment shall be re-examined by a veterinarian every 30 days and the commercial establishment shall ensure that a current OCVI is completed by the examining veterinarian.

h. Each dog over six months of age must be tested by a veterinarian for heartworms before being offered for sale and the results of the tests must be listed on the OCVI.

i. Each cat must be tested by a veterinarian for feline leukemia before being offered for sale and the results of the tests must be listed on the OCVI.

j. Each dog and cat obtained by the commercial establishment for the purpose of sale shall be examined by a veterinarian licensed in Florida within two business days of the day commercial establishment obtains the dog or cat.

k. No commercial establishment shall possess, offer for sale, sell, transport, or arrange for the transportation of any dog or cat that is less than eight weeks of age.

l. No commercial establishment shall import a dog into the United States in violation of 7 U.S.C. 2148, Importation of live dogs.

m. Except when in coordination with an animal shelter as provided herein, it shall be unlawful for any commercial establishment to display, offer for sale, deliver, barter, give away, transfer or sell any dog or cat from any source that does not hold a valid license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., or

successor provision of law as of the date such commercial establishment received such dog or cat. Commercial establishments shall only obtain dogs and cats from:

1. A breeder holding an active class A license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder.
2. A dealer holding an active class B license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder, and if the class B license holder is not the breeder, obtained the dog or cat from a breeder who is licensed by the United State Department of Agriculture.
3. A transporter holding an active license as a carrier or intermediate handler issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder and who obtained the dog or cat from a breeder who is licensed by the USDA.

n. It shall be unlawful for any commercial establishment to obtain a dog or cat from any source, including but not limited to a breeder or dealer, if the source or, an owner, operator, or employee of the source:

1. Has been convicted of cruelty to animals under any federal, state or local law.
2. Has had a final judgment entered against it/him/her based upon a finding of animal neglect or mistreatment pursuant to F.S. § 28.073 or comparable statute.
3. Has been permanently enjoined from breeding, selling, handling, transporting or dealing in dogs or cats by any court.
4. Whose license/permit issued by any local government, state, or federal government to breed, sell, handle, transport or otherwise deal in dogs or cats is suspended or revoked.
5. That has received a finally determined citation for any "direct" noncompliance violation as indicated on any United States Department of Agriculture inspection report at any time during the prior three years.
6. That has received a finally determined citation for failure to provide a United States Department of Agriculture inspector access

to property, animals or records as required by 9 CFR § 2.126, unless a subsequent inspection has been performed at which no direct or indirect violations were found by the inspector.

7. That has received three or more finally determined noncompliance citations for violations other than "direct" noncompliance or a violation of 9 CFR § 2.126 at any time during the prior three years.

8. That has received a finally determined repeat noncompliance citation at any time during the prior three years.

9. That has received a finally determined cease and desist order pursuant to 7 U.S.C. § 2149 at any time during the prior three years.

o. An OCVI must:

1. Be signed on the date of examination by the examining veterinarian who is licensed by the state of origin and accredited by the United States Department of Agriculture and must include the veterinarian's license number.

2. Show the date of birth, sex, breed, color, EAID number, if applicable, and health record of the dog or cat examined.

3. Contain the printed or typed names and addresses of the person or business from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian.

4. For each dog or cat, list all tests performed, the results of all tests performed, all vaccines and deworming medications administered, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof.

5. State that the examining veterinarian warrants that, to the best of his or her knowledge, the dog or cat 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.

6. State whether the examining veterinarian has detected any physical abnormalities or congenital defects in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, patellar luxation, and

cryptorchidism.

7. Be completed in a legible manner.

An OCVI that does not meet the above-cited requirements shall not comply with this chapter. The commercial establishment shall ensure that the OCVI is properly completed with all relevant information.

p. It shall be a violation of this chapter to falsify any information provided in any OCVI.

q. All dogs and cats offered for sale and copies of OCVIs held by a commercial establishment or veterinarian are subject to inspection by any agent of the department, the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under F.S. § 828.03.

r. All dogs and cats offered for sale by a commercial establishment shall be implanted with an electronic animal identification device (EAID).

(b) Records.

(1) Each commercial establishment shall maintain the following written records on each dog and cat offered for sale for a period of two years after disposition of each dog and cat:

a. The name, address, USDA license number and state and local license number, if applicable, of every breeder, dealer, intermediate handler and carrier that has owned, possessed or handled the dog or cat.

b. The date the dog or cat was born and the date the commercial establishment received the dog or cat.

c. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.

d. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.

e. After each sale, commercial establishments shall submit point of sale certificates provided by the department along with a copy of each OCVI that has been completed for the dog or cat up to the point of sale.

f. A complete record of any medical treatment or medication provided to or recommended for each dog or cat by a veterinarian and any medical

diagnosis made by a veterinarian concerning each dog or cat up to the point of sale. If such information is contained in an OCVI, the OCVI shall be sufficient; if not, the commercial establishment shall obtain a copy of each dog or cat's medical records from the veterinarian.

g. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time of sale or is likely to adversely affect the health of the dog or cat in the future.

h. For a period of two years from the disposition of each dog and cat, the commercial establishment shall maintain records specifying the date and nature of disposition of each dog and cat and the name, address, and phone number of the purchaser and owner (if different than the purchaser) of each dog or cat.

i. By the 15th day of the month, each commercial establishment shall provide the department via electronic portal with the following records for each dog and cat sold, disposed of or that died during the previous month:

1. A copy of each OCVI that has been completed for such dog or cat;
2. The name, physical address (no P.O. boxes), USDA license number and state and local license number, if applicable, of every breeder, dealer, intermediate handler and carrier that has owned, possessed or handled the dog or cat;
3. The date each dog and cat was obtained;
4. The date each dog and cat was sold, died, or was otherwise disposed of by the commercial establishment; and
5. The name, physical address (no P.O. boxes), and telephone number of the purchaser and owner (if different from the purchaser) of each dog and cat sold during that month, including the EAID number, breed, color, sex, and age of each dog and cat.

j. By the 15th day of the month, each commercial establishment shall provide the department via email with a copy of each transport list from the previous month that contains the information of all dogs or cats received.

k. If any dog or cat dies while in the possession of a commercial establishment, the commercial establishment shall report the death to the department within three (3) business days. Any dog or cat that dies while being treated by a veterinarian or person at the request of the commercial establishment shall be

considered in the possession of the commercial establishment at the time of death. The dog or cat shall be sent to an accredited unaffiliated agency or unaffiliated licensed veterinarian for a necropsy to be performed. The commercial establishment shall provide a copy of the necropsy to the department within three (3) business days of completion, except that a necropsy may not be required if the animal was under the care of a licensed veterinarian who previously diagnosed the cause of death. The veterinarian shall specify the date of and known or suspected cause of death on the dog or cat's OCVI. Within 15 days following the death of a dog or cat, the commercial establishment shall provide the department with records reflecting the date and cause of the dog or cat's death. The commercial establishment shall maintain a copy of such record for a period of two years from the date of the dog or cat's death.

l. Each commercial establishment shall maintain on the premises all records required by this chapter and shall make such records available to the department upon request.

m. The failure to maintain complete records on each dog and cat as required by this chapter shall constitute a separate violation as to each record missing or incomplete.

(c) Notices and disclosures to purchasers.

(1) Each commercial establishment shall post conspicuously on the cage or enclosure of each dog and cat offered for sale all the OCVI's issued to the animal, and post a copy of Florida's Pet Lemon Law or notice of where to obtain a copy of Florida's Pet Lemon Law.

(2) Each commercial establishment shall post conspicuously in close proximity to the cages or enclosures where dogs and cats are offered for sale a notice in at least 50-point type containing the following:

"Notice to consumers: Before purchasing a dog or cat you may request information concerning each dog or cat's health, medical history, and the source from which the dog or cat was obtained. Upon your request, the commercial establishment is required to show you these records before you purchase a dog or cat and to give you a copy of these records when you purchase a dog or cat."

(3) At the time of sale, each commercial establishment shall provide the purchaser with a written notice in 12-point or greater type stating:

a. Pursuant to the Pinellas County Code, every owner of a dog or cat is required to obtain a license tag for each dog and cat from the Pinellas County Animal Services or an authorized veterinarian. The license tag must be renewed every year, and proof of an up-to-date rabies vaccination is required to obtain or renew a license tag.

The Pinellas County Board of County Commissioners has determined that the unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation at great expense to the community and that every feasible means of reducing the number of unwanted dogs and cats should be encouraged. The Department shall have the authority to establish an alternative written disclosure form that includes the essential elements of the written notice provided herein.

