

ORDINANCE 22- 20

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 14, TO ESTABLISH LIMITS AND REGULATIONS RELATED TO THE SALE OF ANIMALS; PROVIDING FOR OTHER MODIFICATIONS FOR CLARITY AND CONSISTENCY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ensuring the humane treatment of animals is an important public purpose; and

WHEREAS, the Animal Welfare Act (“AWA”), 7 U.S.C. §§2131-2159, establishes federal standards for the humane care and treatment of certain animals sold at wholesale or through a broker, publicly exhibited, used in biomedical research, or transported commercially; and

WHEREAS, the U.S. Department of Agriculture (“USDA”), Animal and Plant Health Inspection Service (“APHIS”) has an Animal Care program, which is responsible for implementing and enforcing animal welfare regulations pursuant to the AWA; and

WHEREAS, the AWA regulates the activities of dog breeders, unless the breeder qualifies as a “hobby breeder,” and requires non-exempt breeders and brokers to maintain a license with the USDA, which requires that they agree to follow specific standards for the care of animals; and

WHEREAS, the USDA Inspector General (IG) issued audit reports on APHIS Animal Care regulation of the dog breeding industry in 2010 and 2021, and the findings of the reports include:

- Minimal standards in place and minimal enforcement
- Enforcement process was ineffective against large-scale dog dealers
- Inspectors did not cite or document violations properly
- The APHIS penalty worksheet calculated minimal penalties & misused guidelines to lower penalties
- Some breeders circumvented the Animal Welfare Act (AWA) by selling animals online
- Minimal work is being done to enforce the AWA
- There is a lack of organization by the USDA
- Data reliability issues with reports being generated from the APHIS database; and

WHEREAS, in 2021 the Inspector General summary stated: “We found that APHIS did not consistently address complaints it received or adequately document the results of its follow up. This occurred because APHIS does not have a documented process for resolving complaints and recording the results of the agency’s actions. As a result, some dog breeder facilities may be conducting regulated activity without a USDA license or oversight. Therefore, APHIS is not able to ensure the overall health and humane treatment of animals at these facilities.”; and

WHEREAS, data and research reviewed by Pinellas County Animal Services staff supports the USDA's Inspector General conclusion that the USDA is not adequately regulating the dog breeding industry and is failing to safeguard the health and welfare of the dogs being produced by the industry and shipped to local pet stores for retail sale; and

WHEREAS, some commercial animal breeders operate unsanitary and inhumane breeding facilities for dogs in which the health of the dogs is disregarded; and

WHEREAS, some retail pet sales establishments purchase animals from commercial breeders that operate unsanitary and inhumane breeding facilities; and

WHEREAS, the Board finds that it is in the best interest of the County, and the life, health, safety, and welfare of residents, and animals, to avoid the expansion of pet sale establishments in the county by banning the opening of new retail pet stores in Pinellas County; and

WHEREAS, the Board also finds that it is in the best interest of the County, and the life, health, safety, and welfare of residents, and animals, to avoid the expansion of pet sale establishments in the county by regulating the expansion or relocation within Pinellas County of previously existing retail pet stores; and

WHEREAS, for these reasons the Board of County Commissioners of Pinellas County examined options appropriate to Pinellas County to regulate retail pet sales within the County, and finds it necessary to enact more comprehensive regulations of the pet retail sales within the County;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Pinellas County Florida that:

SECTION 1. Chapter 14, Section 14-26 of the Pinellas County Code is hereby amended to read as follows:

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*.

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.

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.

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; or "physical control" shall also include visual signals or oral commands by the owner of a dog which has been trained to consistently and effectively respond to such signals or commands, if such dog is at all times within the unobstructed sight of the dog's owner.

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. Noises that, on at least two separate dates during a three-day period, are produced for more than one sustained period of at least 15 minutes over the course of eight hours, shall be considered excessive for the purpose of this definition;
- (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.

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) Be sufficient in size to allow each sheltered animal to stand up, turn around, lie down, and stretch comfortably;
- (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.

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

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.

SECTION 2. Chapter 14, Section 14-29 of the Pinellas County Code is hereby amended to read as follows:

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 10% 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 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 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 a permit holder to determine compliance with F.S. 767 and 828, as may be amended, and this article.
- (i) 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.
- (j) Any decision by the Department to deny, suspend, or revoke the permit of a permit applicant or permit holder may be reviewed by the County Administrator. 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 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 County Administrator will issue a decision in writing stating the reason for the determination in the matter, with a copy furnished to the initiating party no later than 5:00 p.m. EST on the seventh full business day after receipt of the request for review. 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 thirty (30) days and no less than fourteen (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 (1) 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 (4) months of age and the inoculation is administered by a licensed veterinarian.
8. Roundworms.
9. Hookworms.

