

The Farm Dog Rescue

Martin County Pet Store Ban

Dec. 2021

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Puppy mills and pet stores

Most Americans have pets.

About 50% of people in the United States own a dog and about 34% own a cat. Yet only about 30% of pets in homes come from shelters and rescues. Three million adoptable dogs and cats are euthanized in shelters every year.¹

Pet store puppies come from puppy mills.

Responsible breeders do not sell their puppies to pet stores because they want to meet their puppy buyers in person—and a majority of national breed clubs' codes of ethics prohibit or discourage their members from selling their dogs to pet stores. The suppliers of pet store puppies are largely puppy mills, commercial facilities that mass-produce puppies for sale without adequate attention to their physical, behavioral, or psychological needs. The Humane Society of the United States has conducted several hidden-camera investigations² showing that many of the breeding facilities that supply pet stores are mills.

Puppies sold in pet stores come from all over the country—and many come from breeders with one or more Animal Welfare Act violations.

Some breeders found selling to pet stores have a record of repeat violations of the federal Animal Welfare Act. USDA inspection reports reveal breeders with sick and injured dogs who had not been treated by a vet; underweight dogs with their ribs, hips and spines protruding; puppies with their feet falling through wire floors; puppies with severe deformities or missing limbs; dogs standing in piles of feces; and food contaminated by mold and insects.

Pet stores often do not disclose the origin of the puppies they sell.

Most pet stores do not disclose the true origins of their puppies, instead using deceptive sales pitches about “USDA-licensed” or “professional” breeders. Unfortunately, the federal Animal Welfare Act prescribes survival standards for dogs, not humane care standards. The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements.³ Indeed, the agency's own Animal Welfare Act Fact Sheet⁴ states “*Although Federal requirements establish basic standards, regulated businesses are encouraged to exceed the specified minimum standards.*”

The pipeline of puppy sales to pet stores exposes puppies to stress and disease

As they are shipped to pet stores, very young puppies typically spend days in cramped cages on a truck, exposed to puppies from a variety of other sources, some of whom may be sick. During this time, their immune systems are not fully developed and they can be exposed to a range of diseases. In addition, puppies have died from overheating on unattended transport vehicles and other dangerous incidents on the road.

¹ Pet Industry Market Size and Ownership Statistics, https://www.americanpetproducts.org/press_industrytrends.asp (accessed January 13, 2020).

² Read about our pet store investigations <https://www.humanesociety.org/resources/investigations-reports>

³ See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws.

⁴ U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” in https://www.aphis.usda.gov/publications/animal_welfare/2012/animal_welfare_act_english.pdf (accessed January 13, 2020).

Puppies sold at pet stores often have serious health or psychological problems.

Some of the illnesses common to pet store puppies include zoonotic diseases, which can be spread to other pets and humans. Buyers are often faced with enormous vet bills or even the death of the puppy within days or weeks of purchase. A puppy may seem healthy for months only to develop symptoms of serious congenital conditions much later. These health problems are often the result of unsanitary conditions, insufficient veterinary care and poor breeding at puppy mills.

Pet stores do not have to sell puppies to be successful.

More than 3,000 pet stores nationwide have signed an HSUS pledge not to sell puppies,⁵ demonstrating that it is possible to have a successful pet-related business without supporting puppy mills.



PHOTO BY THE HSUS

The HSUS recommends never purchasing a puppy from a pet store due to the health, safety and animal welfare concerns described above. People who want to add a puppy to their family are urged to visit a reputable shelter or rescue organization, or purchase only from a small, responsible breeder who will show the buyer the parent of the puppy and allow them to see where the puppy was born and raised. For more information on buying a puppy, see [humanesociety.org/puppy](https://www.humanesociety.org/puppy).

Find out more information at [humanesociety.org/puppymills](https://www.humanesociety.org/puppymills).



**THE HUMANE SOCIETY
OF THE UNITED STATES**

⁵ Learn more about Puppy Friendly Pet Stores at [humanesociety.org/pupystores](https://www.humanesociety.org/pupystores).

10 REASONS TO BAN RETAIL SALE OF COMMERCIALY BRED DOGS AND CATS

Adapted from an article by Lauren Kuby in support of a ban on retail sale of pets in Tempe, AZ

Retail sales of dogs and cats should be limited to pets that come from shelters or rescue groups. Here are 10 reasons why:

1. Commercial breeding facilities, commonly referred to as puppy mills, are the exclusive suppliers of commercial pet stores. Reputable nonprofit or hobby breeders do not sell puppies or kittens to commercial pet stores.
2. Currently, there is no effective mechanism for regulating puppy and kitten mills. U.S. Department of Agriculture standards of care for breeding dogs and cats are shockingly low, inspections are sporadic and violations are widely unenforced.
3. Puppies from commercial breeders are statistically more likely to have genetic abnormalities, as well as serious ongoing health and behavioral problems.
4. Pet store puppies are typically sold significantly above the price charged by reputable breeders and without the pedigrees and health testing that come with reputable breeders.
5. Many pet store puppies are paid for through in-house financing that comes with high interest rates and finance charges, typically adding upwards of \$1,000 to a puppy's final price.
6. Residents have reported being misled or given blatantly false information about the source, health, pedigree and quality of the puppies and kittens sold in pet stores.
7. Local governments have little jurisdiction over breeding practices or the welfare of commercially bred animals, as most pet mills are not local; however, local governments have an obligation to protect residents from fraudulent or misleading business practices.
8. The operation of pet stores is not banned under ordinances that ban retail sales of dogs and cats. Only the sale of commercially bred puppies and kittens is banned. Pet store owners may shift to a sustainable business model offering rescued dogs and cats, as many stores have done.
9. There is no limit on a private citizen's right to purchase a pure-bred puppy or kitten from a breeder. A ban on retail sales of pets eliminates a pet store's ability to target impulse buyers and encourages prospective pet buyers to do research required to find and purchase a pet.
10. As hundreds of cities and more than a dozen states pass bans on retail pet sales, puppy and kitten mills are finding it more difficult to secure buyers. Eliminating commercial pet sales in local jurisdictions lessens the demand and has already begun to reduce the number of pet mills across the country. Bans on retail sales of dogs and cats have been shown to lower euthanasia rates in local shelters. Taxpayers pay to shelter and euthanize animals that would otherwise make wonderful pets. Adopting a rescue pet saves a life and helps stop the cruelty in many commercial breeding facilities. To protect animals and consumers, a ban on retail dog and cat sales is a wise choice.

Judge upholds Maryland ban on pet stores' sale of cats, dogs

By Michael Kunzelman
February 7, 2020

COLLEGE PARK, Md. (AP) — A federal judge on Friday threw out a lawsuit that challenged Maryland's newly enacted ban on the sale of dogs and cats by retail pet stores, a statute billed as a check against unlicensed and unsanitary "puppy mills."

Four pet stores, a dog breeder and a dog broker sued in August to block the law, which took effect Jan. 1. Maryland was the second state after California to pass such restrictions on the sale of dogs and cats.

The law bans pet stores from selling dogs and cats but encourages them to collaborate with animal welfare groups to "showcase" dogs from shelters, animal control units and "local breeders."

U.S. District Judge Ellen Hollander, who also denied the plaintiffs' request for a preliminary injunction blocking the law's enforcement, said she found ample evidence that state lawmakers had a "rational basis" for enacting the statute.

"Protecting consumers, reducing financial support for mill breeders, and encouraging pet adoption are indisputably legitimate state interests," she wrote in her 79-page decision.

Hollander said the plaintiffs essentially argued that lawmakers improperly tried to harm pet stores by siding with animal-rights groups.

"This argument is without merit. Siding with one group does not necessarily signify hostility towards another," the judge wrote.