(4) At the time of sale, each commercial establishment shall deliver to the purchaser of each dog and cat a written disclosure(s) containing all of the information required above pertaining to records. The commercial establishment shall provide all of the above-cited written disclosures containing all of the information required to the prospective purchaser of each dog or cat for review prior to the purchase upon request. The commercial establishment shall maintain a copy of the above-cited written disclosures for a period of two years from the date of sale of each dog and cat and shall make such copies available to the Department upon request.

(d) *Warranties for dogs and cats.*

(1) A dog or cat that is purchased from a commercial establishment shall be considered unfit for purchase if any of the following apply:

a. Within 14 days following the sale of a dog or cat by a commercial establishment a licensed veterinarian of the purchaser's choosing certifies that, at the time of the sale, the dog or cat 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.

b. Within one year following the sale of a dog or cat, a licensed veterinarian of the purchaser's choosing certifies such dog or cat to be unfit for purchase due to a congenital or hereditary disorder that adversely affects the health of the dog or cat.

c. Within one year following the sale of a dog or cat, the breed, sex, or health of such dog or cat is found to have been misrepresented to the purchaser.

(2) If a dog or cat is unfit for purchase for any of the above-cited reasons, the commercial establishment shall afford the purchaser the right to choose one of the following options:

a. The right to return the dog or cat 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 chapter and directly related to necessary emergency services and treatment undertaken to relieve suffering;

b. The right to return the dog or cat and receive an exchange dog or cat of the purchaser's choice of equivalent value, 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 undertaken to relieve suffering; or

c. The right to retain the dog or cat 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 dog or cat. 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.

d. The refund or exchange required by this chapter shall be made by the commercial establishment not later than ten business days following receipt of a signed veterinary certification as required in this chapter. The purchaser must notify the commercial establishment within a reasonable time after the veterinarian's determination that the animal is unfit and must provide the commercial establishment with a copy of the written certification of unfitness.

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

f. If a commercial establishment wishes to contest a demand for veterinary expenses, refund, or exchange made by a purchaser under this section, the commercial establishment may require the purchaser to produce the dog or cat at a mutually agreed upon time and place for examination by a licensed veterinarian designated by the commercial establishment. Upon such examination, if the purchaser and the commercial establishment are unable to reach an agreement that constitutes one of the options set forth in this chapter within ten business days following examination by the commercial establishment's designated veterinarian, the purchaser may initiate an

action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

g. No commercial establishment shall require or attempt to require a purchaser to sign a contract or agreement to waive any of the rights provided by this chapter.

h. This chapter does not in any way limit the rights or remedies that are otherwise available to a purchaser under any other law.

i. Each commercial establishment shall provide the purchaser of a dog or cat at the time of sale with the written notice required by F.S. § 828.29(12), which shall be provided in 12-point or greater type.

j. No commercial establishment shall require the purchaser of a dog or cat to use the commercial establishment's veterinarian in order to receive a refund or exchange required by this chapter.

k. If a purchaser requests a refund or requests to return or exchange a dog or cat pursuant to this chapter, each commercial establishment shall maintain all records related to the purchaser's request for a period of two years from receipt of such records and shall deliver a copy of the purchaser's request to the Department within seven days of receipt.

(e) Animal housing requirements for Pet dealerships; kennels; and hobby breeders.

(1) Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in individual cages in an isolated location where they cannot directly or indirectly come into contact with other animals or the public.

(2) Animals with diseases that can be airborne must be isolated in an area with independent ventilation.

(3) Any animal that cannot stand on its own or that has a life-threatening disease must be hospitalized, housed under the direct care of a veterinary hospital/clinic or humanely euthanized.

(4) State and county health regulations must be followed when caring for any animal harboring an animal-to-human disease.

(f) Animal care for Pet dealerships; kennels; and hobby breeders

(1) Each animal shall be examined daily for signs of illness or injury. Any suspected illness or injury shall be reported to the owner or manager of the establishment immediately. Any sick animal shall be immediately isolated from

other animals. All bedding material and feces in a sick animal's cage shall be removed and disinfected or discarded. Display areas, holding crates, cages or animal enclosures, trays and feeding equipment used by a sick animal shall be disinfected immediately.

(2) Failure to obtain adequate, timely care from a licensed veterinarian for any diseased or injured animal found in the custody of any establishment shall be a violation of this chapter and/or F.S. Ch. 828, "Cruelty to Animals". Proof of adequate and timely veterinary care must be provided to the Department upon request.

(3) All animals that show signs or symptoms of injury, contagious or infectious disease shall be seen by a veterinarian within 24 hours and at least one other time prior to being sold to certify that they are free from illness or injury.

(4) All animals other than dogs and cats (i.e., rabbits, gerbils, hamsters, guinea pigs, all other rodents, birds, and reptiles) shall be cared for pursuant to general guidelines and accepted animal husbandry standards for each species.

(g) Physical facility requirements. for Pet dealerships; kennels; and hobby breeders

(1) All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.

(2) All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.

(3) Heating, cooling and temperature.

a. Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from cold and hot temperatures and to provide for their health, comfort and well-being.

b. When animals are present, the ambient temperature in the facility must not fall below 50 degrees F (ten degrees C) for animals not acclimated to lower temperatures. Such animals would include short-haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals.

c. The ambient temperature must not fall below 50 degrees F (ten degrees C) or must not rise above 85 degrees F (35 degrees C) at any time.

(h) Ventilation for Pet dealerships; kennels; and hobby breeders.

(1) Indoor housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.

(2) Air, preferably fresh air, must be provided through windows, vents, fans (exterior) or air-conditioning.

(3) Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is 85 degrees F (30 degrees C) or higher.

(i) Cages/animal enclosures for Pet dealerships; kennels; and hobby breeders.

(1) Animal enclosures must be designed and constructed of suitable materials, so they are structurally sound and contain animal safe materials. Animal enclosures must be maintained in good repair.

(2) Animal enclosures must be constructed and maintained so that they:

a. Have no sharp points or edges that could injure animals;

b. Protect animals from injury;

c. Keep predators and unauthorized individuals from accessing the enclosure(s);

d. Provide animals with easy and convenient access to clean food and water;

e. Enable all surfaces in contact with animals to be readily cleaned and disinfected.

f. Have floors which provide a solid surface that protects the animals appendages from injury, resting platform, pad, or floor mat that is at least 50% of the enclosed space.

g. Are free of standing water, accumulated waste and debris, protect the sheltered animal from injury, and have adequate ventilation for dogs and cats.

(j) Space requirements for dogs for Pet dealerships; kennels; and hobby breeders.

(1) The guideline for minimum size for an animal enclosure for a dog ten pounds and under shall be three and one half square feet.

(2) The guideline for minimum size for an animal enclosure for a dog from 11 to 20 pounds shall be six square feet.

(3) The guideline for minimum size for an animal enclosure for a dog from 21 to 35 pounds shall be eight square feet.

(4) The guideline for minimum size for an animal enclosure for a dog from 36 to 50 pounds shall be 20 square feet.

(5) The interior height of each animal enclosure for a dog must be at least six inches higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.

(6) All dogs over 35 pounds shall be required to be exercised on a leash three times per day for a minimum of ten minutes per exercise period.

(k) Space and other requirements for cats for Pet dealerships; kennels; and hobby breeders.

(1) Each cat that is housed in any animal enclosure must be provided minimum vertical space and floor space as follows:

a. Each animal enclosure housing cats must be at least 22 inches in interior height.

b. Cats up to and including nine pounds must be provided with at least three square feet.

c. Cats over nine pounds must be provided with at least four square feet.

(2) *Compatibility.*

a. All cats housed in the same animal enclosure must be compatible, as determined by observation.

b. Kittens under four months of age may not be housed in the same animal enclosure with adult cats.

(3) *Litter.*

a. In all cat enclosures, a receptacle containing sufficient clean litter must be provided to collect excreta and body wastes.

b. Litter pans shall be cleaned and changed daily or more often if necessary.

(4) *Resting surfaces.*

- a. Each animal enclosure housing cats should contain a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the animal enclosure at the same time comfortably.
- b. The resting surfaces must be elevated, impervious to moisture and able to be easily cleaned and disinfected, or easily replaced when soiled or worn.
- c. The resting surfaces shall not be considered part of the minimum floor space.

