

ORDINANCE NO. _____

AN ORDINANCE AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES, PART A, CHAPTER 6, ARTICLE II, SECTIONS 6-20 and 6-61-6-65 (HILLSBOROUGH COUNTY ORDINANCE NO. 17-12), AS PERTAINING TO PET RETAIL SALES; PROVIDING FOR DEFINITION REVISIONS; PROVIDING FOR ELIMINATION OF THE GRANDFATHER PRIVILEGE FOR EXISTING PET SHOPS; PROVIDING FOR A TIME FRAME FOR ELIMINATION; PROVIDING FOR RESTRICTIONS AND PENALTIES FOR VIOLATIONS OF THE ORDINANCE BY EXISTING PET SHOPS PENDING TERMINATION OF THE GRANDFATHER PRIVILEGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING OF ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS _____ DAY OF _____, 2020, AS FOLLOWS:

1. Section 6-20 of Part A, Chapter 6, Article II of the Hillsborough County Code of Laws and Ordinances is hereby amended to read as follows:

Adoption-Based Business Model shall mean a business model whereby all dogs and cats offered for Retail Sale at a Pet Shop shall only be sourced from stray and unwanted pets that have been taken in by an Animal Shelter or a Rescue Organization established in accordance with Section 501(c)(3) of the United States Internal Revenue Code to rehome stray and other unwanted pets, or some other sourcing model, as approved by the Department, that does not include commercially bred intact animals to be resold to the public. ~~It also means that no commercially bred intact pets may be offered for sale whether purchased directly from a commercial breeder or from some other intermediary such as a broker or wholesaler.~~

Animal Services shall mean a direct service provided to a dog and/or cat, including, but not limited to, grooming, bathing, and/or boarding; except if provided by a licensed veterinarian facility.

Animal Shelter shall mean the local animal control authority, public animal shelter, or private animal shelter maintained by or under contract with the county or municipality, devoted to the rescue, care, and adoption of stray, abandoned, or unwanted animals; or any brick and mortar animal shelter whose primary mission is to find permanent homes or rescues for sterilized, unwanted, and homeless pets.

1 **Breeder** shall mean any person who intentionally seeks to have animals reproduce
2 for sale or other commercial purpose, and/or to selectively mate animals with
3 desirable genetic traits, and/or to maintain or enhance the traits in future
4 generations.

5 **Department** shall mean the County's Pet Resources Department, or some other
6 designated County Department.

7 **Person** shall mean any natural person, society, firm, corporation, partnership,
8 association, or other legal entity or business unit and every officer, agent, or
9 employee thereof.

10 **Pet Shop** shall mean any retail establishment, open to the public, that sells or
11 transfers, or offers for sale or transfer, dogs and/or cats, regardless of the age of
12 the dog or cat or the physical location of the animal. Such an establishment may
13 be a permanent, temporary, or virtual establishment. An Animal Shelter or Rescue
14 Organization shall not be considered a Pet Shop under this Ordinance. An
15 "existing" Pet Shop is one that has been determined by the Department: 1) to be
16 legally operating on or before the effective date of this Ordinance; 2) found to not
17 have received, after the effective date of the Ordinance or at any time while the
18 existing Pet Shop is enjoying the grandfather privilege and any and all rights
19 appurtenant thereto, any final determination or adjudication of one or more
20 violations of any federal or state administrative rule, regulation, or statute
21 administered or enforced by the United States Department of Agriculture (USDA),
22 the Florida Department of Agriculture and Consumer Services, or any other state
23 agency with jurisdiction, resulting in one or more final determination or adjudication
24 of violation, whether administrative, civil, or criminal, including, but not limited to,
25 any consent decree, final agency order, court order, verdict, plea of guilty or plea
26 of nolo contendere (including Pet Shops that are transferred, assigned and/or sold
27 by the original existing Pet Shop owner after the effective date); and 3) therefore,
28 entitled to the grandfather privileges outlined herein. A "new" Pet Shop is one that
29 has been opened after the effective date of this Ordinance, the opening of which,
30 in no way, is associated with the sale, transfer or assignment by an owner of an
31 existing Pet Shop, and is subject to the Adoption-Based Business Model, [as](#)
32 [defined](#), and all other requirements prescribed herein.

