

ORDINANCE 22-_____

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

- (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.

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

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 Retails 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, ~~or~~ 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.

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

5. Hookworms.

1-6. 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.

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

- 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

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.
- 1.2. 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

- 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

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.

- 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