(5) *Food and water requirements for Pet dealerships; kennels; and hobby breeders.*

- a. Food shall be stored in rodent, pest and moisture proof containers with lids. Containers shall be clearly and properly labeled as to contents.
- b. Fresh water shall be available to all animals at all times and shall be maintained in a container in such a manner that animals cannot turn container over.
- c. Food and water shall be fresh, appropriate and free from contamination.

(6) *Cleaning procedures for Pet dealerships; kennels; and hobby breeders.*

- a. Animals (other than water dependent species) shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures. Water dependent species shall not be directly exposed to disinfectant and shall be removed from tanks during cleaning procedures.
- b. The entire cage of each dog and cat including top, sides, floor, grate, wall and door shall be cleaned with soap and disinfected, rinsed and dried daily.
- c. Drains and walkways adjacent to all cages and animal enclosures shall be cleaned with soap and disinfected daily.
- d. Runs and cages shall be spot cleaned as necessary to remove animal excrement throughout the day.
- e. Food dishes and water bowls/containers shall be cleaned and disinfected daily.

f. Appropriate cleaning procedures shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.

(7) *Standardization of protocols*

a. Each commercial establishment will provide protocols to the department every year at the time of their first annual inspection in writing for;

1. Cleaning and sanitation
2. Veterinary care, including after hours and holidays
3. Animal enrichment
4. Isolation of sick animals
5. Disasters

(8) *Exemption for animal shelters.*

a. A commercial establishment may allow an animal shelter to use the commercial establishment's premises for the purpose of making animals available for adoption, provided the commercial establishment does not have an ownership interest in such animals and all other provisions of this code are followed. In addition, the commercial establishment shall post conspicuously on the cage or enclosure of each dog and cat offered for adoption a written notice in 12-point or greater type identifying the animal shelter from which the dog or cat may be adopted, the breed, the sex, the age, the relevant information known about the dog or cat and that the dog or cat must be sterilized prior to adoption.

Sec. 14-30. Public nuisance animals.

(a) The owner of any public nuisance animal shall be deemed to be in violation of this article, regardless of the knowledge, intent, or culpability of the owner.

(b) A citation for a violation of this section may be issued based upon:

- (1) Receipt of affidavit(s) of complaint signed by two or more residents of the county, each residing in separate dwellings in the vicinity of the animal(s) or incident(s), setting forth the nature and the time(s) and date(s) of the act(s), the owner of the animal(s), the address of the owner and a description of the animal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through the department's investigation; or
- (2) Receipt of photographic or video documentation and one affidavit of complaint signed by a resident of the county, residing in the vicinity of the animal(s) or incident(s),

setting forth the nature and the time(s) and date(s) of the act(s), the owner of the animal(s), the address of the owner and a description of the animal(s) doing such act(s), the accuracy and veracity of which, shall be confirmed through the department's investigation; or

(3) The observance of noncompliance made by an animal control code enforcement officer, or any other such law enforcement officer authorized to enforce the provisions of this article, during the investigation of a complaint(s) from a resident(s) of the county residing in the vicinity of the animal(s), setting forth the address, the nature and time(s) and date(s) of the act(s), the owner of the animal(s) and/or the address of the owner, and a description of the animal(s) doing such act(s) and observance of such act(s) by an animal control code enforcement officer or any other such law enforcement officer; or

(4) The personal observance of noncompliance made by an animal control code enforcement officer, or any other such law enforcement officer authorized to enforce the provisions of this article, made during the course of the lawful performance of his/her duties in the vicinity of the place of the offense; or

(5) Placing food or garbage, allowing the placement of food or garbage, or offering food or garbage in such a manner that it attracts cats, dogs, raccoons, coyotes, or other wildlife, thereby creating a public nuisance animal.

(c) The department is also authorized to investigate for violations under this section arising under other circumstances and may issue citations for noncompliance based upon that investigation.

(d) In addition to the violations established above, an animal that has been impounded two or more times will be considered to be an animal repeatedly at-large for the purpose of this article, and the owner or person taking custody of the animal after the second such impound may be issued a citation for violation of this section.

Sec. 14-31. Unlawful restraint of dogs and cats.

(a) No person shall tether, fasten, chain, tie, or restrain a dog or cat, or cause a dog or cat to be tethered, fastened, chained, tied, or restrained, to a dog house, tree, fence, or any other stationary object.

(b) Notwithstanding subsection (a), a person may do the following:

(1) A dog or cat may be tethered when it is in visual range of the owner, and the owner is located outside with the tethered animal.

(2) Tether, fasten, chain, tie, or otherwise restrain a dog or cat pursuant to the requirements of a camping or recreational area.

(c) When tethering is permissible pursuant to subsection 14-31(b)(1), the following conditions must be met:

- (1) The dog or cat must be attached to the tether by a buckle-type collar or a body harness. A dog or cat shall not be tethered by means of a choke-type, pinch-type, prong-type, or improperly fitting collar;
- (2) The tether has the following properties: it is at least five times the length of the tethered animal's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than one-eighth of the tethered animal's weight; and it is free of tangles;
- (3) The dog or cat is tethered in such a manner as to prevent injury, strangulation, or entanglement;
- (4) If there are multiple dogs or cats, each dog or cat must be tethered separately. The tethering of each dog or cat must be in accordance with the requirements of this Code;
- (5) The dog or cat is not outside during a period of extreme weather, including without limitation extreme heat or near-freezing temperatures, thunderstorms, tornadoes, tropical storms, or hurricanes;
- (6) The dog or cat has access to water, shelter, and dry ground;
- (7) The dog or cat is at least six months of age. Puppies or kittens shall not be tethered; and
- (8) The dog or cat is not sick or injured.

Sec. 14-32. Cruelty to animals.

- (a) Whoever tortures, torments, or cruelly treats an animal shall be in violation of this article.
- (b) Whoever impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water, shall be in violation of this article.
- (c) Whoever keeps any animal in any enclosure without wholesome exercise and change of air, shall be in violation of this article.
- (d) Whoever abandons to die any animal that is maimed, sick, infirm, or diseased, shall be in violation of this article.
- (e) A person who unnecessarily overloads, overdrives, tortures, torments, deprives of necessary sustenance or shelter, or unnecessarily or cruelly beats, mutilates, or kills any animal, or causes the same to be done, or carries in or upon any vehicle, or otherwise, any animal in a cruel or inhumane manner, shall be in violation of this article.

(f) Whoever leaves or deposits any poison or any substance containing poison, in any common street, alley, lane, or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be in violation of this article.

(g) Any person who commits any of the following acts, shall be in violation of this article:

(1) Betting or wagering any money or other valuable consideration on the fighting or baiting of animals.

(2) Attending the fighting or baiting of animals.

Sec. 14-33. Abandonment of animals.

(a) Any person who is the owner or possessor, or has charge or custody, of any animal and who abandons such animal to suffer injury or malnutrition or who abandons any animal in a street, road, private property or public place without providing for the care, sustenance, protection, and shelter of such animal, shall be in violation of this article.

(b) Any person who releases within the county any non-native species to Florida without having obtained a permit to do so from the Florida Fish and Wildlife Conservation Commission, shall be in violation of this article.

(c) Upon receipt of affidavits from two citizens who are not residents of the same household, or upon the report of a law enforcement officer, stating that an animal appears to have been abandoned, or upon receipt of a report that a nonindigenous animal has been released, the department may investigate the matter and thereupon is authorized to impound the animal and disposition of the animal shall be in the manner provided by this article, with the assistance of a law enforcement officer, if necessary. The department shall cause written notice, bearing the address where the animal may be claimed by the owner thereof and the time by which the animal must be claimed, to be sent to the owner, if known, at the owner's last known address.

Sec. 14-34. Animals in vehicles.

(a) No vehicle owner, passenger, or operator shall place or confine an animal or allow it to be placed or confined or to remain in an unattended vehicle without sufficient ventilation or under conditions or for such a period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, lack of water or such other circumstances as may be expected to cause suffering, disability or death.

(b) No operator of a motor vehicle shall transport or keep an animal in or on any motor vehicle unless the animal is safely enclosed within the vehicle or protected by a container, cage, cross tethering or other device that will prevent the animal from falling, being thrown or jumping from the motor vehicle.

(c) Nothing in this section shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purposes.

Sec. 14-35. Neglect.

(a) No person who is the owner or possessor or who has charge or custody of an animal shall fail to provide shelter for the animal.

(b) No person who is the owner or possessor or who has charge or custody of an animal shall fail to provide water for the animal.

(c) No person shall engage in animal hoarding.

