

**AN ORDINANCE AMENDING CHAPTER 20, ANIMALS AND FOWL, OF THE SEMINOLE COUNTY CODE; AMENDING PART 1, ANIMAL CONTROL, PROVIDING FOR DEFINITIONS; PART 2. ENFORCEMENT OF ANIMAL CONTROL ORDINANCE, REPEALING SEC. 20.134, CITATION FORM; AMENDING SEC. 20.137, CIVIL PENALTIES; ADDING PART 5, RETAIL SALE OF DOGS AND CATS; IMPOSING CERTAIN RESTRICTIONS, AND OTHER REQUIREMENTS, IN ORDER TO ADOPT NEW REGULATIONS REGARDING THE RETAIL SALE OF CATS AND DOGS; PROVIDING FOR PROHIBITION ON SALE OF DOGS AND CATS IN PUBLIC PLACES; PROVIDING FOR PENALTIES; EXEMPTIONS; SEVERABILITY; APPLICABILITY; AND AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section (1)(f) of the Florida Constitution and Section 125.01, Florida Statutes, the Board of County Commissioners of Seminole County has broad home rule powers to carry out county government; including the power to adopt ordinances to provide for the common good; 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**, these facilities may house animals in overcrowded and unsanitary conditions without adequate veterinary care, food, water, and socialization, allowing the spread of heritable and congenital disorders; infectious diseases; and potentially causing environmental contamination that may present immediately after a sale or not until several years later; and

**WHEREAS**, the practices used by these mass-breeders may be cruel, inhumane, or at least considered unreasonable to most pet owners, and detrimental to the pets used for breeding; and

**WHEREAS**, the Humane Society of the United States estimates there are over 10,000 puppy mills in the United States selling approximately two million puppies annually; 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 shops utilize an adoption-based business model, which ensures that the animals sold by retail outlets are sourced from shelters, animal rescue organizations and hobby breeders, encouraging the adoption of homeless pets and reducing the financial and emotional toll on consumers who purchase mill-bred pets with latent physical and behavioral problems; and

**WHEREAS**, this Ordinance does not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific animal rescue organization or a shelter, or from a reputable breeder where the consumer can directly see the conditions in which the dogs or cats are bred, or can confer directly with the reputable local breeder concerning said conditions; and

**WHEREAS**, for these reasons the Board of County Commissioners finds it reasonable and necessary to provide the following minimum standards governing the sale of cats and dogs to protect the health, safety, and welfare of both animals and pet owners; that such regulation constitutes a legitimate purpose, and will encourage pet consumers to adopt homeless 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 SEMINOLE COUNTY, FLORIDA:**

**Section 1.** Chapter 20, Animals and Fowl, of the Seminole County Code is hereby amended to read as follows:

## PART 1. - ANIMAL CONTROL

### ARTICLE I. - IN GENERAL

**Sec. 20.01. Definitions.** As used in this Part, the following terms shall mean as indicated below:

*Animal:* Unless otherwise clearly required by the context, every living, nonhuman creature.

*Animal at-large:* Any animal off its owner's property and not under restraint.

*Animal in distress:* Any animal found abandoned, neglected, cruelly treated, injured, starving or wounded.

*Animal control official:* The person appointed, designated, or employed by the County to enforce this Part.

*Animal Rescue Organization:* 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 which does not breed animals.

*Animal services:* A direct service provided to a dog or cat, including but not limited to, grooming, bathing, or boarding.

*Animal Services Division:* The division of Seminole County Government responsible for: the care of animals inside the County's shelter; adoption of domestic animals or pets; collection of lost domestic animals; organization of animal related issues with allied agencies and rescue groups; and enforcement of animal control ordinances in coordination with law enforcement agencies having jurisdiction.

*Bird:* Any animal belonging to the class Aves.

Breeder: Any person or entity that causes dogs or cats to reproduce, either willfully or through failure to exercise due care and control, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes shall be classified as a breeder. This classification will not apply to a hobby breeder, as defined in this Section; or to a pet owner who breeds his or her own pets and keeps all of the offspring.

Cat: An animal of any age that is a member of the Felis Catus, or any genetic hybridization thereof, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Certificate of Source: A document from the source or Seminole County Animal Services Shelter, animal control agency, animal rescue organization, or hobby breeder declaring the source of origin of a dog or cat on the premises offered for retail sale, as defined in this Section. The document shall 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) shall be signed by the Pet Store certifying the accuracy of the certificate; and (4) shall be signed by the purchaser or transferee of the dog or cat acknowledging receipt of the certificate of source.

Commands: Any effective verbal or nonverbal control by a competent person of an animal's behavior.

Commercial kennel: ~~Any premises operation or business used for the commercial boarding, breeding, buying, selling or rearing of animals, including greyhound racing kennels; providing that said~~ Any premises or structure of a business, breeder, or animal rescue organization used for housing, boarding, buying, selling, re-homing, or adopting of dogs and cats. This is to include greyhound racing kennels. This term shall will not include animal hospitals or beauty parlors unconnected with boarding, , beauty parlors unconnected with boarding, or incidental breeding, buying, selling or rearing of animals by noncommercial kennels.

