

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

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Meeting Date: September 1, 2026	☐ Consent	☒ Regular
	☐ Ordinance	☐ Public Hearing

Department: Department of Public Safety
Submitted By: Department of Public Safety
Submitted For: Division of Animal Care and Control

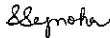
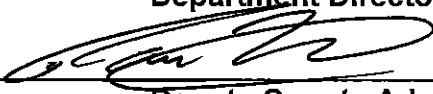
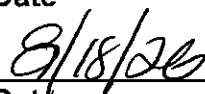
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I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and permission to advertise for public hearing on September 15, 2026 at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING PALM BEACH COUNTY CODE, CHAPTER 4, CODIFYING ORDINANCE 98-22, AS AMENDED BY ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-019, 2011-005, 2015-027, AND 2016-045, "THE PALM BEACH COUNTY ANIMAL CARE AND CONTROL ORDINANCE"; AND ADOPTING A NEW PALM BEACH COUNTY ANIMAL CARE AND CONTROL ORDINANCE; PROVIDING FOR A SHORT TITLE; APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR FEMALES IN HEAT; PROVIDING FOR DOG AND CAT CONTROL; PROVIDING FOR ANIMALS CREATING NUISANCES; PROVIDING FOR(SCIENTIFIC EXPERIMENTATION/ANIMALS AS PRIZES; PROVIDING FOR INJURED ANIMALS, ACTION REQUIRED; PROVIDING FOR KEEPING/ADOPTING STRAY ANIMALS; PROVIDING FOR ANIMAL WASTE; AMENDING SECTION 4-10 RABIES VACCINATIONS; AMENDING SECTION 4-11 DOG AND CAT RABIES/LICENSE TAGS; PROVIDING FOR REDEMPTION AND ADOPTION; PROVIDING FOR ADOPTION FEES AND STERILIZATION REQUIREMENTS FOR DOGS AND CATS; PROVIDING FOR RECORDS; PROVIDING FOR HUMANE EDUCATION; PROVIDING FOR ANIMAL BITES AND QUARANTINING; RABIES CONTROL; PROVIDING FOR GUARD DOGS; PROVIDING FOR EVICTIONS, INCARCERATIONS, COMMUNITY SERVICE ADJUDICATIONS, AND OTHER INVOLUNTARY OCCURRENCES; EFFECT ON ANIMALS; PROVIDING FOR DISPOSAL OF BODIES OF DEAD ANIMALS; PROVIDING FOR LIVESTOCK; PROVIDING FOR NUMBER OF ANIMALS; ACREAGE RESTRICTIONS/EXCESS ANIMAL HABITAT; PROVIDING FOR KENNEL, EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER, PET DEALER, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMIT; PROVIDING FOR ANIMAL CARE; MANNER OF KEEPING; PROVIDING FOR DOGS AND CATS OFFERED FOR SALE; HEALTH REQUIREMENTS; PROVIDING FOR ANIMAL AGENCIES; PROVIDING FOR AGGRESSIVE DOGS AND DANGEROUS DOGS; PROVIDING FOR STERILIZATION PROGRAM FOR DOGS AND CATS, PROVIDING FOR HOBBY BREEDER PERMITS; PROVIDING FOR SPECIAL MASTER HEARINGS; PROVIDING FOR INTERFERENCE WITH ENFORCEMENT; PROVIDING FOR ENFORCEMENT; PENALTIES; PROVIDING FOR FIRST OFFENDERS COURSE; PROVIDING FOR COMMUNITY CATS; PROVIDING FOR ELECTRONIC ANIMAL IDENTIFICATION DEVICE IMPLANTATION (EAID) FOR ALL CATS; PROVIDING FOR INCORPORATION OF STATE STATUTES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary (continued on Page 3):

- Attachments:**
- 1) Summary of the Substantive Recommended Changes to the ACC Ordinance
 - 2) Proposed ACC Ordinance Amendment: Strike-through/ Underlined Version
 - 3) Proposed ACC Ordinance Amendment: Clean Version
 - 4) Business Impact Estimate
- =====

Recommended By: 	Digitally signed by Stephanie Sejnoha Date: 2026.08.10 14:24:53 -04'00'
Department Director	Date
Approved By: 	
Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>	<u>2030</u>
Personal Services					
Operating Expenses					
Capital Outlay					
Grants & Aids					
Program Income (County)					
In-Kind Match (County)					
Net Fiscal Impact	0				

ADDITIONAL FTE

POSITIONS (Cumulative)	0	0	0	0	0
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Is Item Included In Current Budget? Yes _____ No _____

Is this item using Federal Funds? Yes _____ No _____

Is this item using State Funds? Yes _____ No _____

Budget Account Exp No: Fund xxxx Dept. xxx Unit xxxx Obj. xxxx Prog. xxxx
Rev No: Fund xxxx Dept. xxx Unit xxxx Rev. xxxx Prog. xxxx

B. Recommended Sources of Funds/Summary of Fiscal Impact:

*** There is no fiscal impact associated with this agenda item, a separate agenda item (tentatively scheduled for September 15th) for updates to the resolution to include the proposed citation fines and fees and the estimated fiscal impact.**

C. Departmental Fiscal Review: None 7/31/20

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Lm Math 8/5/2026
 OFMB 8/4/2026

Contract Dev. And Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

Summary (continued from Page 1)

The most significant changes in the Ordinance are the following: makes it possible for Dog and cat rabies/license tags to be acquired with a lifetime duration or with a three (3) year duration, which will correspond with the expiration dates of the three (3) year rabies vaccinations; encourages microchipping for dogs and reduces the required stray hold period from four (4) business days to 72 hours for cats with an identified owner and dogs; changes how dangerous dogs are investigated, classified, and regulated, to be in line with recent statutory changes including a new requirement that owners (with classified Dangerous Dogs) carry liability insurance in an amount of at least \$100,000; requiring annual inspections for hobby breeder permit renewal; establishes the criteria where other animal shelters and rescue organizations can be a Stray Holding Partner and be authorized to house stray animals with the same mandated hold times as ACC, preventing the animal from ever having to come to ACC; provides authority to delay processing 1st offense citations for those offenders who do not have current pet licenses and/or current rabies vaccinations for their dogs/cats and giving them 15 days to achieve compliance and have the citation internally dismissed; requires animal agencies to obtain health certificates prior to importing animals from outside the State of Florida; prohibits animal agencies from marketing animals available for adoption in Palm Beach County if they were purchased from a pet auction or commercial breeder, regardless of who purchased them; requires animal agencies to be transparent with prospective adopters when animals have bite history, history of having attacked other animals and/or known medical conditions; requires the owner of any vacant land on which livestock are maintained to prominently display, at all access points to the property, an Animal Care-issued reference number which corresponds to emergency contact information maintained on file with ACC; allows for citations to be heard before a special magistrate instead of County Court which will result in more fine revenue being maintained by the County; and exempts active law enforcement dogs from pet licensing requirements. The Ordinance revisions were presented to the League of Cities on July 22, 2026 and were approved. A summary of the substantive changes to the existing ACC Ordinance is attached to the agenda item. **Countywide (SF)**

Background and Policy Issues: A summary of the substantive recommended changes to the existing ACC Ordinance is attached.

**SUMMARY OF SUBSTANTIVE CHANGES
TO THE ANIMAL CARE AND CONTROL ORDINANCE**

Section	Page	Change and Justification
4.1 (b)	1	Clarifies that ordinance provisions will apply to municipalities except where it conflicts with municipal ordinance.
4.2	1, 2, 3, 4, 5, 6, 7	Revises definitions.
4.3	7	Clarifies permit needed prior to breeding dogs or cats.
4.4 (a) (4)	7	Clarifies that off-leash activities must be done on property that the owner is legally permitted to be on.
4.4 (e)	8	Allows for enhanced penalties for injuries or vehicle accidents as a result of an animal not under control.
4.5 (b) & (c)	8	Clarifies process to assess and cite animal nuisances.
4.6 (d)	9	Removes South Florida Fair exemption for offering animals as prizes.
4.7 (b)	9	Requires owners to provide injured animal(s) appropriate veterinary care.
4.8	9, 10	Clarifies process needed when a person finds or cares for a stray/lost animal and updates the notification process to take into account increase electronic communication.
4.9	11	Widens the scope of areas a pet owner must remove their animal's waste from to include HOA/condo common areas.
4.10 & 4.11 (f)	11, 13	Adds ferrets into rabies vaccination requirements and allows ACC to dismiss citations if the unvaccinated animal is vaccinated within 15 days of the citation.
4.11 (a) (1) & (6)	12	Updates minimum age for dogs and cats to receive rabies vaccination in line with current veterinary practice.
4.11 (2), (3) & (7)	12	Adds the options for a 3-year rabies tag or a forever rabies tag and outlines the requirements for each.
4.11 (8)	13	Exempts active law enforcement dogs from rabies tag requirements.
4.12 (a) & (c)	13, 14	Reduces stray hold time from 4 business days to 72 hours, includes exotic animals and allows stray hold partners to use the same time parameters.
4.12 (4)	14, 15	Allows Division to forgive some or all fees in times of crisis as long as animal can be properly cared for.
4.12 (e) & (f)	15	Clarifies adoption and release parameters.
4.13	15, 16	Clarifies timeline and compliance parameters for sterilizing adopted animals.
4.15	16	Expands educational materials to include website.

Section	Page	Change and Justification
4.16	16, 17	Expands species covered under rabies quarantine and expands sites that may be used to quarantine an animal.
4.16 (e)	17	Removes requirement for “Bad Dog” sign at owner’s property after a dog bit a human.
4.16 (f) & (g)	17, 18	Clarifies fee requirements and payment schedule.
4.17 (b) (2) (b) & (c) (1) (d) 4.23 (b) (11) (d) & (h) & (e) (3) 4.28 (b) (4)	18, 19, 27, 28, 29, 66, 67	Denies permits for Guard Dogs, Animal Establishments and Hobby Breeders having final judgments on crimes related to animal cruelty/abuse/sexual activities, child abuse or domestic violence.
4.17	22, 23	Clarifies what is considered adequate care and transport for guard dogs.
4.20 (c)	25	Requires owners of livestock maintained on vacant land to post emergency contact information at every access point to the property.
4.22 (a) (2)	26	Requires veterinary clinics providing boarding, grooming and training unrelated to medical treatment to obtain an appropriate permit.
4.22 (g) (3)	30	Commercial stables must show proof of a fire inspection unless exempt by Florida Fire Prevention Code.
4.22 (h) (3) (d) (1) (E)	34	Increases minimum housing sizes for cats and kittens
4.22 (k) (2) (a) (5)	49	Requires fly abatement measures for commercial stables.
4.23	50, 51, 52	Requires protection from cold, heat, debris and animal waste to prevent stress, discomfort or harm to animals while housed, trapped, or transported.
4.24	54	Updates veterinary inoculations and testing of dogs and cats offered for sale to current veterinary practice.
4.25	54, 55	Provides for Stray Hold Partners to enter into an agreement with the County to allow them to use the same stray hold times and release parameters as the Division.
4.26 (d)	56	Requires all animal agencies to disclose an animal’s dangerous propensities to potential adopters
4.26 (g) & (h)	57	Prohibits all animal agencies from making available for “adoption” as “rescued” or “saved” animals if they were purchased within the previous six months.
4.26 (i)	57	Requires all animal agencies to obtain an Official Certificate of Veterinary Inspection (OCVI) for any animal originating from outside Florida.
4.26	57, 58, 59, 60, 62, 63, 64	Aligns Dangerous Dog classifications and mandates with FSS. 767.12(7).

Section	Page	Change and Justification
4.28 (a) (6)	65	Only one hobby breeder permit will be issued per parcel.
4.28 (a) (3) (k)	66	Allows Division to conduct an inspection of Hobby Breeder exterior premises and view animals that are the subject of the permit at least once per year.
4.30	70	Clarifies what constitutes interference with enforcement by Division personnel.
4.31 (e) & (j)	70, 71	Aligns enforcement fine schedule with Section 828.27.
4.31 (n)	71	Provides for citations to be issued and appealed through a special magistrate process.
4.32	72	Allows Division Director to approve Animal Cruelty prevention course attendance in lieu of citation.
4.33 (a) (2) & (g)	73, 74	Clarifies what community cat trappers and feeders are allowed to do to habituate cats to traps and care for them afterward without assuming cat ownership.
4.34	74, 75	Incorporates all Florida state statutes applicable to animal control, welfare, cruelty and care.

Chapter 4 ANIMALS¹

Sec. 4-1. Short title; applicability.