The pet stores have said the ban will put them out of business. One of the plaintiffs, Just Puppies, closed "for a period" after the law took effect last month, said plaintiffs' attorney Jonathan Kagan. The ban already has "significantly impacted" the stores that have stayed open in hopes of getting a favorable court ruling, he added.

Maryland's law encourages animal welfare organizations to collaborate with retail pet stores to showcase cats and dogs for adoption or purchase from "local breeders," according to a summary of the legislation prepared by state analysts.

The pet stores argued the ban is unconstitutional, violating the Commerce Clause and the Equal Protection Clause of the Fourteenth Amendment. Their suit said the legislation's intent to facilitate sales from local breeders discriminates against out-of-state breeders and brokers.

The judge said the law is a "poorly drafted statute" that doesn't define the terms "showcase" and "local breeders." But she agreed with the state that the law does not carve out a special exception for local breeders to sell cats or dogs through pet stores or preclude out-of-state breeders and brokers from showcasing their animals in pet stores.

"As such, the Act does not expressly distinguish between in-state and out-of-state breeders and brokers," Hollander wrote.

The lawsuit also said animal welfare organizations have made unfounded claims that pet stores are fueling the growth of puppy mills. The suit claimed the ban effectively shifts the sale of puppies from regulated retailers to unregulated sources, such as sellers placing ads on the internet or in newspapers.

"Internet pet sales have a notoriously high incidence of fraud and scams which will only increase against Maryland residents once the ban takes effect," the suit said.

Gov. Larry Hogan, a Republican, signed the legislation into law after the state Senate unanimously approved it and the House passed it, 129-8.

The defendants include the state Senate's finance committee and Maryland Attorney General Brian Frosh, whose office will be responsible for enforcing the ban.

The first law of this kind took effect in January 2019 in California. Unlike Maryland's blanket ban on the sale of dogs and cats by pet stores, California law prohibits pet stores from selling a dog, cat or rabbit unless it came from an animal shelter or rescue group. Some local governments, including in Maryland, already have enacted similar measures.

Maine also recently enacted a law prohibiting the sale of cats and dogs in stores, and New York is contemplating a pet store ban similar to Maryland's, Hollander noted.

PROPOSED AMENDMENT TO MARTIN COUNTY ANIMAL CARE ORDINANCE

Sec. 9.87. - Minimum standards for the care of animals by pet stores, pet dealers, grooming establishments, kennels and commercial stables; prohibition against the retail sale of dogs and cats.

9.87.A. All pet stores, pet dealers, grooming establishments and kennels located in, or engaging in business in Martin County, shall comply with the minimum standards contained in this section, for the care of animals as indicated below:

1. Each establishment shall meet all fire safety requirements in accordance with local fire and zoning regulations. A plan and diagram to evacuate all animals in case of fire shall be displayed in a prominent location. All aisles shall be kept clear to provide safe, free access throughout the establishment.
2. Each establishment shall have a working telephone available at all times in case of emergency. The name of the establishment's veterinarian and the veterinarian's phone number shall be posted and made available to all employees, and a back up veterinarian in the event the primary veterinarian is unavailable for any reason.
3. All equipment, plumbing, electrical wiring and electrical appliances/equipment shall be in good repair and appropriate for the intended use.
4. A protective minimum three-foot horizontal barrier from ground level to the top of the three-foot barrier preventing human physical contact to the animal enclosure shall be erected from the outside edges of cages where animals are kept to the public access. No animals shall be handled by the public. A separate 'get acquainted' area shall be set aside for animals and prospective buyers. The animal shall be brought to this area by a designated employee of the establishment and returned to its shelter/housing by a designated employee of the establishment.
5. Each establishment shall have sufficient lighting to permit routine inspection and cleaning of the establishment and for clear observation of the animals. Animal areas must be lighted at least eight hours a day, by either natural or artificial light corresponding to the natural period of day light. Animal enclosures must be placed so as to protect animals from excessive light and or spotlights directly on cages.
6. Indoor and outdoor shelter/housing for animals shall be maintained in accordance with normal facility maintenance practices; shall protect the animal from injury; and shall contain the animal.
7. Water free of debris and accessible to the animal at all times shall be provided, except when directed otherwise in writing by a licensed veterinarian.

8. **Supplies of food shall be stored in sealed containers or other containers which protect the food against insect infestation and/or contamination. Refrigeration shall be provided for supplies of food whose labeling requires it.**
9. **All animals shall be fed at least once a day or as necessary in relation to species, except as otherwise directed in writing by a licensed veterinarian. The food shall be accessible, free from contamination and/or insect infestation, and shall be of sufficient quantity and nutritive value to meet the minimal daily requirements for the condition and size of the animal as set forth by the commercial food industry or by a licensed veterinarian.**
10. **All establishments providing indoor or outdoor shelter/housing for animals shall conform to the minimum requirements of this chapter, except where indicated otherwise in writing by a licensed veterinarian.**
11. **Shelter/housing facilities for animals shall be ventilated with fresh air either by means of windows, doors, vents or air conditioning.**
12. **Outdoor shelter/housing shall provide each animal with shade that protects each animal's entire body from the rays of the sun.**
13. **Shelter/housing shall be cleaned at least daily. All areas of each establishment shall be clean, and free of garbage, unused food, standing water, litter, and refuse. Garbage shall be kept in garbage cans with lids and shall be disposed of daily. Animal excrement shall be removed by spot cleaning regularly throughout the work day.**
14. **All cleaning solutions and disinfectants shall be stored to prevent any contact with animal's food, dishes, bedding, or medication and used in accordance with manufacturer's instructions, properly labeled as to content, and shall be stored to prevent any contact with animals.**
15. **Separation. The following restrictions apply to animals housed in the same shelter/housing in all establishments:**
 - a. **Females in season shall not be housed in the same shelter/housing with males, except during planned breeding purposes.**
 - b. **Puppies or kittens shall not be housed in the same shelter/housing with adult dogs or cats other than their dams or surrogate dams.**

- c. Dogs shall not be housed in the same shelter/housing with cats, nor shall dogs or cats be housed in the same shelter/housing with any other species of animals.
 - d. Animals under quarantine or treatment for a communicable disease shall be maintained in individual cages in an isolated location, with a separate ventilation system, where they cannot directly or indirectly come into contact with any other animals or the public. Any medication given to such animal is to be done under the guidance of a licensed veterinarian.
16. A copy of "Pet Lemon Law" shall be conspicuously displayed by all pet dealers. A copy also must be given to every consumer purchasing an animal from any pet dealer in Martin County.
17. A written disaster plan specifying in detail the steps to be taken with respect to the animals in the event of a natural or man-made disaster shall be maintained on the premises where animals are housed.
18. All dogs and cats shall be seen and given the appropriate tests, vaccines, and anthelmintics as set forth in Section 828.29, Florida Statutes (2001), as amended from time to time, within two business days of arrival into Martin County, and before being offered for sale, by a veterinarian licensed and practicing within the State of Florida, and receiving a current health certificate from the State of Florida Department of Agriculture and Consumer Service. Animals which 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 of illness or injury.

9.87.B. Retail sale of dogs and cats prohibited.