(d) No person who is the owner or possessor or has charge or custody of an animal shall fail to provide adequate veterinary care to a suffering animal.

(e) No person who is the owner or possessor or has charge or custody of an animal shall fail to provide proper or adequate food to any animal.

(f) No person who is the owner or possessor or has charge or custody of an animal shall fail to provide humane care and treatment.

Sec. 14-36. Animal care; manner of keeping.

(a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:

(1) Clean, sanitary, safe, and humane conditions;

(2) Sufficient quantities of appropriate food daily;

(3) Proper air ventilation;

(4) Adequate quantities of visibly clean and fresh water available at all times;

(5) Medical attention and/or necessary veterinary care when an animal is sick, diseased, or injured. Upon request by the department, written proof of veterinary care must be provided.

(6) Shelter as defined in this article, which must provide protection from the direct rays of the sun and the direct effect of wind and rain at all times.

(b) Any dog maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of 80 square feet of open space. An additional 40 square feet shall be required for each additional dog kept in the same enclosed area. Each dog must have access to and be able to move freely through the complete area at all times. Each dog shall be

provided sufficient shelter within the enclosed area. Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs shall not be maintained outdoors during periods of extreme weather events including but not limited to hurricanes, tropical storms, and tornadoes.

(c) Any person trapping a domestic animal shall adhere to the following requirements:

- (1) Use a humane trap;
- (2) Provide protection from the direct rays of the sun and direct effect of wind, rain, and irrigation/sprinkler system;
- (3) Provide fresh water in the trap;
- (4) All trapped dogs and cats, other than community cats addressed in subsection (5) below, shall be immediately returned to their rightful owner or to a governmentally operated animal shelter or humane society in the county. Notwithstanding the foregoing, lactating/nursing cats for which no owner can be located shall be immediately released at the location where the cat was trapped. For any dog or cat brought to an animal shelter or humane society, the person who trapped the dog or cat shall provide the address or exact location where the dog or cat was trapped; and
- (5) All community cats as defined in section 14-37, that are trapped shall be immediately released at the location where the cat was trapped unless trapped for the purpose of revaccination, medical care or to address a public health or safety concern as determined by the division;
- (6) No trapped animal shall be killed in any manner other than a method approved by the Florida Fish and Wildlife Conservation Commission or other applicable regulation;
- (7) Trapping shall occur no earlier than two hours before sunset and no later than two hours after sunrise, and trapped animals shall be removed from any trap within that period;
- (8) Each trap shall include the name, address and telephone number of the person setting the trap on the trap in letters of no less than one-quarter inch in height;
- (9) Any animal trapped shall be handled and transported in a humane manner; and
- (10) Any private animal nonprofit organization trapping for the purposes of TNVR shall be exempt from section 14-36(c)(7).

Sec. 14-37. Trap-neuter-vaccinate-return.

(a) Trap-neuter-vaccinate-return (TNVR) activities and programs shall be authorized in Pinellas County in accordance with the provisions of this section. For the purposes of applying this

section, the term "community cat" shall mean any feral or free-roaming cat that is cared for by one or more individual caregivers, provided that such cat shall be sterilized, vaccinated for rabies, and distinguished from other cats by being ear-tipped and tattooed.

(b) A community cat cared for in accordance with this section shall not be subject to the license requirements of this Code and shall not be considered in violation of section 14-33(b) or section 14-63, regarding abandonment or cats at-large.

(c) If a community cat is impounded, it shall be held for two days including the day of impoundment. A caregiver may redeem a community cat within the holding period upon paying the fees and costs as established by the department in accordance with the requirements of this Code. The first time a community cat is impounded, the community cat shall be microchipped and vaccinated for rabies in accordance with applicable law.

(d) The following minimum standards and requirements shall apply to anyone providing care to a community cat:

(1) All community cat locations must be maintained on the private property of the caregiver or on property belonging to another landowner with the landowner's permission. A community cat must not be released within 150 yards of any park, conservation land, beach, wildlife area, day care center, or elementary school.

(2) A person providing care to a community cat must provide the community cat with necessities on a regular and ongoing basis, including, but not limited to, proper nutrition and medical care. Food must be provided in a quantity adequate for the number of community cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers and placed in a manner that will not attract wildlife or other animals. The duration of the food placed must not exceed three hours within a 24-hour period. Water must be provided and must be clean, potable, and free from debris and algae. Any person caring for a community cat must comply with applicable law, including laws governing animal neglect and cruelty, and the caregiver must not allow a community cat to suffer.

(e) Any TNVR program shall consist of an effort to control and reduce feral and free-roaming cat populations in Pinellas County by establishing and responsibly managing community cat populations in accordance with the requirements of this Code and applicable law. If approved, the organization may conduct a TNVR program in accordance with the requirements of this Code, or other applicable law. Any training should include training on:

(1) Educating other citizens about community cats;

(2) Maintaining a relationship with a veterinary provider to best address community cat needs;

(3) Proper care and common diseases, including procedures for monitoring and managing zoonotic diseases and other infections in community cats; and

- (4) Best practices for management of individual community cats or colonies.

Sec. 14-38. Irresponsible pet owner.

The purpose of this section is to protect the citizens and animals of Pinellas County from the risks and expenses resulting from individuals who repeatedly fail to care responsibly for their domestic animals.

- (1) For the purposes of this section, the following terms shall be defined as follows: Animal safety and welfare violation means a violation of any of the following provisions of this Code: Sections 14-30 (except for violations based on excessive noise), sections 14-31, 14-32, 14-33, 14-34, 14-35, 14-39, 14-61, 14-63, 14-64.

Conviction includes a finding of guilt in an adversarial proceeding or a plea of "guilty" or "no contest."

- (2) Irresponsible pet owner class I. A person with two previous convictions for animal safety and welfare violations occurring on separate dates, who commits a third animal safety and welfare violation within 24 months of the date of offense of the earliest of the three violations, may be charged with a violation of this section.

- (3) Irresponsible pet owner class II. When a person meets the conditions for an irresponsible pet owner class I violation, and the circumstances of the most recent violation evidence a knowing refusal to comply with this Code or to take corrective actions, he or she may be charged as an irresponsible pet owner class II under this paragraph.

- (4) Upon conclusion of any appeal, or the expiration of any right to an appeal, a person who has a conviction for an irresponsible pet owner class II violation shall, for a period of three years after the date of the most recent conviction, be subject to the following regulations:

- a. Any owned dogs or cats shall be spayed/neutered and microchipped within 30 days.
- b. Any owned dogs or cats shall be subject to an irresponsible pet owner license fee established in accordance with this Code and applicable law.
- c. The owner shall not become the owner of any new dogs or cats, and no licenses will be issued for newly acquired dogs or cats.

Sec. 14-39. Bite incidents.

It shall be a violation of this article for an owner to fail to prevent their domestic animal ("owner's animal") from severely injuring or killing another domestic animal ("victim animal")

or severely injuring a human being while the owner's animal is at-large, provided that the victim or victim animal did not instigate the incident and the victim animal was not at-large at the time of the incident.

Sec. 14-40. Animal bites; animals suspected of biting.

(a) Stray dogs that have bitten or stray cats that have bitten or scratched a human shall be impounded by animal services and held in quarantine for a minimum period of ten days from the date of bite or scratch for rabies observation or humane euthanasia and sent to the state health department for pathological examination after the expiration of the stray holding period. Animals not redeemed within the ten-day quarantine shall be considered abandoned and may be euthanized.

(b) At the department's discretion owned dogs that have bitten or owned cats that have bitten or scratched a human may be permitted to be quarantined at home for a minimum period of ten days from the date of bite or scratch for rabies observation. Information regarding the animal's description; current rabies vaccination date; owner's name, address and telephone number; the name of the animal; the address and telephone number of persons bitten or scratched; and location of wound, shall be reported to the department of health. An owner whose animal has bitten or scratched a human shall comply fully with Chapter 64D-3 Florida Administrative Code (Control of Communicable Diseases & Conditions Which May Significantly Affect Public Health).

(c) It shall be a violation of this section for any person to refuse to produce or surrender any animal for quarantine.

(d) No owner of an animal placed under a home quarantine agreement for rabies observation shall violate the home quarantine requirement in any manner.

(e) Any dog or cat that dies or is humanely euthanized while under quarantine shall undergo pathological examination performed by the state health department. It shall be a violation of this section for any person to refuse to surrender the body of a deceased animal while under quarantine.