- (a) This chapter shall be designated and may be cited as the "Palm Beach County Animal Care and Control Ordinance."
- (b) The provisions of this chapter shall be applicable to the incorporated and unincorporated areas of Palm Beach County, ~~unless a municipal exemption applies.~~ except to the extent of a conflict with a municipal ordinance. Unless otherwise provided, nothing in this chapter shall be construed to relieve any person from compliance with any applicable county or municipal regulations.

(Ord. No. 98-22, § 1, 6-16-98; Ord. No. 2016-045, § 1, 9-27-16)

Sec. 4-2. Definitions.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory, and the word "may" is permissive. Words not defined shall be given their common and ordinary meaning.

Adoption means the transfer of ownership of an unwanted, abandoned, abused or stray animal by a shelter, humane society, private nonprofit animal organization, or animal rescue organization to an adoptive owner. The term adoption does not include the sale of an animal for profit.

Advertising shall mean any statement made in connection with the solicitation of an animal service, animal business, and/or the sale of an animal and includes without limitation, statements and representations made in a newspaper or other publication, on the radio, television, or internet or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter.

Aggressive dog shall mean any dog that according to the records of the Division has severely injured or killed a domestic animal while off ~~the owner's property that is exclusive to the owner.~~

~~*Altered animal* shall mean any animal that has been spayed or neutered.~~

Animal shall mean any living vertebrate or sentient invertebrate, other than a human being.

~~*Animal care and control division or division* shall mean an entity of the Board of County Commissioners.~~

¹Editor's note(s)—Ord. No. 98-22, §§ 1—31, adopted June 16, 1998, amended the Code by repealing former Ch. 4, §§ 4-1—4-21, 4-31—4-35, 4-51—4-56, 4-66, and 4-67, and adding a new Ch. 4, §§ 4-1—4-31. Former Ch. 4 pertained to similar subject matter and derived from Ord. No. 79-16, adopted December 4, 1979; Ord. No. 82-9, adopted March 23, 1982; Ord. No. 89-2, adopted March 3, 1989; Ord. No. 92-7, adopted April 21, 1992; and Ord. No. 93-24, adopted September 21, 1993.

State law reference(s)—Home rule powers of chartered counties, Fla. Const., art. VIII, § 1(g).

Animal control officer/code enforcement officer shall mean any person employed by the County whose duty it is to enforce codes and ordinances pursuant to Florida Statutes, § 162.21, and including County animal care and control ordinances and as defined in Florida Statutes, § 828.27(1)(b) and other applicable State laws.

Animal establishment shall mean a kennel, commercial breeder, pet dealer, pet shop, grooming parlor, mobile grooming unit, excess animal habitat, or commercial stable, or training establishment operating in Palm Beach County.

Animal rescue organization shall mean ~~any organization engaged in housing dogs or cats in the County for the purpose of adoption.~~ shall mean an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or cats, or TNVR for cats. The term "rescue" shall include legally receiving dogs and/or cats from shelters or owners and providing medical or behavioral rehabilitation and care, as needed, for placement into new homes.

Authorized veterinarian/clinic shall mean any person licensed or permitted to practice veterinary medicine under the laws of the State and such person shall have had no previous incidents where money collected from the sale of rabies/license tags has been used/handled inappropriately or illegally.

Board shall mean the Board of County Commissioners of the County.

Breeding shall mean sexual intercourse or artificial insemination of an animal, the result of which may be offspring.

Carrier shall mean the operator of any airline, railroad, motor carrier, shipping line, or other enterprise that is engaged in the business of transporting any animals for hire.

Class A breeder shall mean a person who holds a class A license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., and regulations promulgated thereunder.

Class B dealer shall mean a person who holds a class B license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., and regulations promulgated thereunder.

Commercial breeder shall mean any person who engages in the sale or breeding of more than two (2) litters of dogs or cats or twenty (20) dogs or cats, whichever is greater, per one-year period.

Commercial trapper shall mean any person or business receiving compensation for trapping animals.

Community cat shall mean any un-owned free-roaming cat that has been sterilized, vaccinated against rabies, ear-tipped, implanted with an EAID and returned to field and may be cared for by one (1) or more residents of the immediate area who is/are known or unknown.

Community cat caregiver shall mean a person who provides food, water and/or other care for one (1) or more community cats but who does not own, harbor, keep or have custody, control or charge of such cats.

County shall mean the incorporated and unincorporated areas of the County.

Dangerous dog shall mean a dog that according to the records of the Division, meets at least one (1) of the following:

- (1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a human being on public or private property.
- (2) Has more than once severely injured or killed a domestic animal while off the owner's property.
- (3) Has been used primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting.
- (4) Has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one (1) or more persons and dutifully investigated by the Division. For the

purpose of this definition, an act is unprovoked if it was not caused by anything the person who is chased or approached in a menacing fashion or apparent attitude of attack has done.

Director shall mean the Director of the Palm Beach County Division of Animal Care and Control.

Domestic animal shall mean ~~any animal defined in F.S. § 585.01(10).~~ any equine or bovine animal, goat, sheep, swine, domestic cat (any cat in the Felis catus family regardless of ownership status), dog, poultry, ostrich, emu, rhea, or other domesticated beast or bird, including but not limited to, domestic fowl.

Division shall mean the Palm Beach County Animal Care and Control Division.

Electronic animal identification device (EAID) shall mean a microchip with a frequency used and approved by the Division.

Ear-tipping shall means removing approximately a quarter-inch off the tip of a cat's left ear while the cat is anesthetized ~~for sterilization~~. An ear-tip on the left ear shall be presumptive evidence that a cat has been vaccinated against rabies, implanted with an EAID, sterilized and returned to the field.

Excess animal habitat shall mean any property measuring two and one-half (2.5) acres or more on which the maximum number of thirty (30) dogs and cats has been exceeded and for which a permit has been issued by the Division.

Exotic animal shall mean non-native species and wildlife species that are regulated by the Florida Fish and Wildlife Conservation Commission.

Finally determined shall means a determination of a federal agency where all rights to challenge such determination at available administrative tribunals and courts of law have been exhausted or the time period within which such challenge may be filed has expired.

Free-roaming shall mean ~~any cat found outdoors regardless of the cat's appearance, behavior, or ownership status.~~

Grooming establishment shall mean any place of business (stationary or mobile) which accepts private pets for bathing, clipping, dipping, pedicuring, or other related services (not to include breeding, dentistry or overnight boarding).

Guard dog shall mean any type of dog used for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment or which resides on the nonresidential property. The term "guard dog" shall exclude any stock dogs used primarily for handling and controlling livestock or farm animals.

Guard dog service shall mean any person, business, or corporation that trains, sells, rents, or leases guard dogs for the purpose of defending, patrolling, or protecting property or life at any nonresidential establishment in Palm Beach County.

Guide dog or service animal shall mean ~~any guide dog, signal dog, or other animal individually trained and utilized to do work or perform tasks for the benefit of an individual with a disability, including but not limited to guiding an individual with impaired vision, alerting an individual with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items (as stated in Americans With Disabilities Act Rules and Regulation Regarding Service Animals, 28 Code of Federal Regulation (CFR) Part 36, Subpart A-General 36.104 Definitions).~~

Harboring or caregiver shall mean any person who provides care, shelter, protection, refuge, or nourishment to an animal or undertakes the responsibility to do so.

Hobby breeder shall mean any person who intentionally ~~or unintentionally~~ causes or allows the breeding or studding of a dog or a cat or engages in the breeding of up to two (2) litters of dogs or cats or nineteen (19) dogs or cats per household or premises per one-year period.

Humane society shall mean an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is to provide for the protection of animals. A humane society operates from a business facility on appropriately zoned property and has advertised and set hours for public access.

Humane trap shall mean any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal. Snares, leg traps or similar devices are considered inhumane and shall not be used.

Illegal breeder shall mean any person who intentionally or unintentionally causes or allows the breeding or studing of a dog or a cat or engages in such without an approved Hobby Breeder license.

Impoundment shall mean confinement at a shelter or approved stray holding facility, or the taking or picking up and confining of an animal by an officer under the provisions of this chapter.

Injury shall mean any physical injury that results in breaking the skin, a bite, or a laceration of the skin.

Intermediate handler shall mean any person (other than a dealer, research facility, exhibitor, any person excluded from the definition of a dealer, research facility, or exhibitor, an operator of an auction sale, or a carrier as defined in 9 CFR § 1.1), who is engaged in any business in which he/she receives custody of animals in connection with their transportation in commerce.

Kennel shall mean any place of business for hire at which dogs or cats are kept for boarding or limited pet boarding, training, or daycare, rental, or other use for hire.

Livestock shall mean all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals. include all animals of the equine (horse, mule, etc.), bovine (cattle), porcine (swine), caprine (goats), ovine (sheep) and domesticated poultry. have the same meaning as provided in FSS 585.01(13).

Major violation shall mean a violation including any one (1) of the following:

- (1) A violation of section 4-24(a), Animal Care; manner of keeping, other than a violation requiring immediate veterinary care as provided in section 4-23(b)(11)e., Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.
- (2) Failure to ensure that animals offered for sale are vaccinated with required vaccines as required by this chapter.
- (3) Offering an animal for sale without maintaining all properly completed OCVI's pertaining to the animal, which contain records for only one (1) animal, as required by this chapter.
- (4) Failure to have an animal examined by a veterinarian and tested by a veterinarian as provided in section 4-23(b)(1), Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.
- (5) Falsifying records required to be maintained or provided to the County or consumers under this chapter.
- (6) A violation of section 4-23(n), Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.
- (7) Failure to properly isolate or quarantine an animal with a known or suspected communicable animal-to-human or animal-to-animal disease.
- (8) Failure to comply with minimum requirements concerning physical facilities, animal cages, enclosures, housing, or shelter or tethering in violation of this chapter.

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- (9) A violation involving a dog or cat transported or offered for sale prior to eight (8) weeks of age or imported in violation of this chapter.
 - (10) Failure to provide required disclosures to a consumer.
 - (11) Failure to comply with warranty requirements for dogs and cats offered for sale.
 - (12) Failure to follow cleaning requirements set forth in this chapter.

Minor violation shall mean a violation that is readily correctible including any one (1) of the following:

- (1) Any violation involving recordkeeping or signage that is not listed as a major violation.
- (2) Failure to timely provide records to the Division.
- (3) Failure to microchip an animal as required by this chapter.
- (4) Failure to make a record available to an inspector upon request.
- (5) A violation involving an animal escaping from the premises of the permitted facility.

Official certificate of veterinary inspection shall mean a legible certificate of veterinary inspection which has been issued by the State Department of Agriculture and Consumer Services and signed by the examining veterinarian licensed by the State and accredited by the United States Department of Agriculture.

Owner shall mean any person, firm, corporation, organization, humane society, public or private nonprofit organization, harborer, or caregiver, other than a community cat caregiver, who owns, keeps, harbors, possesses, or has control or custody of an animal. If the person purporting to own an animal is a minor as defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of an animal for the purposes of this chapter.

Person shall mean any natural person, society, firm, corporation, partnership, association, humane society, public or private nonprofit organization, other legal entity, public or private institution, municipal corporation, unit of local government or other business unit and every officer, agent, or employee of such business unit. If the person is a minor as defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of an animal for the purposes of this chapter.

Pet dealer shall mean any person who, in commerce, for compensation or profit engages in the sale of a dog(s) or cat(s) for use as a pet but who does not engage in breeding dogs or cats. This definition excludes humane societies, private animal nonprofit organizations, animal rescue organizations and shelters.

Pet shop shall be held to include any place of business where pet/companion animals (including small animals intended for use as reptile food) are kept for retail or wholesale purchase. Excluded are those animals regulated and controlled by the State Fish and Wildlife Conservation Commission. This definition excludes humane societies, private animal nonprofit organizations, animal rescue organizations and shelters.

Police work dog shall mean any dog owned by any State, County or municipal police department or any State or Federal law enforcement agency which has been trained to aid law enforcement officers and is actually being used for police work purposes.

Premises shall mean any parcel of land and the structures thereon.

Private animal nonprofit organization shall mean an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is sheltering, adopting, fostering, providing rescue or old age homes for dogs and/or cats or TNVR for cats. "Rescue" shall include legally receiving dogs and/or cats from shelters or owners, and providing medical or behavioral rehabilitation for placement into new homes. Breeding of rescue dogs or cats is prohibited.

Proper enclosure shall mean, while on the owner's property, a dog is securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to

prevent the dog from escaping. The pen or structure must have secure sides and a secure top to prevent the dog from escaping over, under, or through the structure and must also provide protection from the elements.

Psittacine bird means any member of the Psittacidae family of birds including but not limited to parrots, parakeets, and macaws.

Public road shall mean any street, sidewalk, alley, highway or other way open to travel by the public, including rights-of-way, bridges, common ground, easements and tunnels.