- 1. **Purpose and intent. The purpose and intent of this section is to discourage the retail sale of commercially bred dogs and cats from puppy mills and kitten factories. These facilities often house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization, thereby causing or allowing heritable and congenital disorders and the spread of infectious diseases, any of which may be present immediately after a sale or not until several years later. It is further the intent of this section to require an adoption-based business model for the retail sale of dogs and cats at pet stores, whereby all dogs and cats shall be sourced from stray or unwanted pets that have been taken in by an animal care facility or animal rescue organization.**
- 2. **Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:**

- a. Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality; whose mission and practice is, in whole, or in significant part, the rescue, care, and placement of animals in permanent homes or with rescue organizations; and which does not breed animals.
 - b. Animal rescue organization means a humane society or other duly incorporated nonprofit organization, which has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code; whose mission and practice is, in whole, or in significant part, the rescue, care, and placement of animals in permanent homes; and which does not breed animals.
 - c. Cat means an animal of any age of the species of domestic cat, Felis catus.
 - d. Dog means an animal of any age of the species of domestic dog, Canis familiaris.
 - e. Pet store or pet shop means a retail establishment in which dogs and cats are sold, exchanged, bartered, or offered for sale as pets to the general public. Such definition shall not include an animal care facility, animal rescue organization, or a non-retail establishment at which the only dogs and cats sold, exchanged, bartered, or offered for sale were bred or reared on the premises of such establishment.
 - f. Pet store operator or pet shop operator means a person who owns or operates a pet store or pet shop.
3. An adoption-based business model shall be required for the retail sale of dogs or cats at a pet shop whereby all dogs and cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. Dogs or cats purchased directly from a breeder, or indirectly through some other intermediary such as a broker or wholesaler, may not be offered for sale by a pet shop.
4. Source certification. Pet shops shall not offer for retail sale any dog or cat unless the pet shop certifies that the dog or cat comes from one of the following sources:
- a. An animal shelter; or
 - b. An animal rescue organization.

5. An official certificate of veterinary inspection must accompany the sale of any dog or cat, in compliance with Section 828.29(3), Florida Statutes.
6. A pet shop that obtains dogs or cats from a permitted source as set forth herein shall post conspicuously on the cage of each dog and cat a certificate of source and provide a copy of the certificate of source to the purchaser or transferee of the animal who shall sign the certificate of source. The pet shop shall retain a copy of the certificate of source signed by the purchaser or transferee for at least one year after the date of sale. The certificate of source shall contain the following information:

 - a. The name and address of the source from which the dog or cat was obtained and date thereof;
 - b. A description of the dog or cat, including species, breed, sex, color, distinctive markings, physical condition, health, and, if known, age; and
 - c. For each dog or cat receiving medical care while in the custody or control of the pet shop, the type of service rendered, date, and the veterinarian's name and contact information.
7. Prohibition on retail sale of dogs and cats in public places. There shall be no retail sale of dogs or cats on any public thoroughfare, public common areas, or other places of public accommodations, flea markets, festivals, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, or other similar locations, regardless of whether such access is authorized by the owner.
8. Violations of this section are classified as a civil infraction in accordance with Section 828.27(2), Florida Statutes, as amended from time to time, which provides:

 - a. A maximum civil penalty not to exceed \$500.
 - b. A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.
 - c. The issuance of a citation by an officer who has probable cause to believe that a person has committed an act in violation of an ordinance.
 - d. For the contesting of a citation in the county court.
 - e. That, if a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required, the court may

issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court's directive, that person may be held in contempt of court.

9. Any pet shop or pet store owner found to be in violation of the provisions of this section may be subject to any other available enforcement mechanism, including, but not limited to, prosecution in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes, as amended from time to time.
10. Each animal produced, reared, bred, kept, sold, or released in violation of this section will be deemed a separate offense, and a separate offense will be deemed committed on each day during which a violation occurs or continues.
11. Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. Any person(s) or entity(s) that owns or operates a pet shop that is found to be in violation of this section will be required to correct or remedy such violation immediately.
12. A civil action may be initiated by the Division or any other local government enforcement board or agency in any court of competent jurisdiction to enjoin any violation of this section. Nothing precludes this section from being enforced in any other way in accordance with the law.
13. This section shall not apply to the retail sale of dogs or cats by an animal shelter or animal rescue organization and shall apply only to pet stores established, opened, licensed or permitted within Martin County subsequent to the effective date hereof.

9.87.~~B~~C. All commercial stables located in, or engaged in business in Martin County, shall comply with the minimum standards contained in this section, for the care of equine as indicated below:

1. Record keeping requirements.
 - a. Commercial stables shall keep a reference file on all animals. These files shall be maintained on each animal individually. The information in these files shall include but not be limited to vaccination records, medical treatment administered at the facility, owner's name, address, emergency telephone number, proof of owners identification, and name and telephone number of owner's veterinarian.

- b. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animals record so that emergency treatment may be given if the animal shows signs of illness or injury while in the care, custody, and control of the commercial stable.
 - c. A copy of a current (within the past 12 months) negative Coggins test (equine infectious anemia) shall be on record for each equine (except nursing foals) boarded or kept at a commercial stable. No equine shall be accepted for boarding unless a current (within the past 12 months) negative Coggins test record is produced by the owner.
 - d. All records shall be made available to the inspecting officer upon request.
2. Physical facility requirements.
- a. Barn.
 - i. All barns shall be well ventilated so as to have free flow of air or forced ventilation.
 - ii. All feed and tack rooms shall be kept clean and orderly, clear of litter and refuse. Aisles shall be kept clear to provide free exit of stabled animals.
 - iii. All barns or structures shall be in good repair with no water leaks. The floor of all stalls shall be free of standing water. There shall be sufficient drainage on the property to prevent accumulation of persistent standing water in paddock areas.
 - iv. Manure which has been removed from stalls and paddocks shall be maintained at least 75 feet from the nearest animal stall, or contained so as to prevent run off into stalls or paddocks. Manure shall be situated so as to assure that there shall be no run-off into canals or retention ponds. Compliance with section 9.87.B.2.a.iv. shall be mandatory six months from the effective date of this code.
 - b. Pasturing.
 - i. Every owner or manager of any commercial stable shall make daily observation of all animals housed or boarded on the property.

- ii. Adequate water containers shall be available in all pasture areas sufficient to supplement all equine during dry periods when retention ponds lack sufficient clean water. Stagnant water with floating algae is unacceptable for drinking.
 - iii. Separate feed buckets for each equine shall be used when feeding. When a feeding trough or bunker is used, there shall be two lineal feet per head or a two-foot feed box for each animal.
 - iv. Adequate shade, either natural or manmade, shall be made available to all equine while pastured.
 - v. Every commercial stable shall have sufficient drainage in order to provide sufficient dry land for all animals pastured and to prevent accumulation of persistent standing water over the entire pasture.
 - vi. As necessary, all pasture areas shall be dragged to spread and remove manure. Pasture rotation is recommended if sufficient pasture area is available.
 - c. Exercise area. For the purposes of this section, exercise area shall be defined as, an area designated for the purpose of training and exercising equine.
 - i. A designated safe exercise area, which is a minimum of 2,500 square feet, shall be provided for all equine.
 - ii. This exercise area shall be appropriately fenced and contain only one equine at any one time.
3. Food and water supplies.
- a. Opened food bags shall be stored in rodent, pest and moisture resistant containers with lids and properly labeled as to content.
 - b. Unopened food bags shall be stored off the ground and kept clean and dry.
 - c. Stored hay shall be kept clean and dry.
 - d. Fresh water, free of algae, shall be available to all animals at all times.
 - e. Hay provided to equine must be distributed to prevent contamination from manure, urine, and stagnant water.