(f) It is a violation of this section for anyone to kill or remove from Pinellas County, Florida, without the express written consent of animal services or the health department any of the following:

- (1) Any rabid animal;
- (2) Any animal suspected of rabies or any other infectious or contagious disease;
- (3) Any animal exhibiting unusual behavior;
- (4) Any animal which scratches or bites a person; or

(5) Any animal under quarantine.

(g) No owner of an animal placed under a home quarantine agreement for rabies observation shall violate the home quarantine requirement in any manner.

(h) It shall be the duty of any person having knowledge that an animal has bitten or otherwise exposed a person or any animal to rabies, to report the incident immediately to the department of health.

Secs. 14-41—14-45. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 14-46. Enforcement of article.

(a) The department of animal services is designated as the agency of the board of county commissioners to implement, enforce, and administer the provisions of this article, except as otherwise provided by this article.

(b) It shall be a violation of this article to resist, obstruct, or oppose an animal control code enforcement officer while in the lawful performance of his duties, or with anyone who may be assisting in the performance of such duties.

(c) Any person who willfully refuses to sign and accept a citation issued by a law enforcement officer or animal control code enforcement officer, shall be in violation of this article.

(d) The board of county commissioners may contract with any state chartered nonprofit humane organization to carry out the duties in this article or any part thereof. Such organizations shall carry out the duties pursuant to the provisions prescribed in this article; failure to do so shall result in the board of county commissioners assuming such duties or contracting with another organization to assume such duties. Compensation may be provided in an amount adequate to fulfill the prescribed duties.

Sec. 14-47. Fees and charges; administration of article.

Fees and charges relating to licensing, adoption, impoundment, service fees and such other fees deemed necessary to accomplish the purposes of this article will be established from time to time by the board of county commissioners. The director is authorized to establish programs and procedures as are deemed necessary to accomplish the purposes of this article. These include, but are not limited to, enforcement actions, vaccination programs, measures to deal with kennel hazards, education programs, population control programs, licensing procedures, and the implementation of emergency procedures in the event of a disease outbreak or a state of emergency, as defined by section 34-36 of this Code. The director, with approval from the county administrator or designee, is authorized to waive or modify, but not to increase, the fees established by the board of county commissioners, in connection with such programs in order to

promote the success or participation in those programs, or as specifically directed by the board of county commissioners.

Sec. 14-48. Impoundment.

(a) The department of animal services and its animal control code enforcement officers, law enforcement officers and humane officers of state chartered nonprofit humane organizations having been lawfully appointed, shall have authority to pick up, catch or procure and impound any animal found to be in violation of this article, any animal infected or believed to be infected with rabies or other contagious or infectious disease to humans or animals, or any animal suspected of biting a human, in such manner as is reasonably necessary to effectuate its capture. Impounded animals shall be confined in a humane manner at an animal shelter. Animals impounded at an animal shelter shall be made available for public inspection in order to allow the owner to reclaim their animal. An animal impounded for the purpose of rabies observation shall not be moved or released from the place of quarantine unless permission is first obtained from the director. The director may approve an exception as to the above-required place of confinement for dogs, ferrets, or cats having a current rabies vaccination administered by a veterinarian.

(b) Unless otherwise provided by this article:

- (1) An impounded animal with a license or other owner identification shall be held for at least seven days, including the day of impoundment;
- (2) Impounded dogs over 16 weeks in age without such identification shall be held for four days, including the day of impoundment.
- (3) Impounded dogs under 16 weeks in age without such identification shall be held for one day, including the day of impoundment;
- (4) Impounded cats over 16 weeks of age without such identification shall be held for two days, including the day of impoundment.
- (5) Impounded cats under 16 weeks of age without such identification shall be held for one day, including the day of impoundment.
- (6) Dogs, ferrets or cats impounded for the observation of rabies shall be held at least ten days.

The depositing of a letter of notification by first class U.S. mail shall constitute adequate notification of impoundment. The owner shall also be notified by telephone, if possible. This section shall not apply to animals surrendered by the owner or an agent of the owner, in which case disposition may be made as provided in this article without notification or a holding period. At the expiration of the holding period, during which time a diligent attempt has been made to locate and contact the owner, disposition of the animal may be in accordance with this article.

(c) A 14-day holding period may be imposed upon all animal shelters, humane organizations, rescue groups or foster homes for domestic animals with owner information or that bear positive owner identification in the form of an identification tag, license tag, microchip, rabies tag, or tattoo, which are impounded during a state of emergency within the county or those animals which are transferred to the county from any area where a state of emergency has been declared by competent authority. The holding period will be 14-days for domestic animals that do not bear any of the aforementioned forms of positive owner identification which are impounded during a state of emergency within the county, or those animals which are transferred to the county from any area where a state of emergency has been declared by competent authority. These requirements may be invoked by the director based on the nature of the state of emergency and its aftermath.

(d) For violations of this article, an owner may be subject to a written warning or such penalties as prescribed in this article, in addition to or in lieu of impoundment of the animal.

(e) Every owner who voluntarily surrenders an animal must provide photo identification and sign a form acknowledging that the surrender is voluntary and acknowledging that disposition of the animal is in the discretion of the department. The department shall not be liable for the disposition of any voluntarily surrendered animal after receipt of the animal from its owner. The animal shall be immediately available for adoption, placement or other appropriate disposition once surrendered. Owners surrendering animals shall be responsible for paying an intake fee, and should the animal(s) not be current on vaccination required by the county, rabies vaccination fees shall also be paid by the owner wishing to surrender his/her animal(s). Owners wishing to surrender an animal with the request for euthanasia shall be allowed to do so at the discretion of the department. It is not the policy or practice of the department to supply "on-demand" euthanasia procedures, but in the interest of relieving a suffering animal, the department may provide the service for a fee or at no charge, at its sole discretion. Notwithstanding the foregoing, such fees shall not apply to any animal surrendered to the department by veterinarian or boarding kennel, pursuant to F.S. § 705.19, as may be amended. No owner-surrendered or stray animals from outside the department's jurisdiction shall be accepted except for humane reasons; such animals shall be referred to another agency. The photo identification of the owner/person wishing to surrender an animal that shows an address outside of the department's jurisdiction shall be used as the origin of the animal. If an animal is accepted for humane reasons from an owner or person living outside of the department's jurisdiction, a fee equal to the average cost(s) of all services provided shall be charged.

Sec. 14-49. Adoption, redemption and disposition of animals.

(a) The disposition of all animals, which have been impounded or rescued by the department shall be determined in accordance with the provisions of this article as provided below:

(1) Within the holding period, animals may be redeemed by the owner or his/her agent upon the payment of any fees or costs associated with the impoundment. If the animal is a dog or cat which is unlicensed, it is necessary for the owner to obtain a license before redeeming the animal. Owners or agents of dogs or cats which have license or microchip

shall be required to submit a statement of ownership in addition to obtaining a license, microchip and paying all associated fees and costs prior to the animal being redeemed.

(2) If not redeemed within the holding period, disposition of animals may be by humane euthanasia or offered for adoption to any qualified person, upon payment of the adoption fee and, if applicable, such other costs associated with the impoundment. Animals that appear to be severely diseased or injured and suffering, and those animals medically determined to be suffering from a contagious or infectious disease that could constitute a hazard to other animals or humans may be euthanized at the discretion of the director, or his or her designee, at any time.

(3) All dogs and cats placed for adoption shall be vaccinated, licensed, and sterilized before custody is relinquished to the new owner.

(4) Those animals which have passed medical and behavior screening, but have not been adopted, may be offered to state chartered nonprofit humane organizations for the purpose of providing adoptions of such animals. Fees and costs may be waived for the disposition of animals in this manner.

(b) The disposition of an animal may not be to any medical school, college, university or person for experimentation or vivisection purposes, or to any person providing, selling, or supplying animals to any medical school, college, university or person for experimentation or vivisection purposes.

(c) It shall be unlawful for any person in the county to harbor or keep any stray or apparently lost animal unless he/she has notified the department within 48 hours from the time such animal came into his/her possession. Upon receiving such notice, the department may require the person to bring the animal to the department for identification or sheltering, if necessary. It shall be unlawful for any person to refuse to surrender any such stray animal to an authorized representative of the department upon demand of such representative.

(d) Adopting found stray animals. The department at its sole discretion, may permit residents who possess a stray dog or cat and who wish to provide it a permanent home, to legally become the owner of such animal by adhering to the following procedures:

(1) Take the found stray animal to the department to be scanned for an electronic animal identification device (EAID) and checked for a tattoo. An exception to this requirement is for the potential adopter to take the dog or cat to a local veterinarian or another animal shelter to be scanned for an EAID and checked for a tattoo. Proof must be presented to the department that these requirements have been met.

