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ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2020-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 72 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "ANIMALS"; CREATING SEC. 72.44 – PET BREEDER REGULATIONS; PROVIDING FOR REPEALING CLAUSE; PROVIDING FOR MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Alachua County Board of County Commissioners has broad authority to enact ordinances and prescribe penalties for violations of those ordinances; and

WHEREAS, Florida law anticipates local ordinances and restrictions on the ownership and treatment of animals; and

WHEREAS, the Alachua County Board of County Commissioners recognizes that the health, safety, and welfare of its citizens will be better served by a comprehensive and progressive animal control ordinance; and,

WHEREAS, the County currently regulates animals under the provisions of Chapter 72 of the Alachua County Code of Ordinances; and

WHEREAS, the County now desires to amend the provisions of Chapter 72 of the Alachua County Code of ordinances to update the standards and processes within the Code.

NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Chapter 72, Section 72.44 of the Alachua County Code of Ordinances is hereby created as follows:

1 **Sec. 72.44. – Pet Breeder Regulations.**

2 (a) Definitions

3 As used in this chapter, the following words and phrases are defined as follows:

4 Breeder means both hobby breeder and commercial breeder.

5 Commercial breeder means any person, firm, partnership, corporation, or other association which, in
6 the ordinary course of business, engages in the sale of more than two litters, or 20 or more dogs or
7 cats, per year, whichever is greater, to the public. This definition includes breeders of animals who
8 sell such animals directly to a consumer.

9 Health Certificate means “Official Certificate of Veterinary Inspection” (OCVI) [Form DACS-
10 09805, in accordance with Sec. 828.29, Florida Statutes] issued by a Florida licensed veterinarian
11 and accredited by the U.S.D.A.

12 Hobby breeder means any person, business, or organization who breeds and/or raises on their
13 property dogs or cats for the purposes of transferring ownership with or without monetary
14 compensation of no more than two litters, or 20 dogs or 20 cats, per year, whichever is greater.

15 (b) Breeder Permit Requirements.

16 (1) No breeder shall cause or allow the breeding of a dog or cat, or offer a dog or cat
17 for breeding or stud purposes, without first obtaining a breeder permit issued by Animal Services.
18 The cost of the permit and other related fees shall be established by the Board of County
19 Commissioners by resolution and shall be maintained in a fee schedule.

20 (2) A breeder permit is valid for a period of one (1) year from the date of issuance and
21 must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days
22 prior to expiration.

23 (3) No permit shall be renewed hereunder to any applicant that has outstanding and
24 unsatisfied civil penalties imposed due to violations of this section.

25 (4) A breeder permit is not transferable, assignable, or refundable.

26 (5) Hobby Breeder shall:

27 a. Not intentionally breed more than two (2) litters or more than twenty (20)
28 dogs, cats, puppies, or kittens during a one-year period; and

29 b. Not offer for sale, trade, receive any compensation for or give away more
30 than two (2) litters or more than twenty (20) dogs, cats, puppies, or kittens during a one-year
31 period.

32 (6) Commercial Breeders may:

33 a. Breed at least two (2) litters or at least twenty (20) dogs, cats, puppies, or
34 kittens during a one-year period; and

35 b. offer for sale, trade, receive any compensation for or give away at least two
36 (2) litters or at least twenty (20) dogs, cats, puppies, or kittens during a one-year period;

37 (7) All Breeders shall comply with the following:

38 a. Keep records, for the duration of the breeder permit and all permit renewals,
39 of the birth of each litter of puppies or kittens, and make such records available for review by
40 Animal Services upon request;

1 b. For a period of at least one (1) year, keep veterinary records of rabies
2 vaccinations, all other inoculations, and any medical condition(s) of each dog, cat, puppy, or kitten
3 bred to be sold, given away, or otherwise conveyed, and all other records described herein; and
4 maintain all veterinary and transactional records for each dog, cat, puppy, or kitten sold for a
5 period of one (1) year from the sale of that animal.

6 c. On a yearly basis, provide to Animal Services the name, address, and
7 telephone number of the new owner of each dog, cat, puppy, or kitten sold, given away, or
8 conveyed that remains within Alachua County;

9 d. Furnish to each new owner of a dog, cat, puppy, or kitten with:

10 i. A copy of the complete record pertaining to the individual animal;

11 ii. The breeder permit number, providing proof and assurance that the
12 animal was legally bred,

13 iii. The microchip number of the animal, and

14 iv. A copy of the animal's Health Certificate, which must be signed on
15 the date of examination by the examining veterinarian no more than 30 days before the sale of the
16 animal per F.S. 828.29(3)(c), and must include the veterinarian's license number. Each dog or cat
17 offered for transfer of ownership must receive vaccines and anthelmintics against the diseases and
18 internal parasites stated in F.S. 828.29.