4. Animal housing requirements.

- a. The owner or manager of any commercial stable that has an animal with a known or suspected contagious or infectious disease must seek immediate veterinary care for that animal and follow veterinary instructions.**
- b. Any animal having a known contagious disease or suspected of having a contagious disease, shall be contained in an area away from other animals. This area shall be clearly and visibly posted with signage stating: "CONTAINS QUARANTINED ANIMALS."**
- c. Stalls which are used to house animals shall be large enough to allow the animal to stand in an erect position, turn without touching the sides or move about without restriction.**
- d. All animals must be securely confined and not permitted to run at large.**
- e. All fences must be secure and safe to prevent injury (no broken rails, exposed nails, etc.; barbed where permitted) or any other kind of wire must be taut and sufficiently marked to be visible to livestock.**

5. Cleaning procedures.

- a. Stalls shall be cleaned daily. Paddocks shall be cleaned as often as necessary. Manure, urine soaked hay, shavings, straw or bedding must be removed daily and replaced with clean dry hay, shavings, straw or bedding.**
- b. All stalls and paddock areas shall be free of safety hazards (e.g. nails, wire, rocks, wood, other debris or loose fencing upon which animals may become injured).**
- c. All water containers, buckets, troughs, and the like shall be maintained in such a manner as to be kept free of floating algae.**
- d. All chemicals, pesticides, cleaning solutions and disinfectants shall be stored in accordance with manufacturer's instructions, properly labeled as to content and away from contact with animals.**

9.87.ED. The County retains the option of obtaining a second opinion from a licensed veterinarian other than the veterinarian contracted by the establishment at the sole discretion of

the Division for any animal that appears to be in need of care. Payment for such service shall be the responsibility of the pet stores, pet dealers, grooming establishment, kennels, and commercial stables where the animal is housed.

9.87.~~DE~~. Noncompliance by any pet store, pet dealer, grooming establishments, kennel, or commercial stables with any provision of this section shall be a violation hereof, and punishable in accordance with the provisions hereof and, further with any fine or fines as set forth in a separate resolution of the board.

9.87.~~EF~~. Any premises on which animals are kept for commercial breeding and all pet stores, pet dealers, grooming establishment, kennels, and commercial stables shall be subject to inspection by the Division for compliance with the provisions of this section. Refusal to allow such inspections shall be a violation hereof, and punishable in accordance with the provisions hereof and, further with any fine or fines as set forth in a separate resolution of the board.

9.87.~~FG~~. Nothing in this chapter (section) shall be construed to delete or modify any provision of the Martin County Code of Laws and Ordinances, including without limiting the generality of the foregoing, any land development regulations.

9.87.~~GH~~. Grooming establishments and The Humane Society of the Treasure Coast, Inc., a 501(c)(3) organization, shall be exempt from the provisions of section 9.87.A.4. only.

(Ord. No. 628, pt. 1, 2-11-2003; Ord. No. 1102, pt. 1, 6-4-2019; Ord. No. _____, pt. _____, _____ 2022)

ORDINANCE NO. 2019- _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, AMENDING CHAPTER 302 OF THE CODE OF INDIAN RIVER COUNTY, FLORIDA, ENTITLED "RETAIL SALE OF DOGS AND CATS"; AND PROVIDING FOR CODIFICATION, SEVERABILITY, A GENERAL REPEALER AND AN EFFECTIVE DATE.

WHEREAS, "puppy mills" and "kitten factories" are facilities that often house multiple breeds of animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization; and

WHEREAS, these facilities do not use the breeding dogs and cats as pets, rather their only purpose is to produce puppies and kittens to be sold at retail stores across the country; and

WHEREAS, the puppy mills and kitty factories often sell the puppies and kittens to brokers who ship the animals, regardless of their condition, in cages without regard for sanitary conditions, food or water; and

WHEREAS, due to the conditions in "puppy mills" and "kitten factories" animals are put up for sale at retail facilities with undiagnosed and/or untreated heritable and congenital disorders, infectious diseases, and environmental contamination, any of which may be present immediately after a sale or shortly after the sale; and

WHEREAS, the Indian River County Board of County Commissioners (the "Board") has heard testimony from local residents who purchased puppies from retail stores who spent large sums of money on veterinary care for health problems for puppies that came from puppy mills and therefore finds it reasonable and necessary to provide minimum standards governing the sale of cats and dogs to protect the health, safety, and welfare of both animals and pet owners; and

WHEREAS, the Board also finds that such regulation constitutes a legitimate purpose, and will encourage pet consumers to obtain dogs and cats from shelters, animal rescue organizations, or hobby breeders thereby saving animals lives and reducing the cost to the public of sheltering and euthanizing animals;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA THAT:

SECTION 1. AMENDMENT

Section 302.02. – Definitions.

8. Certificate of Source. A document from the Humane Society, animal control agency, animal rescue organization, pet dealer, or hobby breeder declaring the source of

Coding: Words underscored are additions to text; words in ~~strikethrough~~ format are deletions to text.

ORDINANCE NO. 2019- _____

origin of a dog or cat on the premises offered for retail sale, as defined in this Section. The Certificate of Source must include at a minimum: (1) a brief description of the dog or cat; (2) the name, address, telephone number and email address of the source of the dog or cat; (3) the signature of the Pet Shop certifying the accuracy of the certificate; and (4) the signature of the purchaser or transferee of the dog or cat acknowledging receipt of the certificate of source.

16. Humane Society or Animal Rescue Organization: The Humane Society of Vero Beach and Indian River County, Inc., or any association, organization or corporation, whether for profit or not, which pursues substantially similar goals and objectives. An Animal Rescue Organization shall be a duly incorporated nonprofit organization, properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals that does not breed animals.

26. Pet dealer and hobby breeder: A pet dealer is Any person that, in the ordinary course of business, engages in the sale of more than two (2) litters, or twenty (20) dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer. A hobby breeder is any person or entity, that intentionally causes or allows willfully or through failure to exercise due care and control, the breeding or studing of a dog or cat resulting in no more than a total of two (2) litters per calendar year per legal residence whether or not the animals in such litter are offered for sale or other transfer.

27. Pet shop. A business entity that has obtained a tax receipt or occupational license, open to the public, that sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment. Indian River County Animal Services Shelter and animal rescue organizations are not considered a pet shop under this Chapter.

Section 302.15. - Retail sale of dogs and cats.

(a) An adoption-based business model shall be required for the retail sale of dogs or cats at a pet shop or pet supply store whereby all dogs or cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. It also means that dogs or cats purchased directly from a commercial breeder or indirectly through some other intermediary such as a broker or wholesaler may not be offered for retail sale.

(b) No pet shop or pet supply store shall offer dogs or cats in Indian River County, unless the dog or cat was obtained from:

(1) An animal shelter;

Coding: Words underscored are additions to text; words in ~~strikethrough~~ format are deletions to text.

ORDINANCE NO. 2019- _____

- (2) An animal rescue organization.
- (c) This adoption-based business model for the retail sale of dogs or cats in the County applies to any pet supply store or pet shops opened, transferred, assigned, or sold by owners of existing Pet Shops after the effective date of the Chapter.
- (d) An official certificate of veterinary inspection must accompany the sale of any cat or dog transported into the state, in compliance with Section 828.29(3), Florida Statutes, as this statute may be amended from time to time.
- (e) Pet shops and pet supply stores shall post and maintain a certificate of source, as defined in section 302.02.8, on each dog and cat's cage, kennel, or enclosure, within clear view, and shall provide a copy of the certificate to the purchaser or transferee of any such dog or cat sold or transferred.
- (f) Pet Shops and pet supply stores shall maintain records, stating the name, address, telephone number and email of the animal shelter or animal rescue organization from which each dog or cat was acquired for three (3) years following the date of acquisition or in accordance with the required relation time set forth by business standards and practices governing the particular commercial establishment and record, whichever is greater, and maintain a copy of the record for the previous year subject to inspection by the County's animal control officers or any other County officials charged with enforcing the provisions of this Section.
- (g) Any such records shall be made available, immediately upon request, to the County's animal control officers and any other County officials charged with enforcing the provisions of this Section.
- (h) Falsification of records by pet shops is hereby deemed unlawful and subject to the penalties of this Chapter.

Section 302.16. - Prohibition on retail sale in public places.