(2) Provide the department with clear identifying color photographs showing the animal from a side view and a front view. It is also required that the potential adopter place a "found" advertisement in at least one social media platform.

(3) Complete an official department "found" form which provides all appropriate identifying information for the animal.

(4) If the animal becomes injured or sick while under the potential adopter's care, that person shall be required to pay all necessary veterinary expenses. If the adopter does not wish to pay for the needed treatment, the animal must be relinquished to the department. The potential adopter shall lose all rights and claims to the animal.

(5) All potential adopters must agree to relinquish the found dog or cat to its rightful owner after proof of ownership has been demonstrated and/or until such time as the department approves and releases the animal to the new adopter. All potential adopters will also relinquish the found dog or cat to the department upon request.

(6) A person may become the licensed owner of such an animal pursuant to this section, provided the following requirements are also met:

- a. Photographs and identifying information of the animal have been posted in an official department found report for 30 calendar days;
- b. The animal has been given a rabies vaccination and county license;
- c. The animal has been sterilized; and
- d. The animal has been implanted with an electronic animal identification device (EAID). The requirements herein must be secured at the adopters expense no sooner than 30 calendar days and no later than 45 calendar days after the department receives an official department found report. Extensions may be granted by the department for reasonable requests. Any deviation from these adoption requirements by the potential adopter will void the adoption.

At its discretion, the department may refuse an adoption of an animal if it is determined that the adoption is not in the best interest of the animal or the health, safety and general welfare of the public.

Sec. 14-50. Sterilization.

(a) All dogs and cats adopted from the county shall be sterilized by a veterinarian before adoption, except when a veterinarian determines that sterilization would endanger the animal's health due to its age, infirmity or illness.

(b) A dog which is impounded two times while at large within a 24-month period shall be sterilized before it may be redeemed for the second time, except when the department's staff veterinarian determines that the sterilization would endanger the animal's health due to its age, infirmity or illness.

(c) For the purposes of controlling pet overpopulation and ensuring all animals adopted from the county are sterilized in an expeditious manner, the county shall be considered the legal owner of: all stray dogs that remain in the shelter three days after intake/impound (i.e., on the third day

sterilization may take place) unless positive, traceable ownership may be indicated by a registered microchip, city tag or private id tag; and all stray cats upon intake/impound unless positive, traceable ownership may be indicated by a registered microchip, city tag, other form of traceable permanent identification, or private identification tag. The county is hereby authorized to perform sterilization procedures on any animal any time after it becomes county property, such ownership provisions shall not affect the holding periods established in section 14-48.

Secs. 14-51—14-60. Reserved.

DIVISION 3. DOGS AND CATS

Sec. 14-61. Rabies vaccinations and licensing.

(a) Every person possessing, harboring, keeping, or having control or custody of a dog or cat over the age of four months within the county shall secure a county license from a veterinarian or from the department of animal services and, as a part of such license, shall show proof of a current rabies vaccination which shall have been administered by, or under the supervision of, a veterinarian. Evidence of circulating rabies virus antibodies shall not be used as a substitute for obtaining a license, current vaccination in managing rabies exposure or the need for a booster vaccination.

(1) The duration of immunity of the vaccine shall be recognized in accordance with the current Compendium of Rabies Prevention and Control in Florida and F.S. § 828.30, as may be amended.

(2) Veterinarians or authorized entities shall distribute the county license tags and rabies vaccination certificates to dog or cat owners according to the most recent procedure promulgated by the department. Veterinarians and authorized entities must return required documentation related to licensure and rabies vaccination certificates to the department within 30 days.

(3) Licenses may be issued without the administration of a rabies vaccination provided a veterinarian has examined the dog or cat and has certified in writing that a rabies vaccination could endanger its health because of infirmity, debility, illness, or other medical consideration. The dog or cat must be vaccinated as soon as its health improves sufficiently to tolerate the vaccine, an exemption that extends beyond 12 months must be renewed annually through submission of a new exemption letter. No exemption letter shall be deemed valid after one year from the date it was written.

(4) The certificate shall be approved and supplied by the board of county commissioners. The department will establish, from time to time, an official tag for licensed animals. No other license and rabies certificate or tag shall be valid in the county, except as otherwise provided under this article. The certificate shall provide space for pertinent data for identification of the animal. The license tag shall consist of a serially numbered piece of metal or other material bearing the same number as the certificate. All dogs and cats shall be required to wear a tag, except as otherwise provided under this section. The person to

whom a dog or cat license has been issued shall cause the tag to be securely fastened by a substantial device about the animal's neck so as to be clearly visible at all times. If a license tag is lost or destroyed, a duplicate shall be issued by the department upon presentation of the certificate and upon payment of a fee as established by the board of county commissioners. In lieu of the tag, owners of cats may choose a breakaway collar or an alternate form of identification, as approved by the department.

(5) Failure to comply with the provisions of subsections (a)(1) through (4) above or the current procedures promulgated by the department may result in loss of licensing and tag issuing authority.

(b) Licenses, either certificate or tag, shall not be transferable from one dog or cat to another.

(c) Licenses under this article expire in accordance with the following schedule:

(1) If a one-year license is issued for a one-year rabies vaccination or a three-year license is issued for a three-year rabies vaccination, licenses expires when the rabies vaccination expire.

(2) If a one-year license is issued for a three-year rabies vaccination, the license expires one year from the date the vaccine was administered. The expiration date of licenses for year three shall expire on the date the rabies vaccination expire.

(3) All licenses shall be renewed on or before the date of expiration.

(d) Those persons who relocate their dogs or cats, which are over the age of four months, to the county shall secure a license within 30 days of relocation.

(e) When ownership of a dog or cat is transferred from one party to another, the transferor shall report the change of ownership to the department on such form as provided by the department according to current written procedures maintained by the department whether such change is effectuated by sale, barter, gift, or otherwise, within 30 days of such transfer. The new owner shall maintain a record of the date of transfer, the name and address of the transferor, and proof of previous vaccination and license. Such records shall be maintained by the new owner for a minimum period of one year from the date of transfer. All owners of dogs or cats over four months shall obtain a county license within 30 days of the date that they became the owner as defined in this article.

(f) Every person selling or transferring ownership of a dog or cat shall keep records of the most recent proof of vaccination, license, and, when applicable pursuant to F.S. ch. 828, as may be amended, certificate of veterinary inspection. The previous owner shall maintain such records for a minimum period of one year from the date of transfer. All dogs and cats offered for sale, and copies of vaccination or license records, or certificates of veterinary inspection, held by the seller and veterinarian shall be subject to inspection by any animal control code enforcement officer.

(g) Every person owning, possessing, harboring, keeping or having control or custody of a dog or a cat shall keep records of proof of vaccination, license, and when applicable pursuant to F.S. ch. 828, as may be amended, certificates of veterinary inspection. Every person owning, possessing, harboring, keeping or having control or custody of a ferret, shall keep records of proof of vaccination.

(h) The board of county commissioners are authorized to establish reasonable fees for the issuance and renewal of dog or cat licenses. License fees shall be waived for the following:

(1) Dogs owned by a law enforcement agency and used for law enforcement purposes.

(2) The initial license issued to dogs or cats adopted from state chartered nonprofit humane organizations.

(i) The provisions of this section shall not apply to active racing greyhounds licensed and regulated by the Florida Department of Business and Professional Regulation.

Sec. 14-62. Guard dogs.

(a) *Registration.*

(1) Guard dog owners or services shall register all dogs used in their business, whether housed or used in the county, with the department. The registration shall include: name, address and telephone number of the service's manager; the breed, sex, weight, age, color, registration number of the guard dog, and other distinguishing physical features of the dog; a county rabies vaccination and license certificate; and a tag that is highly visible and conspicuously different from ordinary dog tags, as approved and supplied by the department. As a condition to registration, proof of ownership must be presented by either a notarized bill of sale or a notarized affidavit.

(2) Guard dogs which are newly acquired by guard dog services shall be vaccinated against rabies, if needed, and registered with the department within 72 hours of acquisition.

(3) The fee for registration of a guard dog with the department shall be established by the board of county commissioners and shall be an annual charge for each individual dog.

(4) Such registration shall not constitute a waiver of the annual license or other requirements of this article.