19 e. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade,
20 other compensation, or gift, with the exception of animals taken to an animal shelter;

21 f. Recommend to each new owner that any animal sold, transferred, or given
22 away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify
23 the new owner of state and local requirements for rabies vaccinations and County licenses;

24 g. List the breeder permit number on all advertisements and literature
25 concerning the sale or gift of any dog, cat, puppy, or kitten of the breeder;

26 h. Adhere to minimum standards regarding humane care and manner of
27 keeping of animals, as provided in Section 72.10 of this Chapter;

28 i. Provide a medical history of the sire and dam as well as, when possible, a
29 medical family history of the sire and dam;

30 j. Present a copy of a valid, current Health Certificate to any Animal Services
31 officer or investigator upon demand for review, provided, however, that animal shelters and rescue
32 groups offering animals for adoption are exempt from this requirement;

33 k. If a dog or cat dies while in the possession of a breeder, the breeder shall
34 secure the services of a licensed veterinarian to determine the cause of death or suspected cause
35 of death. The veterinarian shall document the date of death and known or suspected cause of death
36 on a Health Certificate.

37 l. Consent to allow an Animal Services officer or investigator to view each
38 animal that is the subject of a breeder permit and to inspect the premises where the animal is
39 maintained, as well as the location where the breeding operation occurs. The breeder may opt for
40 the inspection to be conducted by a USDA-accredited veterinarian instead of by an Animal
41 Services officer or investigator, though if this option is selected, the breeder agrees to pay the
42 veterinarian's costs for the visit and any other related costs, and the veterinarian must agree to fill

1 out the veterinarian inspection form created by Animal Services, including any additional
2 documentation and photographs required by the inspection form, and must provide Animal
3 Services with all of the above required information within 5 business days of the veterinarian's
4 visit.

5 Such inspection will be limited to that necessary to ascertain compliance
6 with Section 72.10. If a breeder refuses to allow the Animal Services officer or investigator to
7 perform such inspection, Animal Services may apply for a warrant pursuant to applicable
8 provisions of Chapter 933, Florida Statutes. All reports of such inspections shall be in writing and
9 maintained by Animal Services.

10 An inspection shall not be made between 6 p.m. of any day and 8 a.m. of
11 the succeeding day or in the absence of an owner or occupant over the age of 18 years of the
12 particular place, dwelling, structure, or premises unless specifically authorized by the owner of
13 the premises. An inspection shall not be made by means of forcible entry, except that the judge
14 may expressly authorize a forcible entry when facts are shown which are sufficient to create a
15 reasonable suspicion of a violation of a state or local law or rule relating to municipal or animal
16 control, which, if such violation existed, would be an immediate threat to health or safety or when
17 facts are shown establishing that reasonable attempts to serve a previous warrant have been
18 unsuccessful. When prior consent has been sought and refused, notice that a warrant has been
19 issued shall be given at least 24 hours before the warrant is executed. Immediate execution of a
20 warrant shall be prohibited except when necessary to prevent loss of life or property.

21 m. Allow an Animal Services officer or investigator, or a USDA-accredited
22 veterinarian if the breeder has elected to use one, to view and examine any and all records upon
23 request.

24 (8) Obtaining a breeder permit

25 a. A person seeking a breeder permit shall apply to Animal Services on a form
26 approved by Animal Services.

27 b. The permit application shall include, but not be limited to, the following
28 information:

29 i. The name, address, and telephone number of the applicant;

30 ii. A statement as to whether the applicant has ever been found to have
31 violated the prohibitions against cruelty to animals in this section, or has been convicted of the
32 offense of cruelty to animals, under State law, or has been the subject of a final judgment entered
33 under Section 828.073, Florida Statutes, or any other Florida statute prohibiting animal neglect or
34 mistreatment;

35 iii. A description (species, breed, sex, age, coloration) of each animal
36 to be bred or used for stud under the permit;

37 iv. A description of the activity for which the permit is requested; and

38 v. Verifiable proof that all required animals are current on rabies
39 vaccination and County license.

40 c. If the applicant withholds or falsifies any information on the application,
41 no permit shall be issued and any permit previously issued to the applicant based on false or
42 withheld information shall be revoked.

1 d. No person previously found by a Hearing Officer to be in violation of the
2 cruelty section of this chapter, or convicted of cruelty to animals pursuant to Section 828.073,
3 Florida Statutes, or who has been the subject of a final judgment pursuant to Section 828.073,
4 Florida Statutes, or any other Florida statute prohibiting animal neglect or mistreatment, shall be
5 issued a breeder permit.