Quarantine shall mean the strict confinement, isolation and observation of an animal suspected of having rabies or any other infectious zoonotic disease.

Quarterly basis means the calendar quarters ending March 31, June 30, September 30, and December 31 each calendar year.

Return to field shall mean return to the place of origin, the vicinity of the place of origin or, as a last resort, to an alternative location if all reasonable options of return to the place of origin have been exhausted. This may be done by the Division, a non-profit animal welfare organization, or an individual on behalf of the Division and/or with the permission of the Division.

Secure enclosure shall mean a locked pen or structure constructed to prevent an animal from escaping over, under or through the enclosure. The enclosure shall have secure sides and a top.

Service animal shall mean any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. 12102, and 28 C.F.R. 35.104, as may be amended from time to time.

Severe injury shall mean any physical injury that results in broken bones, multiple bites or disfiguring punctures/lacerations requiring sutures or reconstructive surgery.

Shelter shall mean a governmentally operated animal care and control facility.

Stable, commercial shall mean those premises where:

- (1) More than four (4) equines are kept which do not belong to the owner or operator of the premises; or
- (2) Equines are kept for boarding, pasturing, breeding, riding, training, riding lessons, resale or rearing, and for which advertising is used to promote such activities. "Advertising" shall mean any written statement (excluding real property leasehold arrangements) made in connection with the solicitation of such businesses and includes without limitation, statements and representations made in a newspaper or other publication, or on radio or television or contained in any notice, handbill, business card, sign, catalog, billboard, brochure, poster or letter.

Stable, private shall mean those premises where up to four (4) equines are kept which do not belong to the owner or occupant of the premises.

Sterilization shall mean rendering an animal permanently incapable of reproduction by surgical or permanent chemical alteration, implantation of a device or other physical means, or because of physiological sterility, but only where sterilization has been certified by a veterinarian licensed in any state. The term sterilization is equivalent to the term spay for female animals or neuter for male animals.

Sterilized shall refer to an animal permanently incapable of reproduction.

Stray (noun) shall mean any animal that does not appear, upon reasonable inquiry, to have an owner.

Stray holding partner shall mean an animal rescue organization, humane society, or private animal nonprofit organization approved by the Director to hold dogs and cats during the stray hold period provided for in Section 4-12 and to return such animals to their owners or make such animals available for adoption in accordance with this chapter and any rules adopted by the Director to implement the stray hold partner program.

TNVR, also known as ~~trap~~ Trap, ~~neuter~~ Neuter (sterilize), ~~vaccinate~~ Vaccinate, ~~return~~ Return, shall mean a program whereby an un-owned free-roaming cat is humanely trapped, ~~spayed or neutered~~ sterilized, implanted with an EAID, vaccinated against the threat of rabies, ear-tipped and returned to field.

Unaltered shall mean an animal that has not been sterilized.

Unprovoked shall mean carried out without cause or reason. For the purpose of this chapter, an act is "unprovoked" if not instigated by the victim, whether the victim is a person or domestic animal.

(Ord. No. 98-22, § 2, 6-16-98; Ord. No. 05-044, § 1, 9-27-05; Ord. No. 08-004, pt. 1, 2-5-08; Ord. No. 2009-019, § 1, 7-21-09; Ord. No. 2011-005, § 1, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15; Ord. No. 2016-045, § 1, 9-27-16)

Sec. 4-3. Females in heat.

The owner or keeper of a female dog or cat in heat (estrus) shall humanely and securely confine such dog or cat indoors or in an enclosed and locked pen or structure to prevent the entry of a male dog or cat and ~~constructed~~ to prevent the female in heat from escaping. The only exception to this section is controlled and intentional breeding ~~purposes after acquisition of either a Hobby breeder or Commercial breeder permit.~~

(Ord. No. 98-22, § 3, 6-16-98)

Sec. 4-4. Dog and cat control.

- (a) *Dogs.* It shall be unlawful for any dog to be off the owner's property (which property is exclusive to the owner) unless the dog is under the restraint or control of a person by means of a leash or other device such as a cage, crate or vehicle in accordance with section 4-24, Animal care; manner of keeping. Dogs shall be exempted from the provisions of this subsection when:
- (1) Being used by law enforcement to perform law enforcement services;
 - (2) Performing services as a service animal, when necessary to be off leash to perform such services;
 - (3) Within a public space designated for dogs to be off-leash such as a dog park or public beach that allows dogs, provided the handler adheres to all rules instituted for such space; or
 - (4) Engaged in herding, hunting, registered field trials, obedience trials or an American Kennel Club or other similarly recognized show or competition and on property that they are lawfully permitted to be on.
- (b) A fine schedule for violations of this section shall be established by the Board by resolution. As a means to encourage owners to sterilize dogs, the following additional procedure has been implemented: When a first offense citation is issued to an owner of an unsterilized dog for violating paragraph (a) above, the Division is authorized to hold the citation for fifteen (15) working calendar days, allowing time for the owner to have said dog sterilized. If proof of sterilization is presented to the Division in this time period, the citation shall not be processed through the County court system, thus waiving the citation fine for the owner. If the Division is not presented proof of sterilization within fifteen (15) working calendar days, the citation will be processed.
- (c) Any dog found off the owner's property in violation of this section may be impounded by the Division and held for possible redemption in accordance with section 4-12, Redemption and adoption.
- (d) Any dog or cat that has bitten, attacked or threatened to bite or attack a human being or domestic animal while off the owner's property (which property is exclusive to the owner) may be impounded by the Division and held for possible redemption in accordance with section 4-12, Redemption and adoption. Such dog or

cat may be removed from the owner's property and impounded unless confined in a humane manner ~~within a secure building or enclosure and unable to come into contact with any person(s).~~

- (e) Any violation of this section that results in a human being or another domestic animal being injured and/or a vehicle accident, may result in a citation being issued with an enhanced penalty.

(Ord. No. 98-22, § 4, 6-16-98; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-5. Animals creating nuisances.

- (a) The owner having control or custody of any dog, cat or psittacine bird that:
- (1) Habitually barks, whines, howls, squawks or causes other objectionable oral noise resulting in a serious annoyance to a reasonable person, shall be deemed to be committing an act in violation of this section; or
 - (2) Disturbs the peace by habitually or repeatedly destroying, desecrating or soiling public or private property, chasing persons, livestock, cars or other vehicles, running at large, or other behavior that interferes with the reasonable use and enjoyment of the property, shall constitute a public nuisance.
- (b) An animal control officer shall investigate an alleged violation of this section upon the receipt of two (2) sworn affidavits of complaint provided by the Division, signed by two (2) unrelated County residents living in separate dwellings ~~in the close vicinity no more than 1000 feet of the alleged violation.~~ For the enforcement of paragraph (a)(2) herein, one (1) of the affidavits may be provided by a person who works for a recognized business or agency that regularly or frequently provides service in the close vicinity of the alleged violation. The affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known.
- (c) An animal control officer, upon the receipt of two (2) sworn affidavits of complaint as provided for in paragraph (b) herein, may issue a citation to the owner or custodian of any animal alleged to be in violation of this section.
- (1) Prior to enforcement action being taken, the animal control officer will mail a warning letter to the address where the animal resides. If the issue involves nuisance noise, the owner will be given 30 days to resolve the nuisance, however for all other forms of nuisance, the expectation shall be immediate correction.
 - (2) If nuisance noise violations persist, and are reported to the Division by the affiants between 31-90 days following the issuance of a warning letter, the letter will be deemed ineffective and a 1st offense citation will be issued based on the original affidavits.
 - (3) If continued nuisance noise violations are not reported until after 90 days of the issuance of a violation letter, new affidavits will be required to support the new time period, and a 1st offense citation will then be issued.
 - (4) Following the issuance of any citation for nuisance noise violations, the pet owner shall correct the violation immediately. If the issue is not corrected, the affected parties will be required to submit new affidavits, for the new time period, and additional citations will be issued.

(Ord. No. 98-22, § 5, 6-16-98; Ord. No. 2011-005, § 2, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-6. Scientific experimentation/animals as prizes.

- (a) It shall be unlawful for any person, firm, organization or corporation to deliver, sell, offer or give any animal to any person, firm, organization or corporation for scientific experimentation which involves any cruel or inhumane treatment.
- (b) It shall be unlawful for the Division to deliver, sell, offer or give any live animal to any person, firm, organization or corporation for scientific experimentation.
- (c) It shall be unlawful for any person, firm, organization or corporation to conduct scientific experimentation on animals which involves any cruel or inhumane treatment.
- (d) It shall be unlawful for any person or organization whether for profit, nonprofit, charity or any other purpose to offer an animal as a prize in response to participation in a game, contest, raffle, drawing of chance or any other similar event. ~~The South Florida Fair is exempt from this provision.~~

(Ord. No. 98-22, § 6, 6-16-98)

Sec. 4-7. Injured animals, action required.

- (a) It shall be unlawful for any person injuring any animal by any means, to fail to notify immediately the owner of the animal, the Division, or the appropriate police department if in an incorporated municipality, or the sheriff's office if in an unincorporated area.
- (b) It shall be unlawful for the owner of any injured animal to fail to provide veterinary care for that animal. Over the counter medications and holistic remedies may not be considered sufficient for the injuries sustained, unless directed by a Veterinarian licensed to practice in the state of Florida.

(Ord. No. 98-22, § 7, 6-16-98)

Sec. 4-8. Keeping/adopting stray animals.

- (a) It shall be unlawful for any person in the County to harbor or keep any stray or apparently lost animal unless he/she has notified the Division within twenty-four (24) hours from the time such animal came into his/her possession. Legal notification to the Division shall include effective communication with the Division's Lost and Found Coordinators and/or by properly using the Division's online Lost and Found portal. Upon receiving such notice, the Division may require the person to bring the animal to the Division for identification or sheltering, if necessary. It shall be unlawful for any person to refuse to surrender any such stray animal to an authorized representative of the Division upon demand of such representative.
- (b) ~~Adopting stray found animals.~~ The Division, at its sole discretion, may permit ~~residents~~ a person who possesses a stray, ~~dog or cat or~~ apparently lost animal, to keep the animal during the redemption period provided for in Section 4-12, Redemption and Adoption, provided that such person complies with all of the following: and who wish to provide it a permanent home, to legally adopt such animal by adhering to the following procedures:
 - (1) Within 48 hours, tTake the found stray animal to the Division, other authorized stray holding partner, or veterinary office to be scanned for an electronic animal identification device (EAID) and checked for a tattoo. ~~An exception to this requirement is for the potential adopter to take the dog or cat to a local veterinarian or another animal shelter to be scanned for an EAID and checked for a tattoo. Proof must be presented to the Division that these requirements have been met.~~

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- (2) Within 48 hours, provide the Division with clear identifying color photographs showing the animal from a side view and a front view. Each photograph must have a minimal dimension of three (3) inches by three (3) inches be of sufficient quality for an owner to clearly recognize the animal (if electronic a minimum of 1280 x 960 pixels). It is also recommended that the potential adopter place a "found" advertisement in at least one (1) local newspaper of general circulation.
- (3) Complete an official division "found" form, which provides all appropriate identifying information for the animal.
- (4) Sign an adoption agreement and pay all necessary fees and deposits. The prospective owner, at his/her option and expense, may make an appointment at the Division to secure the required vaccinations, tests, electronic animal identification device (EAID) and sterilization or may secure these requirements through a private veterinarian. All deposits will be refunded when proof is shown that the new owner has complied with these requirements.
- (5)(3) If the animal is or becomes injured or sick while under the potential adopter's care, that the person in possession of the animal shall be required to pay all obtain necessary veterinary expenses care for the animal or bring the animal to the Division so that appropriate care may be provided. If the adopter does not wish to pay for needed treatment, the animal must be relinquished to the Division. The potential adopter shall lose all rights and claims to the animal. If the animal is brought to the Division for veterinary care, the Division will determine whether the animal may be returned to said person.
- (6)(4) All potential adopters must agree to Relinquish the animal found dog or cat to the Division for return to its rightful owner after proof of ownership has been demonstrated and/or until such time as the Division approves and releases the animal to the new adopter. All potential adopters will also relinquish the found dog or cat to the Division upon request for any reason.
- (7) Such animal(s) may become the property of a person if the following requirements are also met:
- (c) A person who finds or cares for a stray or apparently lost animal who wishes to adopt the animal, after the above process has been followed and no owner has come forward, must:
- Submit an application to the Division and pay any applicable fees; Photographs and identifying information have been posted at the Division for ten (10) working days;
 - The animal has been given Obtain a rabies inoculation and County tag for the animal, if applicable;
 - The animal has been Have the animal sterilized; and
 - The animal has been Have the animal implanted with an electronic animal identification device (EAID). The requirements herein must be secured within thirty (30) calendar days after the Division approves the adoption application. Extensions may be granted by the Division for reasonable requests. Any deviation from these adoption requirements by the potential adopter will void the adoption.