*County:* The unincorporated areas of the County, and those incorporated areas which shall become governed by this Part in accordance with Section 20.02.

*Dangerous animal:* All animals which by reason of their wild nature, training, venomous characteristics, size or other attributes pose a special hazard to humans or other animals. Said term shall include, by way of illustration and not limitation, bears, lions, leopards, cheetahs, venomous reptiles, constricting reptiles, piranha, sharks, poisonous insects and spiders, alligators and crocodiles, attack dogs, tigers, eagles, hawks, simians, large primates and elephants. Any rabies-susceptible animal which, because of the non-availability of a licensed vaccine, cannot be vaccinated against rabies shall also be deemed a dangerous animal. This definition shall also include any animal which has been designated as dangerous by the Animal Control Official, or by the Animal Control Board pursuant to a temperament hearing.

*Dangerous dog:* A dog defined as dangerous in Section 767.11, Florida Statutes (2017), as this statute may be amended from time to time, or which has been declared dangerous by the Animal Control Official or the Animal Control Board. Dogs which have been declared dangerous by another jurisdiction are also considered to be dangerous dogs in Seminole County.

*Dog:* An animal of any age that is a member of the Canis Lupus Familiaris, or any genetic hybridization thereof, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

*Domestic animal:* Any equine or bovine animal, goat, sheep, swine, dog, cat, bird, poultry or other domestic animal or livestock.

*Fierce animal:* Any dangerous animal or rabies-susceptible animal which has for no observable motive exhibited aggressive or threatening tendencies towards humans or other animals.

Hobby breeder: 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 one (1) litter per calendar year per legal residence whether or not the animals in such litter are offered for sale or other transfer.

*Licensed veterinarians:* A veterinarian licensed to practice medicine by any state in the United States.

*Noncommercial kennel:* ~~Any premises used primarily as the domicile of an animal owner, on which premises said owner breeds purebred or pedigreed animals primarily for the purposes of improving the physical soundness, temperament and conformation of a given breed or breeds; provided that where said animals are offered for sale, sold or exchanged for profit, and where said sales shall comprise 25 percent or more of said owners' income, such operation shall be deemed a commercial kennel.~~ Any premises or structure used to house dogs or cats of a hobby breeder other than inside one's home, and which is on the same property where the hobby breeder resides.

*Owner:* Any person controlling, harboring, keeping, possessing, boarding or owning an animal.

*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. Seminole County Animal Services Shelter, or animal rescue organization shall not be considered a pet shop under this Ordinance.

*Rabies-susceptible animals:* All warm-blooded animals which are capable of contracting rabies, and which are domestic by nature, or domesticated or tamed.

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; 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.

*Seminole County Animal Services Shelter:* The premises designated by the Board of County Commissioners for the purpose of impounding and caring for animals taken into custody for violation of, or pursuant to, this Part.

*Severe injury:* Any physical injury which results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

*Under restraint:* Controlled by chain, tether or leash, controlled by command of a competent person and obedient to said person's commands, confined within a vehicle being driven or parked on the street, confined within the property limits of any parcel of land with the property owners' consent, or confined within a crate or cage. To be under restraint by command, the animal must be under the express effective command of a competent person at all times. An animal is not to be construed to be "under restraint" simply because it can be demonstrated that the animal is responsive to command if, in fact, the animal is not actually under restraint by command or otherwise. It shall be prima facie evidence that the animal was not under restraint by command if said animal bites a person or another animal or trespasses upon private property without the property owner's consent.

*Vicious animal:* Any dangerous animal or rabies-susceptible animal which has, for any motive other than for self-defense, caused bodily harm to humans or other animals.

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PART 2 – ENFORCEMENT OF ANIMAL CONTROL ORDINANCE

ARTICLE I. – CITATION ISSUANCE

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**Sec. 20.134. Citation form.**

The citation issued by an Enforcement Officer under the provisions of this Ordinance shall be in a form substantially as set forth as follows:

Case No. \_\_\_\_\_

CITATION  
SEMINOLE COUNTY ANIMAL CONTROL  
200 West County Home Road, Sanford, Florida 32773  
Telephone: (407) 323-2500 Ext. 5304

Offense Date: Month \_\_\_\_\_ Date \_\_\_\_\_ Year \_\_\_\_\_ Time \_\_\_\_\_ AM or PM

Name: Last \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Street address: City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_ Phone  
\_\_\_\_\_

DOB \_\_\_\_\_ Sex \_\_\_\_\_ Race \_\_\_\_\_ Ht. \_\_\_\_\_ Wt. \_\_\_\_\_ Hair \_\_\_\_\_

Eyes \_\_\_\_\_ Driver's License No. \_\_\_\_\_

Location of Offense \_\_\_\_\_

Description of Animal(s):

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

Violation of Animal Control Ordinance of Seminole County Section:

No. Offense: 1st \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ Amount of Civil  
Penalty \$ \_\_\_\_\_

Section:

No. Offense: 1st \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ Amount of Civil  
Penalty \$ \_\_\_\_\_

TOTAL AMOUNT OF CIVIL PENALTY \$ \_\_\_\_\_

Issued by (Enforcement Officer) \_\_\_\_\_ Date of Issuance \_\_\_\_\_



—IMPORTANT INSTRUCTIONS—

I AGREE TO DO ONE OF THE FOLLOWING TWO THINGS:

1.