6 (9) Permit procedures

7 a. The permit applicant shall provide a completed application to Animal
8 Services, supply all information requested by Animal Services, and pay the applicable permit fee.

9 b. Permit applications shall remain open for thirty (30) days from the date of
10 submittal to Animal Services in order for applicants to make corrections and to meet minimum
11 requirements.

12 c. All dog or cat breeders who obtain a breeding permit shall be charged a
13 discounted fee for licensing the unsterilized dogs or cats that are owned for the purpose of
14 breeding, so long as the breeder maintains a valid breeding permit.

15 (10) Exemptions

16 a. Licensed veterinarians and licensed animal hospitals providing animal
17 reproduction and related veterinary services in the course of their business shall be exempt from
18 this ordinance.

19 b. Animal Services, humane societies, and 501(c)3 rescue organizations shall
20 be exempt from the provisions of this section.

21 (11) Violations

22 a. Failure by a breeder to obtain a permit prior to using or offering to use an
23 animal for breeding or stud shall constitute a violation.

24 b. Reapplication by a breeder for a permit less than thirty (30) days before the
25 expiration of the existing permit shall constitute a violation.

26 c. Counterfeiting a breeder permit or Health Certificate or maliciously
27 destroying a breeder permit shall constitute a violation.

28 (12) Permit denial, revocation, and suspension

29 a. Animal Services may deny, revoke, or suspend any permit if it is
30 determined that:

31 i. There has been a material misstatement or misrepresentation in the
32 permit application;

33 ii. The applicant or permit holder has been found in violation for at
34 least three (3) violations of this article within the preceding two-year period;

35 iii. The applicant or permit holder has failed to pay a fine or to request
36 a hearing as provided in this article within thirty (30) days after issuance of a violation;

37 iv. The applicant or permit holder has been found by a Hearing Officer
38 to be in violation of the cruelty section of this chapter, or convicted of a violation of law involving
39 cruelty to animals, or has been subject to a final judgment pursuant to Section 828.073, Florida
40 Statutes;

1 v. An animal under the care and responsibility of an applicant or
2 permit holder has been found to be in need of immediate veterinary care that, if not treated, would
3 result in suffering, pain, or death, and the applicant or permit holder did not address the medical
4 need in a timely manner; or

5 vi. A breeder has exceeded the maximum number of litters or animals
6 permitted per calendar year.

7 vii. A breeder failing to consent to the annual inspection as provided in
8 this article shall result in the revocation of the issued breeding permit.

9 b. No permit fee shall be refunded for a permit that is revoked or suspended.

10 c. If a permit is either denied, revoked, or suspended, Animal Services shall
11 provide written notification of the denial, revocation, or suspension to the applicant or permit
12 holder by certified mail, return receipt requested; hand delivery by an officer evidenced by an
13 affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida
14 Statutes, relating to service of process.

15 SECTION 2. Repealing Clause. All ordinances or portions thereof in conflict herewith are,
16 to the extent of such conflict, hereby repealed.

17 SECTION 3. Modification. It is the intent of the Board of County Commissioners that the
18 provisions of this ordinance may be modified as a result of considerations that may arise during
19 public hearings. Such modifications shall be incorporated into the final version of the ordinance
20 adopted by the Board and filed by the Clerk to the Board.

21 SECTION 4. Severability. If any word, phrase, clause, paragraph, section or provision of this
22 ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional,
23 such finding shall not affect the other provisions or applications of the ordinance which can be given
24 effect without the invalid or unconstitutional provisions or application, and to this end the provisions
25 of this ordinance are declared severable.

26 SECTION 5. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of
27 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of
28 this ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
29 Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent
30 and that the word "ordinance" may be changed to "section", "article", or other appropriate

1 designation. The correction of typographical errors that do not affect the intent of the ordinance may
2 be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-
3 codified copy of the same with the Clerk of the Circuit Court.”, “article”, or other appropriate
4 designation.

5 SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the
6 Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and
7 shall take effect upon filing with the Department of State.

8 **DULY ADOPTED** in regular session, this ___ day of _____, 2020

9 **BOARD OF COUNTY COMMISSIONERS OF**
10 **ALACHUA COUNTY, FLORIDA**

11
12 ATTEST:

13 BY: _____
14 Robert Hutchinson, Chair
15 Board of County Commissioners

16 _____
17 J.K. “Jess” Irby, Esq.
18 Clerk

APPROVED AS TO FORM

19 _____
20 County Attorney

21 (SEAL)