A prospective adopter, at his/her option and expense, may make an appointment at the Division to secure the above-cited services or may secure these services through a private veterinarian. If a dog or cat is adopted prior to sterilization, the adopter shall enter into a consent agreement between the Director or designee and the adopter guarantees that sterilization will be performed within 30 days of adoption and pay a deposit in accordance with Section 823.15, Florida Statutes. The deposit will be refunded upon the Division's receipt of evidence from the veterinarian performing the sterilization that the dog or cat has been sterilized. The requirements herein must be secured within thirty (30) calendar days after the Division approves the adoption application. Extensions may be granted by the Division for reasonable requests. Any deviation from these adoption requirements by the potential adopter will void the adoption, in which case the animal must be immediately relinquished to the Division.

At its discretion, the Division may refuse an adoption of an animal if it is determined that the adoption is not in the best interest of the animal or the health, safety and general welfare of the public. Factors to be considered may include those factors set forth in section 4-12(d), Redemption and adoption, of this chapter.

(Ord. No. 98-22, § 8, 6-16-98; Ord. No. 01-065, § 2, 10-2-01; Ord. No. 01-065, § 2, 10-2-01; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-9. Animal waste.

The owner of every dog and cat shall be responsible for the removal of any feces deposited by his/her animal on public property, public walks, public beaches, recreation areas, common areas, or private property of others.

(Ord. No. 98-22, § 9, 6-16-98)

Sec. 4-10. Rabies vaccinations.

- (a) Every person who is the owner of any dog, ~~or cat, or ferret~~ shall have such animal vaccinated against rabies with a vaccine approved by the United States Department of Agriculture in accordance with F.S. § 828.30. The duration of the vaccination shall be according to the approved label accompanying the vaccine as it applies to the particular species and age of the dog, ~~or cat, or ferret~~.
- (b) Every person who visits the County with any dog or cat for a period of thirty (30) calendar days or less shall be deemed in compliance with this section by furnishing a current, valid certificate of rabies vaccination issued in accordance with the laws of the jurisdiction in which they permanently reside. Dogs and cats without a current certificate of rabies vaccination must receive a rabies inoculation and be issued a County vaccination certificate.
- (c) Every dog or cat that is relocated to the County for a period of more than thirty (30) calendar days, must have a current valid certificate of rabies vaccination. The information contained on that certificate must be substantially the same as the County rabies vaccination certificate or the dog and/or cat owner must secure a rabies vaccination and a County certificate of vaccination.
- (d) Evidence of a rabies vaccination shall consist of a fully completed County rabies vaccination certificate signed by the veterinarian administering the vaccine. The Division shall provide the certificates to be used by the veterinarians. One (1) copy of the certificate shall be retained by the veterinarian for at least one (1) year after the vaccination expires and the other copies shall be distributed by the veterinarian to the owner and animal care and control as directed by the Division.
- (e) As a means to encourage owners to vaccinate their dogs and cats against rabies: When a first offense citation is issued to an owner of an unvaccinated dog or cat the Division is authorized to hold the citation for fifteen (15) calendar days, allowing time for the owner to have said dog or cat vaccinated. If proof of vaccination is presented to the Division within this time period, the citation will be administratively dismissed by the Division. If the Division is not presented proof of vaccination within fifteen (15) calendar days, the citation will be processed.

(Ord. No. 98-22, § 10, 6-16-98; Ord. No. 08-004, pt. 2, 2-5-08)

Sec. 4-11. Dog and cat rabies/license tags.

(a) *Dogs and cats.*

- (1) Every person who is the owner of any dog ~~or cat six (6) four (4) months of age or older~~ ~~or cat four (4) months of age or older~~ shall secure from the Division or an authorized veterinarian/clinic a ~~dog or cat~~

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rabies/license tag in accordance with the schedule in subsection (a)(6). The Division shall provide suitable tags for sale through authorized veterinarians/clinics.

- (2) No rabies/license tag ~~for dogs or cats~~ shall be issued or renewed until evidence of vaccination for rabies by a licensed veterinarian has been presented. Upon vaccinating a dog or cat against rabies, authorized veterinarians/clinics shall have available for purchase by the ~~dog or cat~~ owner, a County rabies/license tag. The rabies/license tag shall be valid for one of the following: one (1) year from the date of vaccination and must be renewed annually if the rabies vaccination is only approved for one (1) year; three (3) years from the date of vaccination and must be renewed every three (3) years if the rabies vaccination is approved for three (3) years; or a lifetime if the pet receives a three (3) year vaccination and maintains current rabies vaccinations for the pet's lifetime with proof sent to the Division within 30 days of each vaccination date and the pet has a microchip (E.A.I.D.) registered with the Division. No rabies/license tag shall be valid after the expiration of the rabies vaccination, regardless of the date of issuance.
- (3) Failure to secure and purchase a new license tag within thirty (30) calendar days after the previous tag expires will result in a late penalty. The Board is hereby authorized to establish by resolution the cost for the late penalty. Failure to secure and purchase a new license tag within 30 days after a three (3) year vaccination or to comply with all conditions set forth in Section 4-11(2) will result in the loss of the lifetime tag option.
- (4) All dogs shall be required to wear a valid County license tag. The license tag shall be securely fastened about the dog's neck by a collar, harness or other substantial device so as to be clearly visible at all times. Dogs housed in a secure enclosure may be exempt from wearing the required license tag while kept in the enclosure, as long as the tag is securely fastened to a collar/harness and that device is attached to the enclosure. Dogs participating in a registered field trial, obedience trial, conformation show and/or match are not required to wear such tags during the time of the event.
- (5) All cats, other than community cats, shall be required to wear a valid County license tag. The license tag shall be securely fastened around the cat's neck by a collar, harness or other substantial device so as to be clearly visible at all times. Cats, other than community cats, may be exempt from wearing the required license tag while kept in a secure enclosure as long as the tag is securely attached to the enclosure or while within the owner's residence as long as the tag is provided to an officer upon request.
- (6) Every person who owns a dog or cat in the County shall be required to secure a ~~dog or cat~~ rabies/license tag pursuant to the following schedule:
 - a. On or before the date a dog or cat is ~~six (6)~~ four (4) months of age ~~or cat is four (4) months of age.~~
 - b. Within thirty (30) calendar days of acquiring a dog or cat; or
 - c. Within thirty (30) calendar days after a dog or cat enters the County.
- (7) All authorized veterinarians/clinics shall have County rabies/license tags available for purchase by dog or cat owners or their agents who present evidence to the veterinarian that the dog or cat has been vaccinated against rabies pursuant to section 4-10, Rabies vaccinations. For a one-year or three-year vaccination, the effective date of the license tag shall be the date on which the dog or cat was last vaccinated against rabies. For a three-year vaccination, the effective date will be one (1) and two (2) years following the date of vaccination. In no case shall the rabies/license tag be effective for more than one (1) year. Persons purchasing lifetime tags are responsible for sending in proof of current rabies vaccination within thirty (30) calendar days of each vaccination to the Division to maintain the lifetime tag. Failure to do so will result in the loss of the lifetime tag.

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- (8) Active law enforcement dogs that are currently owned by a Federal, State, County, or Municipal law enforcement agency are exempt from county license tag requirements.
- (9) In the event that a licensed veterinarian has determined that a rabies vaccination would endanger an animal's health because of age, infirmity, disability, illness, or other medical considerations, that animal will be exempt for the license tag requirement. However, such animal must be vaccinated against rabies and obtain a license tag as soon as its health permits.
- (b) *Reserved.*
- (c) All authorized veterinarians/clinics and authorized representatives shall remit payment for rabies/license tags sold according to procedures established by the Division. All authorized veterinarians/clinics and representatives are encouraged to issue one (1) business check monthly for rabies/license tags sold. Failure to follow the procedures established by the Division will result in the requirement that a business check from the authorized entity be issued to the Division on a monthly basis. A monthly rabies/license tag report form for purposes of tabulating tags sold and amount owed shall be supplied by the Division.
- (d) *Schedule of fees and payments.* The Board is hereby authorized to establish by resolution:
- (1) A schedule of fees for all license tags.
 - (2) A schedule of payments or handling fees to authorized veterinarians/clinics and representatives who participate in the sale of dog and cat license tags.
- (e) *General license tag requirements for dogs and cats.*
- (1) The address of the owner shall be presumed to be the abode of the dog or cat. All changes of address must be reported to the Division within thirty (30) calendar days following such change.
 - (2) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be reported in writing to the Division by the new owner within thirty (30) calendar days after ownership changes.
- (f) As a means to encourage owners to license their dogs and cats: When a first offense citation is issued to an owner of an unlicensed dog or cat, the Division is authorized to hold the citation for fifteen (15) calendar days, allowing time for the owner to have said dog or cat licensed. If proof of licensure is presented to the Division within this time period, the citation will be administratively dismissed by the Division. If the Division is not presented with proof of licensure within fifteen (15) calendar days, the citation will be processed.
- (Ord. No. 98-22, § 11, 6-16-98; Ord. No. 08-004, pt. 3, 2-5-08; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-12. Redemption and adoption.

- (a) *Cats with an identified owner and dogs.* All cats with an identified owner and dogs that have been impounded at the Division or at a stray holding partner site shall be held for redemption by the owner for a ~~minimum of four (4) business days~~ 72 hours that the Division or stray holding partner is open for public access. Notwithstanding the foregoing, ~~whenever if~~ a cat with an identified owner or dog is so injured or diseased as to appear to be suffering and it reasonably appears that such cat with an identified owner or dog is imminently near death or cannot be cured or rendered fit for service and the Division makes a reasonable and concerted, but unsuccessful, effort to locate the owner of the cat with an identified owner or dog or the owner's agent, then the Division, acting in good faith and upon reasonable belief, may humanely euthanize the cat with an identified owner or dog upon the advice of the Division's veterinarian. If the Division locates the owner or the owner's agent, the Division shall notify him or her of the said cat with an identified owner or dog's location and condition and such person shall either immediately redeem and provide care for the cat ~~with an identified owner or dog~~ or relinquish the cat ~~with an identified owner or dog~~ to the Division. The Division shall be required to attempt to contact the owner of any cat with an identified owner or dog impounded wearing a tag, exhibiting a recognizable tattoo, or implanted with an electronic animal

identification device (EAID). Those cats with an identified owner or dogs not claimed within ~~four (4) business days~~ 72 hours (that the Division or the stray holding partner is open for public access) by the owner shall become the property of the County or the stray holding partner and may be placed for adoption, transferred to a humane society or private animal nonprofit organization, placed in foster care or disposed of in a humane manner. Impounded cats with an identified owner or dogs that are infected with a contagious disease that poses a threat to the animals or staff at the shelter or to the public may be immediately humanely euthanized. The provisions of this section do not apply to community cats, which are addressed in section 4-35, Community cats.

- (b) *Cats without identification.* All cats without identification such as a tag, a recognizable tattoo or EAID that are impounded by the Division ~~shall~~ will be immediately processed for adoption, returned to field, transferred to a humane society or private animal nonprofit organization or ~~placement~~ placed in foster care. Notwithstanding the foregoing, whenever such cat is injured or diseased and appears to be suffering and it reasonably appears that such cat cannot be expeditiously cured and ~~returned to field, transferred to a humane society or private animal nonprofit organization or placed in foster care~~, then the Division, acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of a ~~the Division's~~ veterinarian. Cats impounded under this subsection that are infected with a contagious disease that poses a significant threat to the animals or staff at the shelter or to the public may be immediately humanely euthanized. Nothing in this section shall be construed to prohibit the Division from humanely euthanizing any cat that is irremediably suffering.
- (c) *Exotic animals.* Any exotic animal that is impounded and believed to be an escaped pet, will be held for purposes of redemption for a minimum of 72 hours that the Division is open for public access. If no owner has come forward during such time, the Division will permanently place the animal with an appropriate organization or euthanize it, if appropriate to do so depending on species and other factors. The Division reserves the right to immediately euthanize any invasive species that is impounded, if it is not believed to have an owner. Notwithstanding the foregoing, any other exotic species that may have specific permit requirements for possession with other State or Federal agencies and that the Division cannot satisfy, will immediately be transferred to appropriate facilities for disposition or humanely euthanized.
- (d) Impounded animals shall be released when the following conditions have been satisfied:
- (1) *Proof of ownership.* Proof of ownership shall be established by way of a license and rabies vaccination certificate, bill of sale, photograph, affidavits from neighbors, or other reliable documentary evidence. The Division may also require a sworn statement of ownership. Failure to provide satisfactory proof of ownership shall constitute grounds for the Division to refuse to release an animal to a person claiming to be the owner.
 - (2) *Rabies vaccination and license tag.* No dog or cat shall be released from the Division without a current rabies vaccination and license tag unless the Division's veterinarian has determined that the vaccination would endanger the animal's health because of age, infirmity, disability, illness or other medical considerations. Such animal must be vaccinated against rabies as soon as its health permits. Notwithstanding the foregoing, community cats must be vaccinated against rabies but are exempt from the requirement to obtain a license tag.
 - (3) *Electronic animal identification device (EAID).* No dog or cat shall be released to the owner unless it has been implanted with an electronic animal identification device (EAID) at the owner's expense. No dog or cat shall be released for adoption unless it has been implanted with an EAID.
 - (4) *Fees and costs.* The owner of an impounded animal shall pay all impoundment fees, daily boarding costs, medical expenses and other costs related to such impoundment prior to release of the animal. These fees shall be established by the Board. Notwithstanding the foregoing, if the owner of an unaltered dog or cat agrees to have the animal spayed or neutered prior to release from the Division, the owner shall pay the impoundment/redemption fee established by the Board for sterilized animals.