- (a) There shall be no retail sale of dogs or cats on any public thoroughfare, public common areas, or other places of public accommodations, flea markets, festivals, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, or other similar locations, regardless of whether such access is authorized by the owner.
- (b) This Section shall not apply to the retail sale of dogs or cats by an Animal Shelter or Animal Rescue Organization.

Section. 302.17. - Enforcement and penalties.

- (a) Any Pet Shop or pet supply store found to be in violation of the provisions of this Chapter may be subject to any applicable enforcement mechanism available to the County including, but not limited to: prosecution in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes, as this statute may

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ORDINANCE NO. 2019- _____

be amended from time to time. It shall be a violation of this Chapter to fail to comply with any of the requirements or restrictions contained in this Chapter.

- (b) Each dog or cat produced, reared, bred, kept, sold, or released in violation of this Chapter will be deemed a separate offense, and a separate offense will be deemed committed on each day during on or which a violation occurs or continues.
- (c) Violations of this Chapter are classified as a civil infraction in accordance with Section 828.27(2), Florida Statutes, as this statute may be amended from time to time.
- (d) The County may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this Chapter.
- (e) Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. All Pet Shops or pet supply stores found to be in violation will be required to correct or remedy such violations immediately.

Section. 302.18. - Applicability.

Sections 302.15 - 302.18 shall apply to the unincorporated areas of Indian River County.

Section 4. Codification. It is the intention of the Board of County Commissioners that the provision of this ordinance shall become and be made part of the Indian River County Code, and that the sections of this ordinance may be renumbered or re-lettered and the word ordinance may be changed to section, article or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. If any part of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of this ordinance shall not be affected by such holding and shall remain in full force and effect.

Section 6. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Effective Date. This ordinance shall become effective upon adoption by the Board of County Commissioners and filing with the Department of State.

Coding: Words underscoring are additions to text; words in ~~strikethrough~~ format are deletions to text.

ORDINANCE NO. 2019- _____

This ordinance was advertised in the Indian River Press Journal on the 7th day of June, 2019, for a public hearing to be held on the 18th day of June, 2019, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Chairman Bob Solari	_____
Vice-Chairman Susan Adams	_____
Commissioner Joseph E. Flescher	_____
Commissioner Peter D. O'Bryan	_____
Commissioner Tim Zorc	_____

The Chairman thereupon declared the ordinance duly passed and adopted this 18th day of June, 2019.

**BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY, FLORIDA**

By: _____
Bob Solari, Chairman

**ATTEST: JEFFREY R. SMITH, CLERK
AND COMPTROLLER**

By: _____
Deputy Clerk

Approved as to form and
Legal sufficiency:

William K. DeBraal
Deputy County Attorney

EFFECTIVE DATE: This Ordinance was filed with the Department of State on the _____ day of _____, 2019.

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ORDINANCE 37 - 19

AN ORDINANCE AMENDING THE CITY OF CAPE CORAL CODE OF ORDINANCES, CHAPTER 12, "OFFENSES AND MISCELLANEOUS PROVISIONS", BY CREATING ARTICLE XIII, "RETAIL SALE OF DOGS AND CATS PROHIBITED", SECTION 12-128, PERTAINING TO PROHIBITING THE RETAIL SALE OF DOGS AND CATS IN THE CITY; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITION; PROVIDING FOR DISCLOSURES; PROVIDING FOR AMORTIZATION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2, Constitution of the state of Florida, and Chapter 166, Florida Statutes, the Cape Coral City Council ("Council") is authorized to adopt ordinances, except as otherwise provided by law; and

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

WHEREAS, the practice of commercial breeding facilities, not including medical research, sometimes referred to as "puppy mills" and "kitten factories", contribute to domestic animal overpopulation; and

WHEREAS, according to the Humane Society of the United States ("HSUS"), a significant number of puppies and kittens sold at retail pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for. The HSUS estimates that 10,000 puppy mills produce more than 2,400,000 puppies per year in the United States and that most retail pet store dogs and cats come from puppy mills and kitten factories; and

WHEREAS, according to United States Department of Agriculture reports, documented problems found at puppy mills and kitten factories include: (1) sanitation problems leading to infectious diseases; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water; and

WHEREAS, according to the HSUS, although pet consumers purchase dogs and cats believing the pets to be healthy and genetically sound, in reality, animals that come from puppy mills and kitten factories often face an array of health problems, including not only communicable diseases or genetic disorders that present immediately after sale, but also diseases or disorders that do not surface until several years later, all of which lead to costly veterinary bills and emotional distress to consumers; and

WHEREAS, while the Council recognizes that not all dogs and cats sold in pet stores are products of inhumane breeding conditions, puppy mills and kitten factories continue to exist in part due to the supply and demand of dogs and cats offered for retail sale at pet stores; and

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

WHEREAS, numerous alternatives exist for people to find pets, including adoption of animals from public and private animal rescue organizations or purchase from reputable and conscientious breeders; and

WHEREAS, this Ordinance is not intended to affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific animal care facility or rescue organization, or from a reputable breeder where a consumer can directly observe and evaluate the conditions in which the dogs or cats are bred; and

WHEREAS, prohibiting the retail sale of dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy mills and kitten factories, and is likely to increase demand for animals from animal shelters and rescue organizations; and

WHEREAS, according to the HSUS, across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these pet stores collaborate with local animal shelters and

rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, the Council believes that prohibiting the retail sale of dogs and cats in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment for animals; and

WHEREAS, the Council believes that the prohibition of the retail sale of dogs and cats in pet stores in the City will reduce impulse purchases of pets, which can lead to abandonment or mistreatment of animals once they have outgrown their initial puppy or kitten appeal, and encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals; and

WHEREAS, the Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, THE CITY OF CAPE CORAL, FLORIDA, HEREBY ORDAINS THIS ORDINANCE AS FOLLOWS:

SECTION 1. The City of Cape Coral Code of Ordinances, Chapter 12, Article XIII, Section 12-128, is hereby created to read as follows:

CHAPTER 12: - OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE XIII: - RETAIL SALE OF DOGS AND CATS PROHIBITED

§ 12-128 Retail sale of dogs and cats prohibited.

(a) Purpose and intent. The purpose and intent of this section is to discourage the retail sale of commercially bred dogs and cats from puppy mills and kitten factories. These facilities often house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization, thereby causing or allowing heritable and congenital disorders and the spread of infectious diseases, any of which may be present immediately after a sale or not until several years later. It is further the intent of this section to require an adoption-based business model for the retail sale of dogs and cats at pet stores, whereby all dogs and cats shall be sourced from stray or unwanted pets that have been taken in by an animal care facility or animal rescue organization.

(b) Definitions. For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Animal care facility means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality; whose mission and practice is, in whole, or in significant part, the rescue, care, and placement of animals in permanent homes or with rescue organizations; and which does not breed animals.

Animal rescue organization means a humane society or other duly incorporated nonprofit organization, which has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code; whose mission and practice is, in whole, or in significant part, the rescue, care, and placement of animals in permanent homes; and which does not breed animals.

Cat means an animal of any age of the species of domestic cat, *Felis catus*.

Dog means an animal of any age of the species of domestic dog, *Canis familiaris*.

Pet store means a retail establishment in which dogs and cats are sold, exchanged, bartered, or offered for sale as pets to the general public. Such definition shall not include an animal care facility, animal rescue organization, or a non-retail establishment at which the only dogs and cats sold, exchanged, bartered, or offered for sale were bred or reared on the premises of such establishment.

Pet store operator means a person who owns or operates a pet store.

(c) Prohibition. No pet store shall sell, display, offer for sale, deliver, trade, barter, lease, auction, give away, or otherwise transfer or dispose of dogs or cats. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations

to offer space for such entities to showcase adoptable dogs and cats to the public and collecting such facilities' or organization's adoption fee.