33 [The grandfather privilege for existing Pet Shops shall end in accordance with the](#)
34 [terms herein and all existing Pet Shops shall be required to transition to the](#)
35 ["Adoption Based Model", as defined, in order to continue operating as a Pet Shop](#)
36 [in the County.](#)

37 **Rescue Organization** shall mean a duly incorporated non-profit organization that
38 has tax exempt status in accordance with Section 501(c)(3) of the United States
39 Internal Revenue Code, founded or chartered with the primary mission being the
40 welfare, care, and adoption/placement of stray, abandoned, or surrendered
41 animals, and which does not breed dogs or cats or obtain these animals for any
42 form of payment or compensation from any source other than an Animal Shelter.

1 Such organizations make pets available on a cost-recovery basis and/or foster
2 animals or enlist others to foster animals.

3 **Retail Sale** shall mean to sell (whether or not exchange of consideration for the
4 animal, and/or animal services, takes place at the same time and/or location), offer
5 for sale, auction, barter, display for sale, adopt, rehome, exchange (for
6 compensation or otherwise), give away, trade, [transfer](#), deliver, lease, rent, include
7 as part of a package deal, advertise to do any of the aforementioned, or otherwise
8 dispose of dogs and/or cats to a person/s in a Pet Shop or in association with a
9 Pet Shop.

10 2. Section 6-61 of Part A, Chapter 6, Article II of the Hillsborough County Code of
11 Laws and Ordinances is hereby amended to read as follows:

12 ~~Grandfathering in Existing Pet Shops, Registration Requirements, and Certain~~
13 ~~Regulations.~~ [Elimination of Grandfather Privilege for Existing Pet Shops and](#)
14 [providing for Certain Regulations.](#)

15 A. All lawfully operating Pet Shops in existence, on or before the effective date
16 of this Ordinance, and found to not have received, after the effective date of
17 the Ordinance or at any time while the existing Pet Shop is enjoying the
18 grandfather privilege and any and all rights appurtenant thereto, any final
19 determination or adjudication of one or more violations of any federal or
20 state administrative rule, regulation, or statute administered or enforced by
21 the United States Department of Agriculture (USDA), the Florida
22 Department of Agriculture and Consumer Services, or any other state
23 agency with jurisdiction, resulting in one or more final determination or
24 adjudication of violation, whether administrative, civil, or criminal, including,
25 but not limited to, any consent decree, final agency order, court order,
26 verdict, plea of guilty or plea of nolo contendere, shall be permitted to
27 continue the Retail Sale of dogs and/or cats in Hillsborough County in
28 accordance with their respective business models, provided, however, each
29 existing Pet Shop is at all times in full compliance with any and all existing
30 and future Retail Sale regulations adopted by the County for existing Pet
31 Shops and provided they are in compliance with the applicable provisions
32 of this Ordinance and the additional restrictions set forth below:

33 (1) An owner of an existing Pet Shop shall be permitted to transfer,
34 assign, sell, or relocate their existing Pet Shop. The transferee,
35 assignee, or new owner must comply with any and all existing and
36 future Retail Sale regulations adopted by the County for existing Pet
37 Shops, the applicable provisions of this Ordinance, and any
38 additional restrictions set forth herein.

39 (2) An owner of an existing Pet Shop shall not be permitted to open any
40 additional Pet Stores as of the date the Ordinance was adopted (the
41 date the Board of County Commissioners voted and approved the

1 passage of the Ordinance). Any Pet Shop opened as of the adoption
2 date of this Ordinance shall be considered a new Pet Shop and said
3 owner shall be obligated to fully comply with the Adoption-Based
4 Business Model for the Retail Sale of dogs and/or cats and all other
5 requirements prescribed for all new Pet Shops in the County.

6 (3) An existing Pet Shop owner that allows any of their federal, state,
7 and/or local occupational business license/s, or other requirement/s
8 related to the operation of their business, to lapse, making them
9 legally ineligible to operate their business, or voluntarily abandons
10 their respective Retail Sale business model, for a period of more than
11 ninety (90) days, shall lose their grandfather privilege of reopening
12 and operating in its usual manner and shall be obligated to fully
13 comply with the Adoption-Based Business Model for the Retail Sale
14 of dogs and/or cats in the County and all other requirements
15 pertaining thereto.