During overcrowding crisis periods at the shelter, the Division shall have the ability to forgive some or all fees should the owner have a legitimate financial burden but is able to prove provision of the appropriate care of the animal.

~~(d)~~(e) The Division shall have the authority to approve or decline the adoption or release of any animal in its custody or responsibility. At its discretion, the Division may refuse an adoption or the release of an animal if it is determined that the adoption or release is not in the best interest of the animal or the health, safety and general welfare of the public. Factors to be considered may include, but are not limited to the following:

- (1) Property and/or lease restrictions.
 - ~~(2)~~ Insufficient personal identification or address verification.
 - ~~(3)~~ Previous or current reported animal offenses or citations.
 - ~~(4)~~ Failure to fulfill requirements of previous animal adoptions.
 - (5) Number of animals presently owned.
 - ~~(6)~~ Conditions under which the animals are ~~is~~ to be housed.
 - ~~(7)~~ Disposition/temperament of animal ~~to be adopted~~.
 - ~~(8)~~ Observations and determination of field investigator.
 - ~~(9)~~ Prior adjudication withheld on, plead nolo contendere, or convictions for of animal cruelty or abuse (with or without inclusion on the Florida Department of Law Enforcement's database of documented "Aggravated Animal Cruelty" offenders), sexual activities involving animals, child abuse, or domestic violence. Prior convictions for animal cruelty or abuse, with or without inclusion on the Florida Department of Law Enforcement's database of documented "Aggravated Animal Cruelty" offenders.
 - ~~(10)~~ Prior removal of an animal for neglect or mistreatment under F.S. § 828.073.
 - ~~(11)~~ Relinquishment of ownership of an animal(s) within the past year or history of relinquishing ownership of animal(s) on more than one (1) occasion.
 - ~~(12)~~ Outstanding fees, costs or fines owed to the Division.
- ~~(f)~~ All unsterilized dogs or cats released by the Division to owners with an agreement that the animal return for sterilization at a later time, must be brought back for sterilization as agreed or sterilized by a private veterinarian within the time limits prescribed by the Division. Failure to sterilize any dog or cat as agreed at the time of redemption, will be a violation of this section.

Sec. 4-13. Adoption fees and sterilization requirements for dogs and cats.

- (a) The Division shall be responsible for sterilizing every dog and cat prior to release for adoption except those dogs or cats that are a medical or surgical risk or that are transferred to a humane society or private animal nonprofit organization that has agreed to have the dog/cat sterilized prior to adoption or return to field. Notwithstanding the foregoing, if an animal cannot be sterilized at the time of adoption due to a medical or surgical risk, the adopter shall execute a written agreement guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The adopter shall provide a sufficient deposit as authorized by the Board by resolution, which deposit shall be refundable upon presentation to the Division of written evidence from the veterinarian performing the sterilization that the animal has been sterilized. Failure by the adopter to timely comply with the provisions of this paragraph shall result in the deposit being forfeited to the Division and shall be a violation of this Chapter. Any legal fees or court costs used for the enforcement of this paragraph are the responsibility of the adopter. Upon the request of a licensed veterinarian, and for a valid reason, the Division may extend the time limit within which the animal must be sterilized.

~~(b) Adopted dogs and cats not initially sterilized must be sterilized by the Division or a private veterinarian within thirty (30) days from the date of adoption. Upon the written request of a licensed veterinarian, and for a valid reason, the Division shall extend the time limit within which the animal must be sterilized.~~

~~(e)(b)~~ A fee for adoption shall be set by the Board by resolution. No portion of the adoption fee shall be refunded for sterilization performed by a private veterinarian.

~~(d)(c)~~ Any transfer of ownership of an adopted animal shall not occur until such animal has been sterilized and proof of sterilization has been provided to the Division.

(Ord. No. 98-22, § 13, 6-16-98; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-14. Records.

The Division shall keep records of the impoundment and disposition made of all animals under the control of the Division and shall record the relevant dates, names and addresses of persons to whom any animals are released.

(Ord. No. 98-22, § 14, 6-16-98)

Sec. 4-15. Humane education.

(a) It is hereby considered to be a valid public purpose to educate the population of the County concerning the law and the proper care and respect for animals. In accordance with this duty, the Division shall make adequate provision for conducting appropriate educational programs.

~~(b) In order to educate the population of the County concerning the law and the proper care and respect for animals, tThe Division shall may prepare a pamphlet codifying local animal laws current in the County and shall make copies of this available upon request educational material that may be provided to the public at no charge and post relevant information on its website.~~

(Ord. No. 98-22, § 15, 6-16-98)

Sec. 4-16. Animal bites and quarantining; rabies control.

(a) A rabies control program, including the investigation of all reported animal bites, may be carried out through a mutual agreement with the Florida Health Department using the requirements of Florida Department of Health Rules and Regulation, Chapter 64 D-3, Florida Administrative Code, and this chapter as a basis for enforcement and program implementation.

~~(b) Any dog, or cat, or ferret without a current rabies vaccination that has bitten, is believed to have bitten or has otherwise exposed a person to rabies or is suspected of having rabies shall be quarantined for rabies observation. The owner of such dog or cat animal shall relinquish control of the dog or cat animal for the purpose of quarantine at a location approved by the Division. The dog or cat animal shall be quarantined at the owner's expense for a period of ten (10) days from the date of the bite at the Division or at an approved holding facility of a local veterinarian. It shall be unlawful for any person to fail to surrender any such dog or cat animal for rabies quarantine. Additionally, it shall be unlawful for any person to fail to inform the Division of any such dog or cats animal's whereabouts if the owner has relinquished possession of said dog or cat animal or caused said dog or cat animal to be taken from the owner's premises.~~

At the Division's and/or the County Florida Health Department's sole discretion, the animal may be allowed to complete the quarantine while secured inside the owner's home, if the animal's health could be compromised by completing the quarantine at the Division, the owner can sufficiently confine the animal,

and if allowing a home quarantine will not pose a risk to public safety. Permission for a home quarantine may be revoked at any time.

- (c) Any ~~dog, or cat, or ferret~~ with a current documented rabies vaccination that has bitten, is believed to have bitten or has otherwise exposed a person to rabies may be quarantined at home. The Division and/or the County Florida Health Department shall have the authority to grant or deny permission for home quarantine privilege. If at any time during the quarantine period the Division determines that the owner of the ~~dog or cat animal~~ is not able to sufficiently confine the ~~dog or cat animal~~, the owner shall relinquish control of the ~~dog or cat animal~~ to the Division. The ~~dog or cat animal~~ will be confined in the custody of the Division or at an approved holding facility of a local veterinarian for the remainder of the quarantine period at the owner's expense.
- (d) Any animal other than a ~~dog, or cat, or ferret~~ which has bitten, is believed to have bitten or has otherwise exposed a person to rabies or is suspected of rabies shall be relinquished into the custody of the Division by the owner pending a determination of final disposition by the Florida Health Department.
- ~~(e)~~ If it is determined that a dog has bitten a person, the Division shall have the authority to require the owner to visibly display a sign(s) at the owner's expense on the property at all entry points warning that there is a "bad" dog on the premises. The owner shall comply with the sign requirement within forty-eight (48) hours of notification by the Division.
- ~~(f)~~(e) It shall be unlawful for any person to feed or fail to take appropriate precautions to prevent unintentional feeding of any wild raccoon, fox or coyote.
- ~~(g)~~(f) The following fees shall be imposed, in amounts set forth by resolution of the Board, for carrying out the rabies control program:
- (1) *Animal bite coordinator fee.* Owners whose animals have been reported to have bitten any person, shall be charged a fee ~~when the~~ for the services of an animal bite coordinator. The animal bite coordinator gathers is able to obtain all necessary information by telephone, correspondence or records at the Division, to determine the vaccination status and quarantine requirements for the animal. Such fee shall not be assessed in those instances where the owner and the victim are the same, or within the immediate family or living in the same household and the animal has a current rabies vaccination.
 - (2) *Field officer fee.* Owners whose animals have been reported to have bitten any person, shall be charged a fee, ~~in addition to the Animal bite coordinator fee,~~ when the animal bite coordinator conducts work, ~~however~~ is not able to obtain all necessary information pursuant to section 4-16(h)(1) herein and an animal control officer is dispatched to secure or obtain the required bite information.
 - (3) *Transportation fee.* Owners whose animals have been reported to have bitten any person and who are required to have such animal quarantined at an approved quarantine facility, shall be charged a transportation fee ~~when the owner has failed to transport said animal to a quarantine facility within twenty-four (24) hours after notification, requiring situation requires~~ transportation by the Division.
 - (4) *Quarantine release fee.* At the end of each quarantine period for rabies observation, owners whose animals have been reported to have bitten any person are required to call the Division to verify that said animal is alive and healthy to assure that it is free of rabies infection. A quarantine release fee shall only be charged when the owner fails to call or the Division is unsuccessful at reaching the owner by phone within forty-eight (48) hours following the expiration of the quarantine period, requiring an animal control officer to ~~observe the animal~~ be dispatched for the purpose of verifying that the animal is alive and well.
 - (5) *Quarantine at the Division fee.* Owners whose animals are quarantined at the Division for a rabies quarantine shall be charged a quarantine fee, which shall be paid by the owner at the beginning for the

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(Supp. No. 124, Update 2)

quarantine period. The owner shall be responsible to pay for any medical care provided during the quarantine period at the conclusion of the quarantine period.

~~(h)(g)~~ Except as provided in subsection (gf)(5), an invoice reflecting fees imposed pursuant to this section shall be sent to the owner of the animal. Payment shall be made by the owner within thirty (30) days of receipt of said invoice. ~~Failure to pay within such time shall constitute a violation of this chapter, punishable as provided in section 4-30, Violations, civil infractions, civil penalties. Unpaid fees may be sent to collections or collected by any means available at law.~~

~~(i) An invoice reflecting fees imposed pursuant to this section shall be sent to the owner of the animal. Payment shall be made by the owner within thirty (30) days of receipt of said invoice. Failure to pay within such time shall constitute a violation of this chapter, punishable as provided in section 4-30, Violations, civil infractions, civil penalties.~~

(Ord. No. 98-22, § 16, 6-16-98; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-17. Reserved.

Editor's note(s)—Ord. No. 2015-027, § 1, adopted June 23, 2015, repealed § 4-17 which pertained to placement and impoundment of honeybee hives and derived from Ord. No. 98-22, § 17, adopted June 16, 1998.

Sec. 4-18. Guard dogs.

(a) *Guard dog permit.*

- (1) Any person seeking to operate a guard dog service or who owns a dog that such person is seeking to use for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment in Palm Beach County shall obtain a guard dog permit.
- (2) A guard dog permit is valid for a period of twelve (12) months from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to expiration.
- (3) A guard dog permit is not transferable, assignable, or refundable.
- (4) The guard dog permit fee shall be established by the Board by resolution.