- (d) Disclosure. A pet store that provides space for the adoption of dogs or cats shall post, in a conspicuous location on the cage or enclosure of each such animal, a sign stating the name of the animal care facility or animal rescue organization that owns the dog or cat offered for adoption.
- (e) Amortization. Notwithstanding any provision to the contrary in this section, any existing pet store that possesses an active City local business tax receipt on October 1, 2019, shall be permitted to continue its sales of dogs and cats until September 30, 2020.
- (f) Enforcement and penalties.
 - (1) Failure to comply with this Section 12-128 shall constitute a violation of Section 12-128 and shall subject the pet store operator to the code enforcement provisions and procedures provided in Sections 2-81 through 2-96, Cape Coral Code of Ordinances. Violations of this Section 12-128 shall be punishable by a fine in the amount \$250.00 for a first violation, and \$500.00 for any subsequent violation occurring within one (1) year after a finding of a violation of the previous offense.
 - (2) The City may also initiate a civil action in a court of competent jurisdiction to enjoin any violation of this section.
 - (3) Each dog or cat sold, displayed, offered for sale, delivered, traded, bartered, leased, auctioned, given away, or otherwise transferred in violation of this section shall constitute a separate and distinct offense. Each failure to post a sign for an individual dog or cat as required by this section shall constitute a separate and distinct offense.

SECTION 2. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 3. Effective Date. This ordinance shall become effective on September 30, 2019.

ADOPTED BY THE COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS _____ DAY OF _____, 2019.


JOE COVIELLO, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

COVIELLO	_____	NELSON	_____
GUNTER	_____	STOKES	_____
CARIOSCIA	_____	WILLIAMS	_____
STOUT	_____	COSDEN	_____

ATTESTED TO AND FILED IN MY OFFICE THIS _____ DAY OF _____, 2019.

KIMBERLY BRUNS, CMC
CITY CLERK

APPROVED AS TO FORM:


 JOHN E. NACLERIO, III
 ASSISTANT CITY ATTORNEY
 Ord/Pet Stores
 06/12/19

ORDINANCE NO. 20-09

AN ORDINANCE AMENDING CHAPTER 6, "ANIMALS" OF THE CODES OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY, FLORIDA, BY AMENDING SECTION 6-19 (DEFINITIONS) TO ADD CERTAIN DEFINITIONS; CREATING SECTION 6-35 (SALE OF DOGS AND CATS) ESTABLISHING REQUIREMENTS FOR THE SALE OF DOGS AND CATS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ADOPTION; AND PROVIDING FOR CODIFICATION.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to establish programs providing for the health, safety and general welfare of the residents of St. Lucie County; and,

WHEREAS, Chapter 6 (Animals) of the St. Lucie County Code of Ordinances and Compiled Law (the "Animal Control Ordinance") provides for the regulation and control of animals in the unincorporated areas of St. Lucie County; and,

WHEREAS, "puppy mills" and "kitten factories" are facilities that often house multiple breeds of animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization; and,

WHEREAS, puppy mills and kitten factories often sell the puppies and kittens to brokers who in turn ship the animals, regardless of their condition, in cages without regard to sanitary conditions, food, or water to retail facilities for sale to the public; and,

WHEREAS, due to the conditions in puppy mills and kitten factories, animal are put up for sale at retail facilities with undiagnosed and/or untreated hereditary and congenital disorders, infectious diseases, and environmental contamination, any of which may be present at the time of sale or shortly after a sale; and,

WHEREAS, County residents who purchase puppies and kittens from retail stores which obtain the animals from directly or via brokers from puppy mills and kitten factories may be faced with large veterinary costs to care for their new pets which may extend for the life of the animal or even the death of the animal due to its medical condition; and,

WHEREAS, the Animal Shelter Standards Committee has recommended to the Board of County Commissioners certain amendments to Chapter 6 regarding the sale of dogs and cats; and,

WHEREAS, the Board of County Commissioners finds that it is reasonable and necessary to establish minimum standards governing the sale of dogs and cats in the unincorporated areas of the County to protect the health, safety, and welfare of both animals and pet owners; and,

WHEREAS, the Board further finds that such regulations constitute a legitimate purpose and will encourage pet consumers to obtain dogs and cats from shelters, animal rescue organizations, or hobby breeders thereby saving animal lives and reducing the cost to the public of sheltering and euthanizing abandoned and unwanted animals.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. CHAPTER 6 "ANIMAL AND FOWL" IS HEREBY AMENDED BY AMENDING SECTION 6-19 (DEFINITIONS) TO AMEND AND ADD DEFINITIONS AS FOLLOWS:

Sec. 6-19. Definitions.

Certificate of Source means a document from the source declaring the origins of the dog or cat on the premises to be sold or transferred, or offered for retail sale or transfer.

Hobby breeder means any person or entity that cause or allows the breeding or studing of a dog or cat resulting in no more than a total of one (1) litter per calendar year whether or not the animals in such litter are offered for sale or other transfer.

Pet seller means any person, retail establishment, or other entity, other than a registered breeder pursuant to section 6-53, governmental entity, or nonprofit corporation which has been granted 501.C (3) status by the Internal Revenue Service, who offers for sale or transfer one or more dogs or cats for monetary or other consideration, regardless of the age of the animal, other than a registered breeder pursuant to section 6-53, a hobby breeder, a governmental entity, or a nonprofit corporation which has been granted 501.C (3) status by the Internal Revenue Service.

Veterinarian means a health care practitioner who is licensed to engage in the practice of medicine in the State of Florida pursuant to Chapter 474, Florida Statutes.

PART B. CHAPTER 6 "ANIMAL AND FOWL" IS HEREBY AMENDED BY CREATING SECTION 6-35 (SALE OF DOGS AND CATS) AS FOLLOWS:

Sec. 6-35 Retail Sale of dogs and cats.

(a) An adoption-based business model shall be required for the retail sale of dogs or cats by a pet seller whereby all dogs or cats will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. A pet seller shall not offer for retail

sale dogs or cats purchased directly from a breeder or a hobby breeder as defined in Section 6-19, or indirectly through some other intermediary such as a broker or wholesaler.

(a) Pet sellers shall not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in the unincorporated areas of the County, unless the pet seller certifies that the dog or cat comes from one of the following sources:

(1) An animal shelter as defined in Section 6-19, or

(2) An animal rescue organization as defined in Section 6-19.

(c) Any dog or cat offered for sale in the unincorporated areas of the County must have a current certificate of veterinary inspection as set forth in Section 828.29, Florida Statutes. At the time of sale of the animal, the seller shall provide a copy of the original certificate of veterinary inspection to the buyer. The seller shall retain one copy of the official certificate of veterinary inspection on record for at least one year after the date of sale.

(d) A pet seller that obtains dogs or cats from a permitted source as provided in Subsection 6-35(a) shall post conspicuously on the cage of each dog and cat a Certificate of Source and provide a copy of the Certificate to the purchaser or transferee of the animal who shall sign the Certificate. The pet seller shall retain a copy of the Certificate of Source signed by the purchaser or transferee. The Certificate of Source shall contain the following information:

(1) The name and address of the source from which the cat or dog was obtained and date thereof;

(2) A description of the dog or cat, including species, breed, sex, color, and distinctive markings, physical condition and health, and age (if known);

(3) For each dog or cat receiving medical care while in the custody or control of the pet seller, the type of service rendered, date, and the veterinarian's name and contact information; and,

(4) The signature of the pet seller certifying the accuracy of the certificate.

(e) Breeders as defined in Section 6-19 must maintain records for a period of at least three (3) years following the birth of each litter of dogs and/or cats and veterinary records for rabies vaccinations, all other inoculations, and any medical conditions of each dog and/or cat. These records shall be made available to the County upon request.