16 (4) Pet shops in existence, on or before the effective date of this
17 Ordinance, and found to have received, after the effective date of the
18 Ordinance or at any time while the existing Pet Shop is enjoying the
19 grandfather privilege and any and all rights appurtenant thereto, any
20 final determination or adjudication of one or more violations of any
21 federal or state administrative rule, regulation, or statute
22 administered or enforced by the United States Department of
23 Agriculture (USDA), the Florida Department of Agriculture and
24 Consumer Services, or any other state agency with jurisdiction,
25 resulting in one or more final determination or adjudication of
26 violation, whether administrative, civil, or criminal, including, but not
27 limited to, any consent decree, final agency order, court order,
28 verdict, plea of guilty or plea of nolo contendere, shall lose their
29 grandfather privilege and not be permitted to continue the Retail Sale
30 of dogs and/or cats in the County in accordance with their respective
31 business models. Such Pet Shops shall be considered a “new Pet
32 Shop” and shall be obligated to fully comply with the Adoption –
33 Based Business Model for the Retail Sale of dogs and/or cats and all
34 other requirements pertaining thereto.

35 The grandfather privilege for existing Pet Shops shall end in
36 accordance with the terms herein and all existing Pet Shops shall be
37 required to transition to the “Adoption Based Model”, as defined, in
38 order to continue operating as a Pet Shop in the County.

39 B. All owners of existing Pet Shops (including any and all transferees,
40 assignees, or new owners), shall be obligated to annually register their
41 business/es by submitting the following information, which may be subject
42 to independent audit, to the Department by the first of February each year:

- 1 (1) Business Name; and
- 2 (2) Business Mailing Address/physical location; and
- 3 (3) Business Owner’s Name and Mailing Address; and
- 4 (4) Federal Tax ID #, if applicable; and
- 5 (5) USDA License number, if applicable; and
- 6 (6) Certain supporting business documentation, including:
 - 7 a. Proof of its business operations through any federal, state, or
 - 8 local business/occupational licenses, tax receipts, or other
 - 9 documentation readily authenticated as true and correct
 - 10 documents; and
 - 11 b. Proof of its Retail Sales business and location through
 - 12 franchise agreements, leases, or other documentation readily
 - 13 authenticated as true and correct documents; and
 - 14 c. Any other such documentation related to the acquisition, care,
 - 15 and sale of the animals that may be found necessary by the
 - 16 Department in any internal policies and procedures
 - 17 promulgated for the implementation of this Ordinance.
- 18 C. All owners of existing Pet Shops (those in existence on or before the
- 19 effective date of this Ordinance) shall be required to initially register for the
- 20 grandfather privilege, by complying with the registration requirements set
- 21 forth above, within ninety (90) days of the effective date of this Ordinance.
- 22 Pet Shops that are transferred, sold, or assigned by an existing Pet Shop
- 23 owner, after the effective date of this Ordinance, shall be required to
- 24 register, by complying with the registration requirements set forth above,
- 25 within ninety (90) days of the transfer, sell, or assignment.
- 26 D. All lawfully operating Pet Shops in existence on or before May 17, 2017, the
- 27 effective date of the original Ordinance, and the owners which registered
- 28 for and were approved to receive the grandfather privilege, as described
- 29 above, shall:
 - 30 (1) Lose their grandfather privilege 179 calendar days from the effective
 - 31 date of this amendment or by September 9, 2020, whichever occurs
 - 32 first;
 - 33 (2) Transition to the “Adoption Based Model”, as defined, in order for the
 - 34 existing Pet Shop to continue operating as a Pet Shop in the County;
 - 35 (3) Discontinue purchasing dogs and/or cats from commercial breeders,

1 [wholesalers, or distributors for resale to the public, thirty \(30\) days](#)
2 [prior to the grandfather privilege termination. Existing Pet Shops](#)
3 [shall be subject to inspection by the Department to determine](#)
4 [compliance.](#)

- 5 3. Section 6-62 of Part A, Chapter 6, Article II of the Hillsborough County Code of
6 Laws and Ordinances is hereby amended to read as follows:

7 Additional Retail Sale Regulations for Existing Pet Shops.

8 All owners of existing Pet Shops, including any and all transferees, assignees, or
9 new owners, shall be obligated to comply with the following additional Retail Sale
10 regulations [pending the termination date of the grandfather privilege:](#)

11 A. Sourcing Transparency:

12 All existing Pet Shop owners shall have the following information, [pertaining](#)
13 [to any remaining unsold dogs and/or cats](#), readily available for all potential
14 purchasers, the Department, and the state:

- 15 (1) The name of the United States Department of Agriculture (USDA)
16 breeding facility where the dog and/or cat was bred; and
- 17 (2) The license number of the USDA breeding facility; and
- 18 (3) The city and state of the dog's and/or cat's breeding origin;
- 19 (4) Specific contact information for the breeder of the dog and/or cat may
20 be provided at the discretion of the Pet Shop to its potential
21 purchasers, however, this information is required to be provided to
22 the Department in accordance with the record keeping standards
23 outlined in Section E. below;
- 24 (5) A sign, in poster format, shall be placed in the existing Pet Shop, in
25 clear view, stating that the information required above is available for
26 review by all potential purchasers, the Department, and the state
27 upon request;
- 28 (6) [A certificate from a local humane society entity \(i.e. American Society](#)
29 [for the Prevention of Cruelty to Animals, \(ASPCA\)\) as to the breeding](#)
30 [source conditions for all remaining unsold dogs and/or cats](#)
31 [purchased from a commercial breeder, wholesaler, or distributor to](#)
32 [be resold to the public;](#)
- 33 (7) [Falsification of records by existing Pet Shops is hereby deemed](#)
34 [unlawful and subject to the penalties under this Ordinance.](#)

35

1 B. Buying Standards:

2 (1) All existing Pet Shop owners shall only purchase dogs and/or cats
3 that are intended to be sold to potential purchasers from breeders:

4 a. Approved and licensed by the USDA; and

5 b. That have not received any direct violations from the USDA in
6 the past two (2) years; and

7 c. That have not received more than four (4) indirect violations
8 from the USDA in the past two (2) years; and

9 d. That have not received any state law violations, such as those
10 set forth in Section 828.29, Florida Statutes, pertaining to
11 vaccinations and veterinarian inspection certificates, in the
12 past two (2) years.

13 (2) All existing Pet Shop owners shall have readily available for all
14 potential purchasers, the Department, and the state and shall
15 maintain for ~~three (3) years~~, six (6) months following termination of
16 the grandfather privilege, USDA inspection reports in their entirety
17 for the breeders of all dogs and/or cats being offered for Retail Sale
18 in the existing Pet Shops. For breeders that have been in business
19 between one (1) year and two (2) years, the USDA pre-licensing
20 inspection, the first USDA post-licensing inspection, and a statement
21 that no other inspections have been completed shall suffice.

22 (3) A sign, in poster format, shall be placed in the existing Pet Shop, in
23 clear view, stating that this information is available for review by all
24 potential purchasers, the Department, and the state upon request. In
25 addition, this information shall be posted and maintained on each
26 animal's cage, kennel, or enclosure, within clear view and in a
27 reasonable proximity thereof.

28 ~~(4) At the time of registration, all owners of existing Pet Shops shall~~
29 ~~inform the Department of all dogs and/or cats that are available for~~
30 ~~Retail Sale and were acquired, before the effective date of the~~
31 ~~Ordinance, from breeders who do not meet the Buying Standards~~
32 ~~above. Those dogs and/or cats may be sold by the existing Pet Shop,~~
33 ~~however, after the effective date of the Ordinance, all dogs and/or~~
34 ~~cats that will be available for Retail Sale by the existing Pet Shop~~
35 ~~must be acquired from breeders who meet the Buying Standards.~~

36 (4) Falsification of records by existing Pet Shops is hereby deemed
37 unlawful and subject to the penalties under this Ordinance.

38 C. Microchip Requirement:

1 Except for the dogs and/or cats that are already microchipped at the time
2 they are received by the existing Pet Shop, all dogs and/or cats offered for
3 Retail Sale in an existing Pet Shop must be implanted with a permanent
4 electronic animal Radio Frequency Identification Device (RFID-
5 microchipped) by a licensed veterinarian facility. All dogs and/or cats offered
6 for Retail Sale by the existing Pet Shop must have the microchip registered
7 to the existing Pet Shop as the primary owner within five (5) business days
8 of the receipt of the dog and/or cat by the existing Pet Shop.