(b) *Obtaining a guard dog permit.*

- (1) A person seeking a guard dog permit shall apply to the Division on a form approved by the Division.
- (2) The permit application shall include but is not limited to the following information:
 - a. The name, address and telephone number of the applicant and a description of the location(s) at which guard dogs will be maintained;
 - b. A statement as to whether the applicant or any officer or employee of the guard dog service has ever been ~~convicted of an offense involving cruelty to animals~~ charged or convicted of, had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or has had a final judgment entered against that person under Florida Statutes § 828.073 or any other statute prohibiting animal neglect or mistreatment. Case names and numbers must be included in the application;
 - c. The breed, sex, age, color(s), guard dog license tag number, and electronic animal identification device (EAID) number of each dog that will be used as a guard dog;

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- d. If applicable, a complete list containing the name, address, and telephone number of every customer procuring the use of a guard dog and the physical location of every guard dog (identified by license tag number), if different than the customer's address;
 - e. The name, address and telephone number of the applicant's veterinarian(s);
 - f. The name, address and telephone number(s) of the person(s) responsible for training and/or providing food, water, exercise and care to each guard dog; and
 - g. If applicable, proof of business tax receipt from the Palm Beach County Tax Collector.
- (3) The permit applicant shall complete an application, supply all information requested by the Division, and pay the applicable permit fee established by the Board by resolution. No application shall be deemed complete and reviewable until the permit fee is paid.
 - (4) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications.
- (c) *Permit denial, revocation, and suspension.*
- (1) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is determined by the Division that:
 - a. There has been a material misstatement or misrepresentation in the permit application or in any information or documents required to be maintained or provided to the Division;
 - b. The applicant/permit holder has been cited for at least two (2) violations of this chapter within a one-year period, each resulting in the imposition of a fine;
 - c. The applicant/permit holder has failed to pay a fine or to request a hearing in County Court to answer the charges of a citation within thirty (30) days of issuance of the citation;
 - d. The applicant/permit holder, his/her employee, or an officer of the guard dog service has been convicted of a violation of law involving cruelty to animals or had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, domestic violence, or has had a final judgment entered against him/her pursuant to Florida Statutes § 828.073 or a comparable statute; or
 - e. An animal under the care and responsibility of an applicant/permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death.
 - f. The facility has unresolved citations for a violation of section 4-24, Animal care; manner of keeping.
 - (2) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review and inspection, the permit fee shall be refunded as provided by the Board by resolution.
- (d) *Appeal process.*
- (1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal the adverse action to a Special Master by filing a written notice of appeal and appeal bond with the Division within ten (10) days of issuance of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.
 - (2) The appeal will be heard by a Special Master within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal may be continued by

the Division, the Special Master, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

- (3) Unless otherwise provided herein, the hearing before the Special Master shall be governed as provided in section 4-30, Animal Care and Control Special Master hearing.
- (4) The denial, revocation, or suspension of the permit shall be upheld or reversed by the Special Master.

(e) *Requirements following notice of adverse action and/or appeal process.*

- (1) If the notice of denial, revocation or suspension of a guard dog permit is not appealed within ten (10) days after the notice of adverse action is issued, the applicant or permit holder shall immediately cease and desist operation of a guard dog service or use of a guard dog for the purpose of defending, patrolling or protecting property or life at any nonresidential establishment in Palm Beach County.
- (2) Any person whose permit has been revoked may not reapply for a period of one (1) year.
- (3) Each reapplication for a permit shall be accompanied by a fee to be established by the Board by resolution.
- (4) Any person with a guilty adjudication of animal cruelty within the past five (5) years may not hold a permit to operate a guard dog service in the County.

(f) *Registration of guard dogs.*

- (1) Guard dog services and guard dog owners shall annually register each guard dog owned or used in Palm Beach County with the Division. The registration shall include the following for each dog:
 - a. Name, address and telephone number of the owner and/or manager;
 - b. The breed, sex, weight, age and color(s) of the guard dog;
 - c. A color photograph of the guard dog;
 - d. Other distinguishing physical features of the guard dog;
 - e. Certification of rabies vaccination;
 - f. The guard dog license tag number;
 - g. The guard dog's electronic animal identification device number (EAID);
 - h. Proof of ownership (i.e., bill of sale, receipt or notarized affidavit) including the name and address of the person from whom the dog was obtained;
 - i. A notarized affidavit signed by the previous owner acknowledging that the dog will be used as a guard dog. This requirement may be waived if the dog has been previously registered to the guard dog owner for more than one (1) year in the County.
 - j. A current certification from a veterinarian who is licensed in Florida stating that the guard dog has been examined and is healthy and physically fit to perform service as a guard dog. The owner shall obtain the certification form from the Division and shall provide it to the examining veterinarian for completion.
- (2) At least every six (6) months, each guard dog shall be examined by a veterinarian who is licensed in Florida to determine whether the dog is healthy and physically fit to perform service as a guard dog. The owner shall obtain the certification form from the Division, shall provide it to the examining veterinarian for completion, and, upon completion, shall provide it to the Division.
- (3) Newly acquired dogs shall be immediately vaccinated against rabies, tagged and registered with the Division as a guard dog before being used as a guard dog.

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- (4) The fee to register a guard dog with the Division shall be established by the Board by resolution.
 - (5) A guard dog license tag shall be an annual requirement. The guard dog license tag is available only through the Division. The fee for a guard dog license tag shall be established by the Board by resolution. The guard dog tag shall be worn at all times or shall be fastened to each guard dog's enclosure when the guard dog is inside it.
 - (6) No dog shall be used as a guard dog unless and until the dog has been registered with the Division.
 - (7) No dog shall be registered or used as a guard dog if a veterinarian deems that the dog is physically unfit to perform service as a guard dog.
 - (8) No dog shall be used as a guard dog while it is pregnant or lactating.
 - ~~(9) If any dog is used as a guard dog prior to being registered, a double registration fee shall be imposed to register the guard dog.~~
 - ~~(10)~~(9) Each guard dog must be implanted with an EAID used and approved by the Division.
 - ~~(11)~~(10) *Maintenance of guard dog registration system; transfer, death, disappearance, and rabies inoculation as affecting registration system.* The Division shall maintain a guard dog registration system which shall contain all data required by the Division. Immediately upon transfer of ownership, death or disappearance of a guard dog, the guard dog service or guard dog owner shall notify the Division. Upon receipt of the information, the appropriate entry shall be made in the guard dog registration system. If the dog has disappeared, an entry should be made to reflect the location of such disappearance.

(g) *Inspection/records.*

- (1) It shall be a condition of the issuance of any guard dog permit and guard dog registration that officers of the Division shall at any reasonable time, unannounced, have the right to enter the premises and inspect:
 - a. All dogs and all premises where such dogs are trained, in use, or kept.
 - b. All records for each guard dog including but not limited to vaccination, veterinary, and medical treatment records.
 - c. All records concerning the training, sale, or use of a guard dog.
- (2) Refusal to allow inspection of a guard dog, premises, or records shall be a violation of this chapter.
- (3) Guard dog services shall require any customer that procures the use of a guard dog to sign an agreement authorizing officers of the Division to perform unannounced inspections of any guard dog and premises where the guard dog is being used as a guard dog.
- (4) Guard dog services shall maintain records identifying the name, address, and telephone number of each customer procuring the use of a guard dog and the physical location of each guard dog (with registration number), if different than the customer's address.
- (5) On a bi-weekly basis, guard dog services shall provide the Division with complete records identifying the name, address, and telephone number of every customer procuring the use of a guard dog and the physical location of every guard dog (with license tag number). The method of reporting shall be as directed by the Division.
- (6) Guard dog services and guard dog owners shall immediately notify the Division in writing when a guard dog is temporarily or permanently removed from service due to sickness, injury, a medical condition, or death.
- (7) Guard dog services and guard dog owners shall maintain records of the acquisition, transfer of ownership, death, or disappearance of a guard dog.

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- (8) The records required to be maintained herein shall be maintained for a period of at least two (2) years from the date of creation and shall be provided to the Division upon request unless otherwise provided herein.
- (h) *Transportation of guard dog.*
- (1) Every vehicle transporting a guard dog must be clearly marked, showing that it is transporting a guard dog. A compartment separate from the driver is required and shall be arranged to ensure maximum ventilation for the dog.
 - (2) No guard dog shall be transported in the trunk of a car. No guard dog shall be transported in the open bed of a truck unless the guard dog is inside a sturdy well ventilated crate that is large enough for the dog to comfortably stand up with its head fully raised and lie down and turn around and is securely fastened within the bed of the truck to prevent movement of the crate. The crate must be protected from the extremes in weather so as to not compromise the welfare of the guard dog.
 - (3) No guard dog shall be transported in violation of section 4-24(h), Animal care; manner of keeping.
- (i) *General requirements for guard dogs.*
- (1) Guard dog enclosures shall be a minimum of one hundred (100) square feet if one (1) dog is present and one hundred fifty (150) square feet if two (2) dogs are present. No more than two (2) dogs shall be maintained in an enclosure.
 - (2) Only compatible dogs may be kept in the same enclosure. Appropriate resources such as food, water, and bedding must be provided to minimize competition or resource guarding and ensure access by all cohoused animals.
 - (3) Unaltered dogs of the opposite sex shall not be maintained in the same enclosure unless the guard dog service or guard dog owner has an appropriate breeding permit issued by the Division.
 - (4) The guard dog enclosure shall be made of chain link or similar material with a solid roof over the entire enclosure. The enclosure shall contain a shelter inside the enclosure large enough to allow all dogs present to comfortably stand up, turn around and lie down in the shelter simultaneously. The shelter within the enclosure shall provide protection from the direct rays of the sun and direct effect of the wind and rain, a wind and rain break and provide ventilation. The shelter shall be raised off the ground at least six (6) inches, have a solid roof, have flooring made of a nonporous easily cleanable surface, have at least three (3) covered sides and an opening large enough for each guard dog to access the shelter, have adequate ventilation with windows or openings to allow air to circulate, and have fans or an air conditioning unit as required by this chapter. Enclosures or shelters that are covered on all sides in a manner that prevents adequate ventilation are prohibited.
- The enclosure and shelter within the enclosure must be structurally sound, kept in good repair, must be constructed and maintained such that it:
- a. Has no sharp points or edges that could injure the dog.
 - b. Protects the dog from injury.
 - c. Enables the dog(s) to remain dry and clean.
 - d. Provides shelter from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dog.
 - e. Has floors that are constructed in a manner that protects the dog's feet and legs from injury, and that, if of mesh or slatted construction, does not allow the dog's feet to pass through any openings in the floor.

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- (5) The shelter enclosure shall have clean, dry bedding or a reasonably soft comfortable surface for each dog to lie down on to prevent a dog from getting calluses or pressure sores.
 - (6) When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit guard dogs must be provided air conditioning or, at minimum, one (1) twenty-inch electric fan directed into enclosure and one (1) twenty-inch electric fan directed into the shelter within the enclosure. When the temperatures fall below forty (40) degrees Fahrenheit, guard dogs must be moved indoors or provided adequate heating in their enclosure and shelter to maintain temperatures above forty-five (405) degrees Fahrenheit.
 - (7) Guard dog enclosures and the area immediately surrounding the enclosures shall be cleaned at least once a day to remove any excrement ~~and to sanitize all surfaces coming into contact with a guard dog~~ food waste and excrement to prevent soiling of the dogs ~~and to reduce disease hazards, insects, pests, and odors~~. Standing water must be removed, and animals must be protected from coming into contact with contaminated water and other waste during cleaning. All surfaces coming into contact with a guard dog including the primary enclosure and food and water receptacles must be appropriately sanitized at least weekly but as often as necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards. Materials that cannot be sanitized via live steam under pressure washing with hot 180F water and soap or detergent, or use of a detergent/disinfection product followed by a clean water rinse, must be sanitized by removal of contaminated material such as gravel, grass, sand, earth or absorbent bedding. All excrement and waste shall be removed from the property.
 - (8) Guard dogs shall have be provided with easy and convenient access to clean fresh food and water at all times. Dogs must be fed at least once a day. The food must be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet must be appropriate for the individual animal's age and condition. Each guard dog enclosure shall be checked three (3) times a day to ensure that clean fresh water is available.
 - (9) Each guard dog shall be examined daily for signs of illness or injury. Any guard dog that is sick, injured, lame, or diseased shall be immediately examined by a licensed veterinarian and removed from use as a guard dog until deemed healthy by the veterinarian. If, during an inspection, the Division determines that a guard dog on commercial premises is sick, injured, lame, or diseased, the dog shall be immediately impounded by the Division and may be redeemed in accordance with section 4-12, Redemption and adoption, unless a petition is filed under Florida Statutes § 828.073.
 - (10) Guard dogs maintained in an enclosure shall have at least one-half (½) hour of exercise within each twelve (12) hours of confinement. Guard dog services and guard dog owners shall maintain a daily record identifying each guard dog by license tag number and providing the date, time, location, and name of the person who exercised the guard dog.
 - (11) Guard dogs must be given a humane existence, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping, unless otherwise specified in this section.
 - (12) Any person who uses the service of a guard dog shall be responsible to assure that the guard dog is provided a humane existence in accordance with section 4-24, Animal care; manner of keeping, unless otherwise specified in this section, and shall immediately contact the Division to report any guard dog that is sick, diseased, lame or injured.
 - (13) Any guard dog on commercial premises that is not registered as a guard dog shall be impounded by the Division and may be redeemed in accordance with section 4-12, Redemption and adoption.
 - (14) Each person or business that rents or uses a guard dog to patrol the premises after that business's operating hours shall provide adequate fencing or some other confining structure to keep the guard dog within the premises.