(f) Before a dog is offered for sale or transferred:

(1) It shall be a minimum of eight (8) weeks old;

(2) It shall receive a fecal exam, vaccines and anthelmintics against the following diseases and internal parasites:

- A. Canine distemper, leptospirosis; Bordetella, parainfluenza; hepatitis; canine parvo; rabies, if the dog is over four months old and the inoculation is administered by a veterinarian licensed by the State of Florida; roundworm; hookworm and other internal parasites;
- B. The tests, vaccines, and anthelmintics must be administered prior to the dog being offered for sale, unless a veterinarian licensed by the State of Florida certifies on the official Health Certificate that to inoculate or deworm the dog is not in the best medical interest of the dog.
- C. If the dog 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 the sale. If the dog is four (4) months or older, the tests, vaccines, and anthelmintics must be administered at or after three (3) months of age, but no more than one (1) year before the sale. If the dog is six (6) months of age, it shall also be tested for heartworms.

(g) Before a cat is offered for sale or transferred:

(1) It shall be a minimum of eight (8) weeks old;

(2) It shall receive a fecal exam, vaccines and anthelmintics against the following diseases and internal parasites:

- A. Panleukopenia, feline viral rhinotracheitis, calici virus, rabies if the cat is over four (4) months of age and the inoculation is administered by a veterinarian, hookworm, roundworms and other internal parasites.
- B. The tests, vaccines, and anthelmintics must be administered prior to the cat being offered for sale, unless a Veterinarian certifies on the official Health Certificate that to inoculate or deworm the cat is not in the best medical interest of the cat.
- C. 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 the sale. If the cat is four (4) months of age or older, the tests, vaccines, and anthelmintics must be administered at or after three (3) months of age, but no more than one (1) year before the sale.

(3) Each cat must also be tested for feline leukemia and FIV before being offered for sale or transfer.

(h) The Board shall establish fines for violation of this section by resolution.

PART C. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the District that the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, the Capitol, Tallahassee, Florida 32304.

PART E. EFFECTIVE DATE.

This Ordinance shall take effect upon filing with the Secretary of State.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chair Cathy Townsend	XX
Vice Chair Chris Dzadoovksy	XX
Commissioner Frannie Hutchinson	XX
Commissioner Sean Mitchell	XX
Commissioner Linda Bartz	XX

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section," "article," or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts F through J shall not be codified.

PASSED AND DULY ADOPTED this XX day of XX, 2020.

ATTEST:

Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY: _____
Chair

**APPROVED AS TO FORM AND
CORRECTNESS:**

**BY: _____
County Attorney**

ORDINANCE 20-71

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING CH. 92, ANIMALS TO AMEND SEC. 92.01, DEFINITIONS, AND TO ADD SEC. 92.20, RETAIL SALE OF DOGS, CATS AND RABBITS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 92, Animals, of the City of Port St. Lucie ("City") Code of Ordinances ("Code") provides for the regulation and control of animals in the City;

WHEREAS, "pet mills" are facilities that often house multiple breeds of animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization;

WHEREAS, pet mills often sell the animals to brokers who in turn ship the animals, regardless of their condition, in cages without regard to sanitary conditions, food, or water to retail facilities for sale to the public;

WHEREAS, due to the conditions in pet mills, animals are put up for sale at retail facilities with undiagnosed and/or untreated hereditary and congenital disorders, infectious diseases, and environmental contamination, any of which may be present at the time of sale or shortly after a sale;

WHEREAS, City residents who purchase dogs, cats, or rabbits from retail stores which obtain the animals directly from or via brokers from pet mills may be faced with large veterinary costs to care for their new pets which may extend for the life of the animal or even the death of the animal due to its medical condition;

WHEREAS, the City Council finds that it is reasonable and necessary to establish minimum standards governing the sale of dogs, cats and rabbits within the City to protect the health, safety, and welfare of these animals and pet owners; and

WHEREAS, the City Council further finds that such regulations constitute a legitimate purpose and will encourage pet consumers to obtain dogs and cats from shelters and animal rescue organizations, thereby saving animal lives and reducing the cost to the public of sheltering and euthanizing abandoned and unwanted animals.

ORDINANCE 20-71

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. Section 92.01, Definitions, of Chapter 92, Animals, is hereby amended by adding the following definitions:

Sec. 92.01. - Definitions.

Animal rescue organization. A nonprofit organization that has tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code, devoted to the welfare, protection, rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and which does not breed animals nor obtains animals from a breeder or broker for payment or compensation.

Breeder. Any person and/or entity that sells, transfers, or gives away all or part of a litter of dogs or cats that were bred and reared on the premises of the person and/or entity.

Pet shop. Any retail or commercial establishment, whether person and/or entity, open to the public that sells or transfers, or offers for sale or transfer, dogs, cats and/or rabbits regardless of the age of the dog, cat or rabbit, including such establishments which also sell grooming services and/or domestic pet supplies and accessories (including but not limited to food, bedding, toys, grooming products, collars leashes and the like). Such an establishment may be permanent, temporary, or virtual. Breeders, animal rescue organizations and animal shelters shall not be considered a pet shop under this chapter.

Retail sale. A sale, regardless of any exchange of consideration for the animal or animal services that takes place at the same time or same location. This term also includes any combination of the following: offer for sale, auction, barter, display for sale, adoption, re-home, exchange for compensation, or otherwise give away, trade, deliver, lease, rent, include as part of a package deal, advertise for sale, or otherwise dispose of dogs or cats to a person in a pet shop or in association with a pet shop.

Section 3. Section 92.01, "Definitions" of Chapter 92, "Animals" is hereby amended by revising the following definition:

~~*Animal shelter.* Any premises approved by the Animal Control Division for the purpose of impounding and caring for all animals found in violation of this chapter. Any public or private organization existing for the purpose of rescuing and sheltering stray, abandoned, or surrendered~~

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animals or a person who rescues and shelters stray, abandoned, or surrendered animals, either of which places animals for adoption, whether for a fee, a donation, or for free, and which does not breed animals nor obtains animals from a breeder or broker for payment or compensation.

Section 4. Chapter 92, Animals, Article I, General Provisions, sections 92.20 to 92.24 are amended as follows:

Sec. 92.20. - Retail sale of dogs, cats and rabbits.

- (a) An adoption-based business model shall be required for the retail sale of dogs, cats, or rabbits at a pet shop whereby all dogs, cats, or rabbits will be sourced from stray and unwanted pets that have been taken in by an animal shelter or animal rescue organization. Dogs or cats purchased directly from a breeder, or indirectly through some other intermediary such as a broker or wholesaler, may not be offered for sale by a pet shop.
- (b) Pet shops shall not offer for retail sale any dog, cat, or rabbit unless the pet shop certifies that the dog, cat, or rabbit comes from one of the following sources:
- (1) An animal shelter; or
 - (2) An animal rescue organization.
- (c) An official certificate of veterinary inspection must accompany the sale of any dog or cat, in compliance with Section 828.29(3), Florida Statutes.
- (d) A pet shop that obtains dogs, cats, or rabbits from a permitted source as set forth herein shall post conspicuously on the cage of each dog, cat, and rabbit a certificate of source and provide a copy of the certificate of source to the purchaser or transferee of the animal who shall sign the certificate of source. The pet shop shall retain a copy of the certificate of source signed by the purchaser or transferee for at least 1 year after the date of sale. The certificate of source shall contain the following information:
- (1) The name and address of the source from which the dog, cat, or rabbit was obtained and date thereof;
 - (2) A description of the dog, cat, or rabbit including species, breed, sex, color, distinctive markings, physical condition and health, and, if known, age; and
 - (3) For each dog, cat, or rabbit receiving medical care while in the custody or control of the pet shop, the type of service rendered, date, and the veterinarian's name and contact information.