9 ~~D.~~ Rehoming:

10 ~~(1) All stray, abandoned, or unwanted dogs and/or cats held by an~~
11 ~~Animal Shelter or Rescue Organization as a rescue shall not be~~
12 ~~euthanized if the dogs and/or cats are found to have been previously~~
13 ~~sold at an existing Pet Shop. This provision does not apply to dogs~~
14 ~~and/or cats that have been, based on the medical opinion of a~~
15 ~~veterinarian, severely injured or are otherwise suffering.~~

16 ~~(2) The person who found the dog and/or cat has the option to retain the~~
17 ~~animal in an attempt to rehome the dog and/or cat, at their sole~~
18 ~~expense.~~

19 ~~(3) An Animal Shelter or Animal Rescue may request that the existing~~
20 ~~Pet Shop pick up the stray, abandoned, or unwanted dog and/or cat~~
21 ~~being held in their care, within three (3) days of the date of the~~
22 ~~request, and the existing Pet Shop shall be responsible for the~~
23 ~~regular and customary fees to reclaim the pet.~~

24 ~~E.D.~~ Record Keeping:

25 (1) The following records must be maintained by owners of existing Pet
26 Shops:

- 27 a. Health certificate from a Florida licensed veterinarian; and
- 28 b. Microchip information; and
- 29 c. Sourcing/Purchase information.

30 (2) The above records for all dogs and/or cats that are present in the
31 existing Pet Shop shall be maintained, in hard copy, for immediate
32 inspection by potential purchasers and/or the Department.

33 (3) The above records for all dogs and/or cats sold by the existing Pet
34 Shop and, therefore, no longer present in the existing Pet Shop, must
35 be kept in either electronic or hard copy form for ~~three (3) years~~ six
36 (6) months following termination of the grandfather privilege and be
37 available for inspection within three (3) days of the Department's

1 request.

2 (4) Falsification of records by existing Pet Shops is hereby deemed
3 unlawful and subject to the penalties under this Ordinance.

4 ~~F~~E. Adoption Promotion:

5 (1) Owners of existing Pet Shops shall be required to place, on a sign
6 that is in poster format and in clear view, and in a readable disclaimer
7 on their Pet Shop website and any and all of their marketing
8 materials, a message promoting adoption from Animal Shelters and
9 Rescue Organizations as another option to acquire a dog and/or cat,
10 information about their adoption programs and their contact
11 information, including website addresses to view the dogs and/or
12 cats available for adoption.

13 (2) Owners of existing Pet Shops shall require potential purchasers, at
14 the time of their transactions, to sign an affidavit attesting that they
15 were informed about the adoption options, had the opportunity to
16 read the poster, website, or marketing information with the adoption
17 options and other information included, and reviewed the USDA
18 breeder reports, records and other breeder contact and background
19 information required to be maintained by the existing Pet Shops.

20 a. The signed affidavits for dogs and/or cats sold in a given
21 business day and, therefore, no longer present in the existing
22 Pet Shop, shall be maintained in hard copy for immediate
23 inspection by the Department.

24 b. All other signed affidavits for dogs and/or cats sold by the Pet
25 Shop must be kept in either electronic or hard copy form for
26 three (3) years and available for inspection within three (3)
27 days of the Department's request.

28 c. [Falsification of records by existing Pet Shops is hereby](#)
29 [deemed unlawful and subject to the penalties under this](#)
30 [Ordinance.](#)

31 ~~G~~F. Inspections:

32 (1) The Department shall conduct, at a minimum, two (2) inspections of
33 the existing Pet Shops.

34 (2) Owners of existing Pet Shops, or designated representatives, shall
35 be required to personally inspect the USDA breeding facilities from
36 which they receive their dogs and/or cats.

37 4. Section 6-63 of Part A, Chapter 6, Article II of the Hillsborough County Code of

1 Laws and Ordinances is hereby added to read as follows:

2 Adoption-Based Business Model for Retail Sale of Dogs and Cats and Other
3 Requirements for New Pet Shops.

4 A. No new Pet Shop shall offer for Retail Sale dogs or cats in Hillsborough
5 County, unless that dog or cat was obtained from:

6 (1) An Animal Shelter;

7 (2) A Rescue Organization;

8 (3) Some other sourcing model, as approved by the Department, that
9 does not include commercially bred intact animals to be resold to the
10 public, whether purchased directly from a commercial breeder or
11 from some other intermediary such as a broker or wholesaler.

12 B. All dogs and/or cats offered for Retail Sale in Hillsborough County, by a new
13 Pet Shop, an Animal Shelter, or Rescue Organization, shall be required to
14 be implanted with a permanent electronic animal Radio Frequency
15 Identification Device (RFID-microchipped), registered to the legal owner of
16 the animal.