If the dog is under four (4) months of age, the tests, vaccines, and anthelmintics required by this chapter must be administered no more than twenty-one (21) days before sale within the County. If the dog is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this chapter must be administered at or after three (3) months of age, but no more than one (1) 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 (4) months of age and the inoculation is administered by a licensed veterinarian.

5. Hookworms.

6. Roundworms.

If the cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before sale within the State. If the cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after three (3) months of age, but no more than one (1) 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 (1) copy of the OCVI on file for at least one (1) 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 thirty (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 thirty (30) days. Each dog and cat in the possession of a Commercial Establishment shall be re-examined by a veterinarian every thirty (30) days and the Commercial Establishment shall ensure that a current OCVI is completed by the examining veterinarian.
- h. Each dog over six (6) 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 (2) 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 (8) 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 Statutes § 828.073 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 (3) 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 (3) 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 (3) years.
8. That has received a finally determined repeat noncompliance citation at any time during the prior three (3) 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 (3) 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 OCVI's 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 Florida Statutes § 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 (2) 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 (2) 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 fifteenth day of the month, each Commercial Establishment shall provide the Department with the following records for each dog and cat sold, disposed of or that died during the previous month:
 - a. A copy of each OCVI that has been completed for such dog or cat;
 - b. 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;
 - c. The date each dog and cat was obtained;
 - d. The date each dog and cat was sold, died, or was otherwise disposed of by the Commercial Establishment; and
 - e. 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. If any dog or cat dies while in the possession of a Commercial Establishment, the Commercial Establishment shall maintain a record of the date of death and known or suspected cause of death. 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 veterinarian shall specify the date of and known or suspected cause of death on the dog or cat's OCVI. Within fifteen (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 (2) years from the date of the dog or cat's death.

- k. 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.
- l. 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 a written notice in twelve-point or greater type identifying the breed, sex, date of birth of each dog and cat, any illness found by the veterinarian during the most recent examination, any notes in the "other information/comments" section for the pre-purchase exam, and 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.
- 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 fifty-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 twelve-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 (2) 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 fourteen (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 (1) 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 (1) 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 (1) 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 (10) 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 (1) of the options set forth in this chapter within ten (10) 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 Florida Statutes § 828.29(12), which shall be provided in twelve-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 (2) years from receipt of such records and shall deliver a copy of the purchaser's request to the Department within seven (7) days of receipt.

(e) Animal housing requirements for Commercial Establishments

- 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 Commercial Establishments

- 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 Florida Statutes 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 twenty-four (24) hours and at least

one (1) 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 Commercial Establishments.

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 fifty (50) degrees F (ten (10) 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 fifty (50) degrees F (ten (10) degrees C) or must not rise above eighty-five (85) degrees F (thirty-five 35 degrees C) at any time.

(h) Ventilation.

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 eighty-five (85) degrees F (thirty (30) degrees C) or higher.

(i) Cages/animal enclosures.

1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. 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 are constructed in a manner that protects the animals' appendages from injury, and that if of mesh or slatted construction, will not allow the animals' appendages to pass through any openings in the floor.

(j) Space requirements for dogs.

1. The guideline for minimum size for an animal enclosure for a dog ten (10) pounds and under shall be three and one half (3.5) square feet.
2. The guideline for minimum size for an animal enclosure for a dog from eleven (11) to twenty (20) pounds shall be six (6) square feet.
3. The guideline for minimum size for an animal enclosure for a dog from twenty-one (21) to thirty-five (35) pounds shall be eight (8) square feet.
4. The guideline for minimum size for an animal enclosure for a dog from thirty-six (36) to fifty (50) pounds shall be twenty (20) square feet.
5. The interior height of each animal enclosure for a dog must be at least six (6) 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 thirty-five (35) pounds shall be required to be exercised on a leash three (3) times per day for a minimum of ten (10) minutes per exercise period.

(k) Space and other requirements for cats.

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 twenty-two (22) inches in interior height.
 - b. Cats up to and including nine (9) pounds must be provided with at least three (3) square feet.
 - c. Cats over nine (9) pounds must be provided with at least four (4) square feet.
2. Compatibility.
 - a. All cats housed in the same animal enclosure must be compatible, as determined by observation.
 - b. Kittens under four (4) 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 Commercial Establishments.

- 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 Commercial Establishments.

- 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. 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 twelve- 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.

SECTION 3. 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 4. Areas Embraced. This Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 5. 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 6. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, 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 shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM

By: Miles Belknap
Office of the County Attorney