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(e) Any person(s) and/or entity(s) which owns and/or operates a pet shop that is found to be in violation of any of the provisions of this section may be subject to any applicable enforcement mechanism available to the city. It shall be a violation of this section to fail to comply with any of the requirements or restrictions contained in this section.

(1) Each animal produced, reared, bred, kept, sold, or released in violation of this section will be deemed a separate offense.

(2) A separate offense will be deemed committed on each day during which a violation occurs or continues.

(3) Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. Any person(s) or entity(s) that owns or operates a pet shop that is found to be in violation of this section will be required to correct or remedy such violation immediately.

(4) The city may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this section.

(5) Nothing precludes this section from being enforced in any other way in accordance with the law.

Secs. 92.201—92.24. - Reserved.

Section 5. Conflict. If any ordinances, or parts of ordinances, are in conflict herewith this Ordinance shall control to the extent of the conflicting provisions.

Section 6. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 7. Codification. The provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Port St. Lucie, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; the word “ordinance” may be changed to “section” or other appropriate word as may be necessary.

Section 8. Effective Date. This Ordinance shall become effective immediately after final adoption on second reading.

ORDINANCE 20-71

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this
_____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney

1 A bill to be entitled
2 An act relating to the retail sale of domestic dogs
3 and cats; creating s. 828.32, F.S.; providing
4 definitions; prohibiting pet stores from selling or
5 offering for sale domestic dogs and cats; providing
6 penalties; providing construction; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 828.32, Florida Statutes, is created to
12 read:

13 828.32 Retail sale of domestic dogs and cats.-

14 (1) As used in this section, the term:

15 (a) "Pet store" means a for-profit business that sells or
16 offers for sale animals to the public at retail. The term does
17 not include a person who sells or offers for sale directly to
18 the public only animals that the person bred and raised.

19 (b) "Sell or offer for sale" means to advertise or display
20 for sale, barter, or trade.

21 (2) A pet store may not sell or offer for sale a domestic
22 dog or cat.

23 (3) The sale or offer for sale of a domestic dog or cat in
24 violation of this section is a noncriminal violation, punishable
25 as provided in s. 775.083. Each such sale or offer for sale

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26 | constitutes a separate offense.

27 | (4) This section does not prohibit the enactment or
28 | enforcement of a municipal or county ordinance restricting the
29 | sale or offer for sale of animals that is more stringent than
30 | this section.

31 | Section 2. This act shall take effect July 1, 2022.

FLORIDA

Flagler Beach, FL - Enacted June 2009; effective immediately

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

Coral Gables, FL (*applies to dogs only*)

Opa-Locka, FL (*applies to dogs only*)

North Bay Village, FL (*applies to dogs only*)

Hallandale Beach, FL - Enacted April 2012; effective immediately

Margate, FL - Enacted October 2013; effective immediately

Pinecrest, FL - Enacted October 2013; effective immediately

Palmetto Bay, FL - Enacted December 2013; effective immediately

Coconut Creek, FL - Enacted January 2014; effective immediately

Wellington, FL - Enacted January 2014; effective immediately

Surfside, FL - Enacted February 2014; effective immediately

Aventura, FL - Enacted March 2014; effective immediately

Aventura, FL - Enacted March 2014; effective immediately

Wilton Manors, FL - Enacted March 2014; effective immediately

Greenacres, FL - Enacted April 2014; effective immediately

North Lauderdale, FL - Enacted April 2014; effective immediately

Bay Harbor Islands, FL - Enacted April 2014; effective immediately

Pompano Beach, FL - Enacted May 2104; effective immediately

North Miami Beach, FL - Enacted May 2014; effective immediately

Miami Beach, FL - Enacted May 2014; effective January 2015

Bal Harbour, FL - Enacted May 2014; effective immediately

Sunny Isles Beach, FL - Enacted May 2014; effective immediately

Dania Beach, FL - Enacted June 2014; effective immediately

Palm Beach Gardens, FL - Enacted July 2014; effective immediately

Juno Beach, FL - Enacted July 2014; effective immediately

Cutler Bay, FL - Enacted August 2014; effective immediately

North Palm Beach, FL - Enacted August 2014; effective immediately

Hypoluxo, FL - Enacted September 2014; effective immediately

Jupiter, FL - Enacted October 2014; effective immediately

Homestead, FL - Enacted October 2014; effective immediately

Tamarac, FL - Enacted December 2014; effective immediately

Palm Beach, FL - Enacted January 2015; effective immediately

North Miami, FL - Enacted April 2015; effective immediately

Lauderhill, FL - Enacted April 2015; effective immediately

Fernandina Beach, FL - Enacted July 2015; effective immediately

Jacksonville Beach, FL - Enacted August 2015; effective immediately (Updated

Jacksonville Beach, FL - Enacted August 2015, effective immediately (~~updated~~
April 2021)

Deerfield Beach, FL - Enacted November 2015; effective May 2016

West Melbourne, FL - Enacted November 2015; effective immediately

Casselberry, FL - Enacted November 2015; effective immediately

Neptune Beach, FL - Enacted January 2016; effective February 2016

Sarasota County, FL - Enacted January 2016; effective January 2017

South Miami, FL - Enacted January 2016; effective immediately

Delray Beach, FL - Enacted March 2016; effective immediately

Hollywood, FL - Enacted June 2016; effective December 2016

St. Petersburg, FL - Enacted July 2016; effective immediately

Key West, FL - Enacted August 2016; effective immediately

Miramar, FL - Enacted August 2016; effective immediately

Palm Beach County, FL - Enacted September 2016; effective November
2016 (*applies only to new pet stores as of 10-1-16*)

Safety Harbor, FL - Enacted November 2016; effective immediately

Holmes Beach, FL - Enacted February 2017; effective immediately

Fort Lauderdale, FL - Enacted June 2017; effective immediately

DeSoto County, FL - Enacted July 2017; effective immediately

Oakland Park, FL - Enacted December 2017; effective immediately

Seminole County, FL (unincorporated areas) - Enacted February 2018; effective
immediately

Atlantic Beach, FL - Enacted March 2018; effective immediately

Lake County, FL - Enacted May 2018; effective immediately

Sanford, FL - Enacted July 2018; effective immediately

Duñedin, FL – Enacted July 2018; effective immediately

Royal Palm Beach, FL – Enacted September 2018; effective immediately

Boynton Beach, FL – Enacted December 2018; effective March 2020

Mount Dora, FL – Enacted January 2019; effective immediately

Indian Harbor Beach, FL – Enacted January 2019; effective immediately

Marion County, FL – Enacted May 2019; effective November 2019

Indian River County, FL – Enacted June 2019; effective immediately

Cape Coral, FL – Enacted August 2019; effective September 2020 (*applies only to new pet stores*)

Oviedo, FL – Enacted September 2019; effective immediately (*applies only to new pet stores*)

Osceola County, FL – Enacted December 2019; effective immediately (*applies only to new pet stores as of 12/26/19*)

Hillsborough County, FL – Enacted March 2020; effective March 2021

St. Lucie County, FL – Enacted June 2020; effective immediately

Nassau County, FL – Enacted July 2020; effective immediately

Pasco County, FL – Enacted September 2020; effective immediately (*applies only to new pet stores*)

Ponce Inlet, FL (Section 10-6) – Enacted December 2020; effective immediately

Port St. Lucie, FL – Enacted January 2021; effective immediately

Orange County, FL – Enacted June 2021; effective June 2022

Manatee County, FL – Enacted August 2021; effective August 2022

GEORGIA

Canton, GA – Enacted March 2017; effective immediately