(b) *Identification.* Each guard dog shall be permanently identified by microchip implantation.

(c) *Reporting requirements.* Any person possessing, harboring, keeping or having control or custody of a guard dog shall immediately notify the department when such guard dog:

(1) Is loose or unconfined;

(2) Has bitten a human being or attacked another animal; or

(3) Is sold or given away or dies. Prior to a guard dog being sold or given away, the owner shall provide the name, address and telephone number of the new owner to the department.

(d) *An inspection shall be required prior to any registration issuance or renewal.* The renewal inspection period shall extend from 60 days prior to the end of a current registration period until the last day of the current registration period. Notice of the renewal inspection period, including a description of the scope and criteria of the inspection, shall be provided no later than ten days prior to a renewal inspection period, and any effort to seek review by a competent jurisdiction of the intended inspection must be initiated before the renewal period begins. The renewal inspection shall be unscheduled, and may be conducted at any reasonable hour by any animal control code enforcement officer, who shall act in accordance with the renewal inspection period notice and at a minimum, shall be given access to and the opportunity to investigate the animals, premises and records of the guard dog owner, to determine compliance with F.S. chs. 767 and 828, as may be amended, and this article.

(e) *Unlawful custody.* It shall be unlawful for any person to own, harbor, keep, maintain, use or otherwise have custody of any guard dog in the county which has not been vaccinated, registered, and microchipped as provided by this article.

(f) *Transportation of guard dog.*

(1) Any vehicle transporting a guard dog must be clearly marked showing that it is transporting a registered guard dog. A compartment separate from the driver is required which shall allow adequate ventilation for the animal.

(2) No guard dog shall be transported in the trunk of a car or on open-bed trucks.

(3) Guard dogs must be muzzled and leashed, or maintained in a proper enclosure, as defined in this article, when not on guard duty at a commercial establishment.

(g) *Requirements for businesses using guard dogs.*

(1) Each business which hires or uses a guard dog must provide proper fencing to keep the guard dog from digging or jumping out or must otherwise properly confine the animal within a secure enclosure.

(2) At each appropriate location and entry point, and at 50-foot intervals along the fence perimeter, a sign shall be posted including the words "Guard Dog."

(3) Entry points shall have a sign posted with the telephone number of the dog's trainer or handler in case of an emergency.

Sec. 14-63. Dogs or cats at-large.

(a) No dog or cat shall run at-large within the county, as defined under this article. Any person who possesses, harbors, keeps, or has control or custody of any dog or cat which is running at-large shall be in violation of this article, regardless of the knowledge, intent or culpability of the owner.

(b) This section shall not apply to police dogs as defined in F.S. § 843.19, as may be amended, when such dogs are engaged by a law enforcement agency in an official capacity, or to any dog which is actually engaged in or being trained for the sport of hunting during a legal hunting season within authorized areas and supervised by the owner.

(c) The owner of any female dog or cat in heat (estrus) which is not kept confined in a secure enclosure, such as a building, veterinary hospital, boarding kennel or closed kennel, such that the female dog or cat cannot come in contact with any male dog or cat, except when the owners of both animals intend to breed such animals, shall be deemed in violation of this article. A fenced area is not sufficient enclosure for the purpose and intent of this subsection.

Sec. 14-64. Dangerous dogs.

(a) The purpose of this section is to implement the provisions of F.S. ch. 767, part II, dangerous dogs, as may be amended, and the definitions and provisions of which are incorporated herein, as may be amended. Consistent with F.S. § 767.14, as may be amended, any additional, inconsistent, or conflicting provisions stated in this Code shall control to the extent they do not lessen the statutory provisions.

(1) Dangerous dog investigations, determinations, classifications, and other actions, including related hearings and appeals, shall be conducted in accordance with the provisions of F.S. ch. 767, part II, dangerous dogs, as may be amended. Hearings, if requested, shall be conducted in accordance with F.S. ch. 767, part II, dangerous dogs, as may be amended, and section 14-67 of this Code.

(2) The owner shall be responsible for boarding fees, veterinary and other costs incurred by the county to maintain the dog during such investigation, classification and appeals.

(3) Confinement of dog pending investigation, hearing and appeal. Any dog that is the subject of a dangerous dog investigation that is not impounded with the department, shall be maintained by the owner in a proper enclosure of a dangerous dog. The owner shall post the premises with clearly visible warning signs at all entry points that inform both children and adults of the presence of a dangerous dog on the property. Furthermore, it is unlawful for the owner of the dog to permit the dog to be outside a proper enclosure of a dangerous dog unless the dog is muzzled and restrained by a substantial chain or leash and under the control of a competent person over the age of 18. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or dog. When being transported, such dogs shall be safely and securely restrained within a vehicle. The provisions of this

section shall apply pending the outcome of the investigation and resolution of any hearing or appeals related to the dangerous dog classification. The address of where the dog resides shall be provided to the department. No dog that is the subject of a dangerous dog investigation may be relocated or ownership transferred pending the outcome of the investigation or any hearings or appeals related to the determination of the dangerous dog classification.

(4) Failure to securely confine a dog during investigation. In the event that any animal control code enforcement officer is investigating whether a dog is or may be dangerous and has cause to believe that the owner is unable or unwilling to securely confine the dog pending a final determination, the animal control code enforcement officer may impound the dog pending the investigation, or any hearing or appeals regarding the dangerous dog classification, if deemed necessary to protect the public. If the dog is subsequently classified as dangerous by the animal control authority and such classification is appealed, it shall remain impounded pending final resolution.

(5) Compliance with dangerous dog requirements. The owner of a dog classified as a dangerous dog shall comply with all time frames and requirements provided by law.

(b) *Dangerous dog requirements.*

(1) *Registration.* Any person who owns (or keeps, if that person is someone other than the owner) a dangerous dog within the county must register the dog as dangerous with the department. Any person who brings a dog into the county that has been declared dangerous by another jurisdiction, and who intends to reside in the county with such dog, shall register the dangerous dog within 14 calendar days of establishing residency in the county. The fees for registration shall be as established by resolution.

(2) *Conditions precedent to registration.* No dangerous dog may be registered with the department unless and until all of the following requirements have been met:

a. The owner shall, at the owner's expense, have the dangerous dog implanted with a department-approved electronic dog identification device (microchip), and shall provide the department with the microchip manufacturer and number. The owner may obtain microchips from the department, if available, at the fee set by resolution. The microchip number will become the dangerous dog registration number.

b. The dog shall be spayed/neutered unless a veterinarian has examined the dog and certifies, in writing (with a copy provided to the department within such 14-day period), that at such time spaying/neutering the dog would endanger its health. Under the circumstance, the dog shall be spayed/neutered as soon as its health permits.

c. The owner shall display a sign on his or her property warning that there is a dangerous dog on the premises. Said sign shall be clearly visible from all entry

points and inform both children and adults of the presence of a dangerous dog on the property. The sign shall read "Dangerous Animal" or "Beware of Animal."

d. The owner of a dangerous dog must have in place, on the property where the dangerous dog will be kept, the proper enclosure of a dangerous dog, if said property allows.

e. The owner of a dangerous dog must provide department with two color photos displaying full body, head and face of the dog.

f. The owner shall provide evidence of a current Pinellas County license and rabies vaccination for the dog.

(c) *Responsibilities of dangerous dog owners.* The owner (or keeper, if other than owner) of a dangerous dog shall:

(1) Renew the dangerous dog registration annually.

(2) Ensure that the dog, while on the owner's property, is securely confined indoors, or securely confined in a proper enclosure of a dangerous dog. At any time that a dangerous dog is not so confined, the dog shall be muzzled and restrained in such a manner as to prevent it from biting or injuring any person or dog, and kept on a substantial chain or leash by a person able to exercise control over the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but will prevent it from biting any person or dog. However, the foregoing requirements of this subsection do not apply:

a. When the dog is in attendance at and participating in any dog show, contest, or exhibition not prohibited under F.S. § 828.122, as may be amended, and sponsored by a dog club, association, society, or similar organization.

b. While the dog is being transported within the cab or passenger portion of any motor vehicle, provided the vehicle has a roof, and the dog cannot escape through an open window.

c. When the owner is exercising the dog in a securely fenced or enclosed area that does not have a top, provided that the dog remains within the owner's sight and only member of the immediately household or persons 18 years of age or older are allowed in the enclosed or fenced area when the dog is present.