If I admit the violation, I will pay the civil penalty set forth below (or penalties) on or before \_\_\_\_\_.

2.

If I deny the violation, I will appear in County Court located in the Seminole County Courthouse, 300 North Park Avenue, Sanford, Florida on \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ for arraignment to enter my plea of not guilty and request a date for trial. I understand that if I choose this alternative I waive my right to pay the civil penalty set forth below and, if found guilty, the judge may impose a penalty up to \$500.00 per violation.

*NOTE.* If you choose not to pay the civil penalty and want to appear in court, you must appear on the date above. A warrant for your arrest may be issued if you do not appear.

*NOTE.* Mandatory appearance is required for three or more violations of same Section of the Animal Control Ordinance within three years.

SIGNATURE OF PERSON CITED \_\_\_\_\_

CIVIL PENALTY SCHEDULE

1st Offense — \$27.50

2nd Offense — \$50.00

3rd Offense — MANDATORY COURT APPEARANCE

If you want to pay the civil penalty, payment may be made in person at the Seminole County Courthouse, 300 North Park Avenue, Sanford, Florida, between 8:30 a.m. and 4:30 p.m., Monday through Friday or by mail to Clerk of the County Court, Post Office Drawer C, Sanford, Florida 32772-0659. Make checks payable to Clerk of the County Court of Seminole County.

**Sec. 20.134. Reserved.**

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**Sec. 20.137. Civil penalties.**

(a) Noncriminal infractions of the Animal Control Ordinance which do not result in a hearing ~~shall~~ will be subject to the following ~~civil penalties~~ civil penalty schedule, as defined in

Chapter 53 of this Code. A Class I(11), animal control ordinance violation constitutes an individual offense and will be assessed per animal:

- (1) First Violation: ~~\$27.50.~~ \$50.00.
- (2) Second violation of same section of Animal Control Ordinance within three years: \$50.00.
- (3) Three or more violations of same section of Animal Control Ordinance within three years shall be required to appear in court: Hearing required (\$500.00 bond required).

(b) Noncriminal infractions of the Animal Control Ordinance which result in a hearing ~~shall be~~ will be subject to a civil penalty not to exceed \$500.00.

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**Secs. 20.167-20.180. Reserved.**

**PART 5 – ADOPTION-BASED BUSINESS MODEL FOR RETAIL SALE OF  
DOGS AND CATS AND OTHER REQUIREMENTS**

**Sec. 20.181. Legislative Intent.**

(a) The intent of this Ordinance is to prohibit 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, which allow for heritable and congenital disorders; the spread of infectious diseases; and environmental contamination, any of which may be present immediately after a sale or not until several years later. The Board of County Commissioners finds it reasonable and necessary to provide the following minimum standards governing the sale of cats and dogs to protect the health, safety, and welfare of both animals and pet owners; 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.

(b) It is the intent of the Board of County Commissioners that this Ordinance will conform with and supplement Section 828.29, Florida Statutes (2017), as may be amended, relating to the sale of dogs and cats transported into the state for sale, health requirements, and consumer guarantee.

**Sec. 20.182. 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 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 pets purchased directly from a commercial breeder or indirectly through some other intermediary such as a broker or wholesaler may not be offered for sale.

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

- (1) An animal shelter;
- (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 shops opened, transferred, assigned, or sold by owners of existing pet shops after the effective date of the Ordinance.

(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 (2017), as this statute may be amended from time to time.

(e) Pet shops shall post and maintain a certificate of source, as defined in Part 1, on each animal'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 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 Ordinance.

**Sec. 20.183. 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.

**Sec. 20.184. Enforcement and Penalties.**

(a) Any pet shop found to be in violation of the provisions of this Part 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 (2017), as this statute may be amended from time to time, and Section 20, Part 2, of this Code. It shall be a violation of this Ordinance to fail to comply with any of the requirements or restrictions contained in this Ordinance.

(b) 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 on or which a violation occurs or continues.

(c) Violations of this Ordinance are classified as a civil infraction in accordance with Section 828.27(2), Florida Statutes (2017), as this statute may be amended from time to time. Penalties will accrue in accordance with Section 20.137(a) of this Ordinance.

(d) The County may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this Ordinance.

(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 found to be in violation will be required to correct or remedy such violations immediately.

**Sec. 20.185. Applicability.** This Ordinance shall apply to the unincorporated areas of Seminole County.

**Section 2. Codification.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; providing, however, that Sections 2, 3 and 4 of this Ordinance shall not be codified.

**Section 3. 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 Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

**Section 4. Effective date.** This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

**BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
GRANT MALOY  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

\_\_\_\_\_  
JOHN HORAN, Chairman

MMH/sjs/lpk  
2/27/18  
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