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- (15) Each person or business that rents or uses a guard dog on commercial premises shall at each entry point and at fifty-foot intervals along the property's fence perimeter, post a readily visible sign including the words "Guard Dog."
 - (16) Entry points of commercial premises that use a guard dog shall have a sign posted with the telephone number of the guard dog's trainer, handler and/or owner in case of an emergency.
 - (17) Each person or business that rents or uses a guard dog on commercial premises shall at each entry point and on the guard dog enclosure post a readily visible sign that notifies members of the public to report guard dog complaints to the Division. Such signs will be available through the Division for a fee set by the Board by resolution.
 - (18) No dog that has been classified as "aggressive" or "dangerous" by the Division shall be used as a guard dog.

(Ord. No. 98-22, § 18, 6-16-98; Ord. No. 2011-005, § 3, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-19. Evictions, incarcerations, community service adjudications, and other involuntary occurrences; effect on animals.

In cases of evictions, incarcerations, hospitalizations, death, adjudications of hardship or the like from the Florida Department of Children and Families or other such community service agencies, and/or other involuntary occurrences whereby the owner of an animal is unavailable or unable to care for an animal and such animal is impounded by the Division, the Division shall have the authority to place the animal for adoption transfer the animal to a humane society or private animal nonprofit organization or dispose of such animal in a humane manner, when the following conditions are met:

- (1) Prior to the Division's taking any action as described herein, written notice of the Division's intent will be provided to the owner of the animal by hand delivery or by mail at the address on file with the Division or at the last known address.
- (2) The owner of the animal shall have five (5) business days from the date of the Division's notice to make proper arrangements for the care of the animal, be it by personal claim or otherwise. If the owner does not make such arrangements for the care of the animal within the aforementioned time period, the animal shall become the property of the County.

(Ord. No. 98-22, § 19, 6-16-98; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-20. Disposal of bodies of dead animals.

- (a) Any owner of any animal, upon the death of such animal, shall immediately dispose of the carcass by burning, burying at least two (2) feet below the surface of the ground, providing the animal to a company licensed to perform cremation or other disposal, or other ~~authorized~~ method of disposal authorized by law; ~~however, nothing in this section shall prohibit the disposal of such animal carcass to companies licensed to do business in this County.~~
- (b) It is unlawful to dispose of the carcass of any animal by dumping such carcass on any public or private property, or in any place where such carcass can be eaten by another animal.
- (c) Any owner of any animal shall be responsible for the costs of disposing of the animal in instances where the Division disposes of the animal due to any emergency or the owner's failure to act. The costs of disposal shall be established by the Board by resolution.

(Ord. No. 98-22, § 20, 6-16-98)

Sec. 4-21. Livestock.

- (a) *Livestock fences.* Every owner of livestock shall erect and/or maintain a fence to contain and confine all livestock kept or maintained on his/her premises. Such fence shall be sufficiently strong and substantial so as to prevent egress of livestock. Failure to so erect and/or maintain the fence in reasonably good condition shall be deemed a violation of this chapter. The owner of livestock shall, within twenty-four (24) hours of initial warning from the Division, repair or erect a fence and/or make arrangements for the placement of livestock so as to have the livestock confined. If the fence is not repaired or erected, or arrangements have not been made for the placement of livestock within the twenty-four-hour period, the owner may receive a civil citation.
- (b) *Livestock at large.* Any owner of livestock who unlawfully, intentionally, knowingly or negligently permits the same to run at large or stray upon any street, roadway, right-of-way, other public area or the private property of another without consent shall be deemed to be in violation of this chapter.
- (c) Livestock impounded at the Division, with the exception of cattle, shall be held for redemption by the owner for ~~three (3) business days~~ a minimum of 72 hours. Livestock not claimed within ~~three (3) business days~~ 72 hours (that the Division is open for public access) by the owner shall become the property of the County and may be placed for adoption, transferred to a humane society or private animal nonprofit organization, placed in foster care or disposed of in a humane manner.
- (c) *Livestock maintained on vacant land.* Every owner of livestock maintained on vacant land shall post a reference number lodged with the Division that will link to the individual's contact information. This reference number will be posted at every gate and/or access point to the property. No phone numbers other than the Division's contact number will be listed on the sign along with the reference number.
- (d) *Equine infectious anemia/Coggins.*
 - (1) All horses moving within the County must have a report of a negative Coggins (EIA) test conducted within the previous twelve (12) months. A foal under six (6) months of age, is exempted from test requirements when accompanied by its dam which has a report of a negative Coggins test conducted within the past twelve (12) months.
 - (2) All horses ~~other than those sold for slaughter~~, must have a report of a negative Coggins test conducted within the previous twelve (12) months for change of ownership. The negative Coggins test report must be provided to the new owner or custodian at the time of change of location or ownership.

(Ord. No. 98-22, § 21, 6-16-98; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-22. Number of animals; acreage restrictions/excess animal habitats.

- (a) The chart set forth below prescribes the maximum number of dogs and/or cats, other than community cats, per specified acreage restrictions:

Number of Dogs and/or Cats	Less Than 1.5 Acres	1.5 to Less Than 2.5 Acres	2.5 or More Acres
1—10 dogs and/or cats	Allowed	Allowed	Allowed
11—20 dogs and/or cats	Prohibited	Allowed	Allowed

21—30 dogs and/or cats	Prohibited	Prohibited	Allowed
Acreage determination excludes easements for roads or other areas that must allow public egress and ingress. All property must be contiguous.			

- (b) References to dogs and cats only refer to dogs and cats older than four (4) months. There are no restrictions on the number of dogs and cats younger than four (4) months old that can be on the premises.
- (c) If it is determined that a person is in violation of this section, such person shall be allowed thirty (30) days from the notice of violation to cure same.
- (d) Any person who wishes to exceed the maximum number of thirty (30) dogs and/or cats on two and one-half (2.5) acres or more must apply to the Division for a special "excess animal habitat" permit. The owner must comply with all animal care standards as required in section 4-23 of this chapter. Public animal shelters and humane societies in compliance with local zoning laws are exempt from animal acreage requirements provided they are on a minimum of one (1) acre.
- (e) Unowned community cats, when not contained to the property, are not to be counted in the number of animals present.
- (f) All animals on a property, no matter the size of the property, must be provided at least with the minimum physiological and psychological elements for humane care as noted in Section 4-24.

(Ord. No. 98-22, § 22, 6-16-98; Ord. No. 2015-027, § 1, 6-23-15)

Sec. 4-23. Animal Establishments ~~Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.~~

- (a) *Applicability of this chapter and other laws.*
 - (1) In addition to The requirements within this chapter, all licensees must comply with: are in addition to any requirements that may be set forth in: Florida Statutes, Ch. 588, "Livestock at Large"; Florida Statutes, Ch. 585, "Animal Industry"; Florida Statutes, Ch. 828, "Cruelty to Animals"; Florida Department of Health and Rules and Regulations Chapter 64D-3 Florida Administrative Code, Control of Communicable Diseases and Conditions Which May Significantly Affect Public Health"; Unified Land Development Code of Palm Beach County as adopted by Ordinance 92-20, as amended or recodified; Palm Beach County Ordinance No. 72-7, as amended, "Business Taxes"; and any and all other applicable rules and regulations, policies, ordinances, and local, state, or federal laws.
 - (2) This section shall not be interpreted to require a permit from a veterinary clinic/hospital ~~establishment working under the direct authority and control of a veterinary clinic/hospital, for medical services regulated by the Department of Business and Professional Regulation; however, veterinary clinics/hospitals providing services, including but not limited to, boarding, grooming, and training unrelated to medical treatment must obtain an appropriate permit~~ humane society, private animal nonprofit organization, animal rescue organization shelter or private stable. All other animal establishments as defined in this chapter are required to secure a permit.
- (b) *Permit procedures and requirements.*

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- (1) No person shall operate, solicit business, or advertise an animal establishment without first obtaining an operational permit (hereinafter, "permit") issued by the Division.
 - (2) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications. A permit shall be issued only after the Division completes an inspection and determines that the minimum requirements and standards, as set forth herein have been met. ~~After approval, a No permit shall be issued upon until receipt of~~ payment of the applicable fee. The permit shall be prominently displayed on the premises where animals are located. The cost of a permit and other related fees shall be established by the Board by resolution.
 - (3) The permit is valid for a period of one (1) year from the date of issue, unless otherwise stated or revoked. The permit shall must be renewed annually. Said permit is not transferable, assignable or refundable except as specifically provided for herein. Renewal applications for permits shall be made at least thirty (30) days prior to the expiration date. The Board shall by resolution establish late fees for untimely permit renewal applications. Failure to timely apply for a permit renewal may result in a lapse in the permit.
 - (4) A new animal establishment shall use its initial permit issue date as the anniversary date for the purposes of permit expiration and renewal.
 - (5) Each separate place of business or property shall be required to have a permit. Each individual mobile grooming unit shall be subject to inspection and shall be required to have a separate permit.
 - (6) If there is a change in ownership of any animal establishment, the new owner shall obtain a permit.
 - (7) It shall be a condition of the issuance of any permit that the Division shall be allowed, at any reasonable time, to inspect without notice, all domestic animals, all premises where animals are kept, all records pertaining to such animals, and all records pertaining to the business.
 - (8) No permit shall be issued without written approval from the Palm Beach County Zoning Division or the applicable municipal zoning office to confirm that the animal establishment may legally operate at the proposed location.
 - (9) An animal control officer may conduct an investigation of any complaint concerning any animal establishment within the County.
 - (10) If an inspection of an animal establishment reveals noncompliance with this chapter, an animal control officer may issue a citation, setting forth the name of the establishment being cited, to owners or managers of an animal establishment.
 - (11) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is determined that:
 - a. There has been a material misstatement or misrepresentation in the permit application or the permit has been transferred in an effort to avoid the requirements of this chapter;
 - b. The permit holder/applicant/corporation/officer of the corporation has been cited for at least two (2) major violations or five (5) minor violations, within a five-year period, each resulting in the imposition of a fine;
 - c. The permit holder/applicant has outstanding and unsatisfied civil penalties imposed due to a violation of this chapter;
 - d. The permit holder/applicant or a member of the household if a home-based business has been convicted of, a violation of law involving cruelty to animals had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence;

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- e. An animal under the care and responsibility of a permit holder/applicant has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death;
 - f. The permit holder/applicant and/or his/her/its employees/agents refuses to allow the inspection of the premises or the records required to be maintained by this chapter or by state law;
 - g. The permit holder/applicant or a member of the household if a home-based business has had a final judgment entered against him/her/it based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute; or
 - h. The permit holder/applicant knowingly employs/employed an employee who has been convicted of a violation of law involving cruelty to animals had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or who has had a final judgment entered against him/her based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.
 - i. The permit holder/applicant/company/parent company/subsidiary company has been convicted or found guilty in a criminal or civil lawsuit of selling animals known to be ill; deceptive sales/trade practices; racketeering; misrepresentation; false statement; failure to honor warranties; violation of Section 828.29, Florida Statutes, or similar law.
 - j. The permit holder/applicant purchased an animal from a source pending, open, unresolved violations of local, state, or federal animal welfare laws.
- (12) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review and inspection, the permit fee shall be refunded as provided by the Board by resolution.
- (13) ~~After October 1, 2016, no new permit shall be approved for any pet shop or pet dealer that offers for sale dogs or cats. Notwithstanding the foregoing, existing pet shops or pet dealers that offer for sale dogs or cats may renew their pet shop operating permit or relocate the business provided they are in compliance with this chapter and may transfer, assign or sell their business provided that the transferee, assignee or new owner meets all requirements for licensure under this chapter. After October 1, 2016, any pet shop or pet dealer that offers for sale dogs or cats shall not open additional stores or operate from additional business premises.~~
- ~~(14) After October 1, 2016, no new permit shall be approved for any pet dealer that offers for sale dogs or cats. Notwithstanding the foregoing, existing pet dealers that offer for sale dogs or cats may renew their pet dealer operating permit or relocate the business provided they are in compliance with this chapter and may transfer, assign or sell their business provided that the transferee, assignee or new owner meets all requirements for licensure under this chapter. After October 1, 2016, any pet dealer that offers for sale dogs or cats shall not operate from additional business premises.~~
- (154) No cat shall be bred unless it is a pedigreed cat registered as such with the Cat Fancier Association or the International Cat Association. No permit shall be issued for any commercial cat breeding operation unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier Association or the International Cat Association.
- (165) No dog or cat shall be rented or leased and no permit shall be issued for such purpose.
- (c) *Reserved.*
- (d) *Appeal process.*
- (1) Any person who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a Special Master within the ten-day period after the Division originates the adverse action. A written notice of appeal and appeal bond must be filed with the Division within ten

(10) days of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.