(3) Notify the department immediately if the dangerous dog becomes loose, unconfined, attacks, or bites a human being or another dog, dies, is sold, or is given away. In the event of the dog's death, the owner shall provide to the department satisfactory evidence (as determined by the department) of the dog's death. If the dangerous dog is sold or given away, the owner shall provide to the department the name, address, and telephone number of the new owner of the dangerous dog. The new owner shall, within 14 calendar

days after receiving the dog, execute a new document to be supplied by the department, acknowledging that he or she is aware of the dangerous dog classification, and agreeing that the new owner shall comply with all of the requirements of this article.

(4) Notify the department immediately if the owner believes that the dangerous dog has been stolen. The owner must, concurrently with that notification, report the theft to the appropriate local law enforcement authority and provide the official police report to the department.

(5) Notify the department immediately if the owner moves to another address with the dangerous dog, which notification shall identify such address.

(6) Have the dangerous dog destroyed in a humane manner at his or her sole expense by the department or veterinarian, if the owner is unable or unwilling to comply with all applicable requirements and mandates contained in this article.

(d) *Surrender of dangerous dog.* The owner of a dangerous dog must surrender the dangerous dog to the department if the owner is unable or unwilling to comply with the requirements of this article.

(e) *Inapplicability to law enforcement dogs.* This article shall not apply to dogs owned and used by a law enforcement agency.

Sec. 14-65. Reserved.

Sec. 14-66. Reserved.

Sec. 14-67. Hearings.

(a) *Hearing officer.* There is hereby created for the purposes of this article the position of hearing officer. Said hearing officer shall be a Pinellas County special magistrate.

(b) *Burden of proof.* The department shall bear the burden of establishing that a dog is dangerous by a preponderance of evidence. The owner shall bear the burden of establishing any factual or legal defense to the classification of dangerousness by a preponderance of evidence.

(c) *Hearing procedures.* These procedures govern hearings before a hearing officer as provided in this article. Such hearings shall provide an opportunity for the owner to be heard. All hearings shall be conducted in accordance with the Florida Rules of Civil Procedure and the Florida Evidence Code, except as otherwise stated herein. However, the hearing shall be conducted in an informal manner to the extent practicable. Each party shall be afforded the following rights:

(1) To be accompanied, represented, and advised by counsel;

(2) To offer the testimony of witnesses and examine opposing witnesses on relevant matters; and

(3) To present his or her case by oral or documentary evidence.

(d) *Evidence.*

(1) In any hearing before a hearing officer, irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether such evidence would be admissible in a trial in the courts of the state. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be made under oath. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

(2) A party shall be permitted to conduct cross-examination when testimony is taken, or documents are made a part of the record.

(3) The rules of privilege shall be effective to the same extent that they are recognized under state law.

(e) *Written determinations of the hearing officer.*

(1) After conducting a hearing, the hearing officer shall issue a determination within 20 calendar days of the hearing.

(2) All determinations of the hearing officer shall be in writing, signed, and dated by the hearing officer, shall contain findings of fact and conclusions of law, and shall be served upon the owner by registered mail, certified hand delivery (signed receipt), or service in conformance with the provisions of F.S. ch. 48, as may be amended, relating to service of process.

(f) *Obligation to pay hearing officer's fee; deposit.* The non-prevailing party shall be responsible for paying the hearing officer's fee in full. When filing a written request for a hearing, the owner shall provide a deposit in the amount established by resolution as security for payment of the hearing officer's fee. If the owner prevails in the hearing, the deposit shall be returned in full. If the owner does not prevail, and the hearing officer's fee exceeds the deposit, the owner shall pay the difference within ten business days after written demand is made by the hearing officer or department. If the owner does not prevail, and the deposit exceed the hearing officer's fee, the department shall return the excess deposit to the owner within ten business days after paying the hearing officer's fee.

(g) *Failure to appear before hearing officer.* Once a hearing is scheduled, failure to appear before the hearing officer may, at the discretion of the hearing officer, result in dismissal of the hearing with prejudice, in which case the initial classification by the department shall stand and the dog shall be classified as aggressive or dangerous.

Sec. 14-68. Reserved.

Secs. 14-69—14-85. Reserved.

ARTICLE III. GAME AND FISH¹

DIVISION 1. GENERALLY

Secs. 14-86—14-95. Reserved.

DIVISION 2. SALTWATER FISHING

Subdivision I. In General

Sec. 14-96. Unlawful to permit net or seine to remain set in inland salt waters in excess of four hours.

(a) The words "inland waters," for the purpose of this section shall be defined as follows: All rivers, creeks, runs, brooks, streams, channels, passes, inlets, sounds, bays, bayous, harbors, lagoons or any other inland water, whether the same be salt or brackish, up to and including all approaches of all inland waters to the open waters of the Gulf of Mexico, in Pinellas County, Florida. The dividing line between inland salt waters and open waters of the Gulf of Mexico, for the purpose of this section, shall be established by a line drawn from the farthest point to the farthest point of the outside beach or shoreline at noon low tide, or of the mainland or islands in question, where such beach or shoreline joins the open Gulf of Mexico, as the case may be, said line to be drawn across the entrance to the pass, inlet, harbor, river, creek, lagoon, bay, or bayou, and be considered as the dividing line between inland waters and open waters.

(b) It shall be unlawful to set any net or seine of any description in the inland salt waters of Pinellas County and allow it to remain for a period of time exceeding four hours. The time of such net being in the water [is] to be calculated from the time any portion of such nets is or are first placed in the water. Provided, however, this restriction shall not apply to gill-nets of standard mesh and twine, used in the practice known as "drift-netting."

(c) The owner or owners of nets and seines used or found in use in said inland waters of Pinellas County shall be responsible for the use to which nets or seines are put, when used by themselves or any other person or persons accused of violation of this section, and the court trying said cause shall make a suitable order to the sheriff or other law enforcement officer.

(d) Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment, and upon conviction of a second or subsequent violation of this section shall

be punished by a fine of not less than \$300.00 nor more than \$1,000.00 or by imprisonment in the county jail not to exceed six months, or by both such fine and imprisonment.

Sec. 14-97. Taking of saltwater fish in manmade canals.

(a) [Regulated.] It is unlawful for any person to take or attempt to take any saltwater fish, except by hook and line or handheld cast net or with no more than five blue-crab traps, within any manmade saltwater canal located in Pinellas County, Florida.

(b) [Penalty.] The violation of this section is declared to be a criminal offense and misdemeanor within the meaning of F.S. § 775.08, and shall be punishable as provided by law.

Secs. 14-98—14-110. Reserved.

Subdivision II. Net License

Sec. 14-111. Required.

No person, firm or corporation shall use or cause to be used any gill net or nets from a boat in the saltwaters of Pinellas County for the purpose of taking or catching fish without a valid license issued by the department of natural resources [now department of environmental protection].

Sec. 14-112. Fee.

An annual fee of \$300.00 shall be collected by the department for the issuance of the gill net license during a 60-day period beginning May 1 of each year; provided, however, that in 1983 the license issue period shall begin 60 days after this subdivision becomes law. Only one such license shall be required per boat when fishing upon the waters of Pinellas County and shall be valid for the licensee and those members of his immediate family.

Sec. 14-113. Number to be displayed on boat.

Each person who obtains a license pursuant to this subdivision shall prominently display the license number upon the boat in numerals which are at least ten inches in height and one inch in width in such manner that the permit number is visible both horizontally and vertically.

Sec. 14-114. Disposition of proceeds.

The proceeds from the collection of fees pursuant to this subdivision minus reasonable administrative cost, shall be used for marine habitat research and restoration in Pinellas County.

Sec. 14-115. Exceptions to subdivision.

This subdivision shall not apply to a common cast or throw net.

Sec. 14-116. Application of fee toward future licenses.

In the event the legislature provides for a saltwater products or commercial fishing license, such license fee shall be credited against the fee provided in section 14-112.

Sec. 14-117. Validity of existing licenses.

For the purpose of complying with the provisions of section 14-111, any similar license issued for any other Florida county shall be valid, as long as the total fee for the license is not less than \$300.00.

Sec. 14-118. Penalty for violation of subdivision.

The violation of any provision of this subdivision is declared to be a criminal offense and misdemeanor within the meaning of F.S. § 775.08, and shall be punishable as provided by law.

SECTION 2. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 3. Areas Embraced. This ordinance shall be effective in the incorporated and unincorporated areas of the County.

SECTION 4. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance will become effective upon filing of the ordinance with the Department of State.

PCAO 527198

APPROVED AS TO FORM

By: David Barrera
Office of the County Attorney