17 C. The following record keeping and disclosure requirements shall apply to all
18 new Pet Shops:

19 (1) New Pet Shops shall post and maintain on each animal's cage,
20 kennel, or enclosure, within clear view and in a reasonable proximity
21 thereof, a label stating the name and address, including city and
22 state, of the Animal Shelter or Rescue Organization from which the
23 new Pet Shop acquired the animal or that owns the animal kept in
24 the cage, kennel, or enclosure.

25 (2) New Pet Shops shall maintain records, stating the name and address
26 of the Animal Shelter or Rescue Organization that each dog or cat
27 was obtained from, for three (3) years following the date of
28 acquisition or in accordance with the required retention time set forth
29 by business standards and practices governing the particular
30 commercial establishment record, whichever is greater, and,
31 annually submit a copy of the record for the previous year to the
32 County's animal control officers or any other County officials charged
33 with enforcing the provisions of this Section, by February 1st of each
34 year.

35 (3) Any such records shall be made available, immediately upon
36 request, to the County's animal control officers, any other County
37 officials charged with enforcing the provisions of this Section, and/or
38 law enforcement.

1 (4) Falsification of records by new Pet Shops is hereby deemed unlawful
2 and subject to the penalties under this Ordinance.

3 5. Section 6-64 of Part A, Chapter 6, Article II of the Hillsborough County Code of
4 Laws and Ordinances is hereby added to read as follows:

5 Prohibition on Retail Sale in Public Places.

6 A. There shall be no Retail Sale of dogs or cats on any public thoroughfare,
7 public common areas, or other places of public accommodations, flea
8 markets, festivities, yard sales, medians, parks, recreation areas, outdoor
9 markets, parking lots, or other similar activities, regardless of whether such
10 access is authorized by the owner.

11 B. This section shall not apply to the following:

12 (1) The Retail Sale of dogs and/or cats by an Animal Shelter or Rescue
13 Organization;

14 (2) The Retail Sale of dogs and/or cats as part of a state or county fair
15 exhibition, 4-H program, or similar exhibition or education program.

16 6. Section 6-65 of Part A, Chapter 6, Article II of the Hillsborough County Code of
17 Laws and Ordinances is hereby added to read as follows:

18 Penalties.

19 A. It shall be a violation of this Ordinance to fail to comply with any of the
20 requirements or restrictions contained herein, which, for existing Pet Shops
21 operating under the grandfather privilege, can result in the loss of said
22 privilege and any and all rights appurtenant thereto.

23 B. Consistent with ~~other sections of this Ordinance,~~ [Florida Law](#), any violation
24 of this Ordinance is a civil infraction punishable by a maximum civil
25 penalty not to exceed \$500.00 and the amount of any penalties ~~may~~ [shall](#)
26 be established by BOCC Resolution.

27 ~~C. A Person found to have violated this Ordinance could also be subject to the~~
28 ~~following penalties:~~

29 ~~(1) For the first inspection, a warning notice may be issued by the~~
30 ~~Department;~~

31 ~~(2) For the second inspection (on any new or continuing violation that is~~
32 ~~more than 30 days old), a fine of \$250.00 may be imposed per~~
33 ~~violation;~~

1 ~~(3) For the third and any subsequent inspection (on any new or~~
2 ~~continuing violation that is more than 30 days old), a fine of \$500.00~~
3 ~~shall be imposed per violation;~~

4 ~~(4) For the fourth inspection within a year (on any or continuing violation,~~
5 ~~that is more than 30 days old), the maximum fine of \$500.00 shall be~~
6 ~~imposed per violation, and for existing Pet Shops operating under~~
7 ~~the grandfather privilege, this shall result in the loss of said privilege~~
8 ~~and any and all rights appurtenant thereto.~~

9 Where practical and appropriate, the Department should provide thirty (30)
10 days for the Pet Shop to correct the violation. The inspection time will reset
11 every 24 months for purposes of calculating the number of violations.

12 D. Nothing contained herein shall prevent the County from taking such other
13 lawful action in law and equity as may be necessary to remedy any violation
14 of, or refusal to comply with, any part of this Ordinance, including, but not
15 limited to, pursuit of injunctive and/or declaratory relief and/or injunction,
16 or other equitable relief in a court of competent jurisdiction, or initiating an
17 action to recover any and all damages that may result from a violation of, or
18 refusal to comply with, any part of this Ordinance.

19 E. Each day of a continuing violation shall constitute a separate and distinct
20 violation. A separate and distinct offense occurs per animal.

21
22 F. Pending termination of the grandfather privilege, existing Pet Shops shall
23 be subject to the following if they are found to have sold dogs and/or cats
24 acquired from commercial breeders, wholesalers, or distributors with USDA
25 or State law violations, such as those set forth in Section 828.29, Florida
26 Statutes, pertaining to vaccinations and veterinarian inspection certificates:

27
28 (1) For the first violation, a written warning notice shall be issued by the
29 Department; and

30
31 (2) A second violation shall result in the immediate loss of the
32 grandfather privilege, requiring the existing Pet Shop to transition to
33 the Adoption-Based Model, as defined, in order for the existing Pet
34 Shop to continue operating as a Pet Shop in the County, within thirty
35 (30) calendar days or sooner, to be determined by the Department if
36 less than thirty (30) calendar days remain before termination of the
37 grandfather privilege; and

38
39 a. All dogs and/or cats in inventory at the time of violation must be
40 sterilized within ten (10) calendar days. In the event there are
41 less than ten (10) calendar days remaining prior to the
42 termination of the grandfather privilege, the Department shall

1 determine the deadline for sterilization and copies of sterilization
2 records are to be submitted to the Department upon request; and

3
4 b. All dogs and/or cats in inventory at the time of violation must be
5 sold within fifteen (15) calendar days. In the event there are less
6 than fifteen (15) calendar days remaining prior to the termination
7 of the grandfather privilege, the Department shall determine the
8 deadline for sale and copies of receipts and other relevant
9 documentation are to be submitted to the Department upon
10 request; and

11
12 c. Existing Pet Shops shall provide the Department, upon request,
13 copies of all invoices of dogs and/or cats purchased from
14 commercial breeders, wholesalers, or distributors prior to the
15 violation, and shall be prohibited from any further purchasing of
16 dogs and/or cats from commercial breeders, wholesalers, or
17 distributors, as of the date of the violation that resulted in
18 immediate loss of the grandfather privilege.

19 7. Severability.

20 If any clause, sentence, paragraph, subdivision or other part of this Ordinance or
21 applications shall be adjudged by a Court of competent jurisdiction to be invalid or
22 unconstitutional, such order or judgment shall not affect, impair, or otherwise
23 invalidate the remainder of this Ordinance which shall remain in full force and effect
24 except as limited by such order or judgment.

25 8. Inclusion in the Code of Laws and Ordinances.

26 The provision of this Ordinance shall be included and incorporated in the
27 Hillsborough County Code, as an addition or amendment thereto, and shall be
28 appropriately renumbered to conform to the uniform numbering system of the
29 Hillsborough County Code, once established. The recitations contained in the
30 "WHEREAS" clauses are incorporated herein by reference, but are not required to
31 be reproduced and included in the Code.

32 9. Applicability.

33 All provisions of this Ordinance shall be applicable throughout the incorporated
34 and unincorporated areas of the Hillsborough County where there is no existing
35 conflict of law, municipal Ordinances concerning this matter, or unless any
36 municipality determines to opt-out of this Ordinance's provisions.

37 10. Filing of Ordinance.

1 In accordance with the provisions of Section 125.66, Florida Statutes, governing
2 Ordinances, a certified copy of this Ordinance shall be filed with the Florida
3 Department of State by the Clerk of the Board of County Commissioners.

4 11. Effective Date.

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

6 **STATE OF FLORIDA**)
7 **COUNTY OF HILLSBOROUGH**)

8 I, **PAT FRANK**, Clerk of the Circuit Court and Ex Officio Clerk of the Board of
9 County Commissioners of Hillsborough County, Florida, do hereby certify that the above
10 and foregoing is a true and correct copy of the Ordinance adopted by the Board
11 at its regular meeting of _____, 2020, by a vote of _____
12 voting yes and _____ voting no, the same appears in record in Minute Book
13 _____ of the Public Records of Hillsborough County, Florida.

14 **WITNESS** my hand and official seal this ____ day of _____, 2020.

15
16 **PAT FRANK**
17 **CLERK OF THE CIRCUIT COURT**
18

19
20 BY: _____
21 Deputy Clerk
22

23 Approved by County Attorney
24 As to Form and Legal Sufficiency:

25
26
27
28 BY: _____
29 Sr. Assistant County Attorney
30