- (2) The appeal must be heard by a Special Master within thirty (30) calendar days after the owner has submitted a notice of appeal. The appeal may be delayed by the Division, the Special Master, or the permit applicant or permit holder beyond the thirty (30) calendar days for good cause shown.
- (3) The person receiving the notice of adverse action shall, until final disposition of the appeal, take whatever positive measures are necessary to prevent any future violations of this chapter from occurring.
- (4) Unless otherwise provided herein, the hearing before the Special Master shall be governed as provided in section 4-30, Animal Care and Control Special Master hearing.
- (5) The denial, revocation or suspension of the permit shall be upheld or revoked by the Special Master.

(e) *Owner requirements following notice of adverse action and/or appeal process.*

- (1) If the notice of adverse action of denial, revocation or suspension of a permit issued under this section is not appealed, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, or euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after the deadline to appeal has passed notice of adverse action. If the notice of adverse action of denial, revocation, or suspension of a permit issued under this section is upheld on appeal, the animal establishment shall be required to humanely dispose, by means of returning to owner, sale, gift, or euthanasia performed by a licensed veterinarian or other humane method, all animals in its possession that it is not otherwise entitled to possess under this chapter, within fifteen (15) days after the appeal hearing unless otherwise ordered by the Special Master. The permit applicant or permit holder shall provide the Division with written notification of the disposition and location of each animal, including the name, address, and telephone number of each new owner. If the animals have not been humanely disposed of as described above, the Division shall attempt to notify owner(s), if applicable, and may impound any animals found to be housed or kept in violation of this chapter. Such animals may be redeemed in accordance with section 4-12, Redemption and adoption.
- (2) Any person whose permit has been revoked may not reapply for a period of one (1) year. Each reapplication shall be accompanied by a fee to be established by the Board by resolution.
- (3) Any person with a guilty adjudication of animal cruelty who has been convicted of, had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence within the past five (5) years may not ~~hold~~ apply for a permit to operate an animal establishment in the County.

(f) *Inspection procedures.*

- (1) An inspection form shall be used as a guideline for the inspecting officer and the animal establishment.
- (2) Inspections of animal establishments shall be made without notice, during normal business hours or at any reasonable time during daylight hours. All inspections shall be made in the presence of the owner, manager or person in charge of the establishment whenever possible.
- (3) The inspecting officer will complete the inspection form by marking unsatisfactory items. Instructions and comments will be made at the bottom of the inspection form.
- (4) Whenever deficiencies are noted or the Division receives a complaint from the public, a follow-up inspection of the establishment may be initiated by the Division.

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- (5) After the inspection is complete, the owner, manager or person in charge of the animal establishment shall sign the inspection form whereupon a copy of the completed form will be given to the owner or manager. If the owner or manager is not present, a copy of the form will be mailed to the owner or manager and the original copy will be kept by the Division.
- (6) The owner or manager of the animal establishment shall correct or initiate corrections within seven (7) days, unless otherwise stated by the inspecting officer.
- (g) *Minimum general operational standards.*
- (1) Each animal establishment will prominently display a current, valid County animal care and control operational permit.
 - (2) Each animal establishment which accepts privately owned animals into its custody, shall report to the Division, any obvious case of neglect or animal abuse pursuant to this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." The Division's phone number shall be posted in a prominent location visible to both employees and customers.
 - (3) Each animal establishment shall meet all fire safety requirements in accordance with the local fire and zoning regulations. A posted plan and diagram to evacuate all animals in case of fire shall be provided in a prominent location. Commercial stables shall show proof of a fire inspection, with all recommendations adhered to, that was conducted by PBC Fire Rescue within the prior 12 months unless exempt by Florida Fire Prevention Code, Section 633.202(16).
 - (4) Each animal establishment shall have a working telephone available at all times in case of an emergency. The name of the establishment's veterinarian and the veterinarian's phone number shall be posted and made available to all employees and customers.
 - (5) Every owner or manager of an animal establishment must provide for adequate rodent and insect control.
 - (6) Each animal establishment shall have sufficient lighting to permit routine inspection and cleaning of the facility, and clear observation of the animals. Animal areas must be lighted for at least eight (8) hours a day, by either natural or artificial light, corresponding to the natural period of daylight. If only artificial light, such as fluorescent light is provided, it must provide full-spectrum illumination. Animal enclosures must be placed so as to protect animals from excessive light.
 - (7) All areas of each animal establishment shall be clean, orderly and free of garbage, unused food, standing water, litter or refuse. Garbage shall be kept in garbage cans with lids and disposed of daily. (Commercial stables refer to requirements in subsection (k)).
 - (8) Animal waste shall be removed by cleaning regularly throughout the work day. (Commercial stables refer to requirements in subsection (k)).
 - (9) All cleaning solutions and disinfectants shall be stored and used in accordance with the manufacturer's instructions, properly labeled as to content, and shall be stored so as to not come into any contact with animals or items intended for animal consumption.
 - (10) All equipment, buildings, appurtenances, plumbing, electrical wiring and electrical appliances/equipment shall be in good repair and appropriate for intended use.
 - (11) Wherever animals are housed or cared for, floors, moldings, walls, shelves and work areas shall be of a nonporous material impervious to fecal matter and urine that can be easily swept, wiped, mopped and disinfected daily. Carpeting as a flooring or wall covering shall not be used wherever animals are housed or maintained. Notwithstanding the foregoing, the Division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in

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- the animal enclosure clean and properly disinfected and demonstrates compliance with such plan. (Stables refer to requirements in subsection (k)).
- (12) All aisles shall be kept clear to provide safe, free access throughout the animal establishment.
- (13) Animal establishments which fail to obtain licensed veterinary care or show proof of same, for any sick or injured animal found in the animal establishment's custody may be charged for violating section 4-24, Animal care; manner of keeping, of this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." Proof of adequate, timely, veterinary care must be provided to the inspecting officer upon request.
- ~~(14) Bodies of dead animals must be disposed of according to this chapter and any and all other applicable County and State regulations, policies and laws.~~
- ~~(1514)~~ All animals in an animal establishment must be given a humane existence, and shall at all times be maintained in accordance with section 4-24, Animal care; manner of keeping.
- ~~(1615)~~ A commercial breeder's permit number shall be included in all advertisements offering a dog or cat for sale.
- ~~(1716)~~ No person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four (4) months of age together without first obtaining an appropriate breeding permit from the Division.
- (h) *Minimum operational standards for kennels, training establishments, commercial breeders, pet dealers and excess animal habitats (EAH).*
- (1) *Record keeping—Kennels, training establishments, commercial breeders and excess animal habitats.*
- a. Kennels, training establishments, commercial breeders and excess animal habitats shall keep records on all animals currently bred, born, boarded, housed and/or being trained. These records shall be maintained on each animal individually.
 - b. The information in these records shall include but not be limited to rabies vaccination, all other inoculations and prescription or medical treatment administered. In addition, kennels shall be required to obtain the owner's name, address, emergency telephone number, proof of owner's identification, and name and telephone number of owner's veterinarian. Excess animal habitats shall also include records indicating where the animal was obtained. The above information shall be available to the inspecting officer upon request.
 - c. A medical release must be obtained from the owner or his designee, for each animal and shall become part of the animal's record so that emergency treatment can be given if the animal shows signs of illness or is injured while in the care and custody of the kennel.
 - d. Commercial breeders shall comply with section 4-25, Dogs and cats offered for sale; health requirements, and shall maintain a separate file for each dog and cat containing all Official Certificate of Veterinary Inspection's (OCVI) and medical records for each individual dog and cat. Such records shall be kept on file at all times on the premises and available to the inspecting officer upon request. Such records shall be maintained for a period of two (2) years after an animal is sold or otherwise disposed of.
 - e. All dogs housed at a kennel or training establishment for training purposes shall have a training contract. The training contract shall state that the dog is housed specifically for training. The dog shall be housed in an enclosure appropriate for its breed and size to stand holding tail fully erect or sit erect, walk several steps, lie down in a comfortable normal position at full body length, stretch out and turn about around freely. The contract shall include notice that the dog will be interacting with other pets in training classes. The contract shall be signed by the dog's owner.

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- f. Commercial breeders shall maintain records of each litter of puppies and kittens born. Such records shall include the date of birth, number of puppies or kittens in the litter, and license tag number of the parents.
 - g. On a monthly basis, commercial breeders shall provide the Division with the name, address, and telephone number of the new owner of any puppy or kitten placed or a notice that no animal was sold during the month.
- (2) *Animal housing requirements—Kennels, training establishments and excess animal habitats.*
- a. For kennels and training establishments, dogs must be separated by a wall at least four (4) feet high or one (1) foot higher than the top of each dog's head (excluding the ears), when the dog is standing on all four (4) feet. Notwithstanding the foregoing, the Division may in writing approve a plan to separate the dogs without walls.
 - b. Animals shall be confined and not allowed to ~~run at large~~ roam freely on the premises, except with the written approval of the owner of the animal.
 - c. Animals housed in kennels shall be separated in the following manner:
 - 1. Dogs from cats.
 - 2. Unsterilized males from females.
 - 3. Nursing mothers with their young from all others.
 - 4. Boarding dogs from registered guard dogs.

By special request of the owner, as noted in the record, animals from the same household may be boarded together and may be allowed to interact with other animals during supervised play periods. Appropriate resources (e.g. food, water, bedding, etc.) must be provided to minimize competition or resource guarding and ensure access by all cohoused animals.
 - d. Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in an isolated location where they cannot directly or indirectly come into contact with any other animals or the public.
 - e. Applicable County and State health regulations must be followed when caring for any animal harboring an animal-to-human disease.
 - f. Kennel operators and training establishments boarding dogs over night shall comply with the following requirements:
 - 1. Notify the Division regarding all dogs maintained at their kennel for longer than three (3) months.
 - 2. For any dog kenneled for longer than three (3) months, the kennel operator shall arrange for a professional behaviorist or trainer to visit the dog once every three (3) months for the purpose of evaluation, therapeutic or obedience training.
 - 3. For any dog kenneled for longer than three (3) months, the kennel operator shall have a veterinarian examine the dog prior to the fourth month of confinement and every ninety (90) days thereafter. Dogs not maintained on a heartworm preventative program shall be given an occult heartworm test and started on preventative or treated for same.
 - 4. Each day a minimum of sixty (60) minutes of play, interaction, grooming and/or training shall be provided to each dog.
- (3) *Physical facility requirements—Kennels, training establishments, commercial breeders, pet dealers and excess animal habitats.*
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- a. Floors and walls of all animal enclosures shall be made of nonporous material impervious to fecal matter and urine that can be easily disinfected. The floors shall slope toward the drains or troughs. Notwithstanding the foregoing, the Division may in writing approve the use of alternative materials when the animal establishment provides a written plan for keeping all surfaces in the animal enclosure clean and properly disinfected and demonstrates compliance with such plan.
 - b. The premise shall have drainage and plumbing adequate to handle the heavy load of daily cleaning.
 - c. Indoor/outdoor housing facilities. Indoor and outdoor housing facilities shall be maintained in accordance with section 4-24, Animal care; manner of keeping.
 - d. Animal enclosures.
 - 1. General requirements.
 - A. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. The animal enclosures must be kept in good repair.
 - B. Animal enclosures must be constructed and maintained so they:
 - i. Have no sharp points or edges which could injure the dogs and cats;
 - ii. Protect the dogs and cats from injury;
 - iii. Keep predators and unauthorized individuals from accessing the enclosure;
 - iv. Enable the dogs and cats to remain dry and clean;
 - v. Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs and cats;
 - vi. Are shaded to shelter all the dogs and cats housed in the animal enclosure;
 - vii. Provide the dogs and cats with easy and convenient access to clean food and water;
 - viii. Enable all surfaces in contact with the dogs and cats to be readily cleaned and disinfected; and
 - ix. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury and that will not allow the dogs' and cats' appendages to pass through any openings in the floor.
 - x. Provide a separation or distance between living space and toileting space.
 - C. Airline type containers normally used for shipping and transporting animals shall not be used to permanently house animals for more than 1 hour, except under the guidance or a veterinarian for medical treatment.
 - D. Space requirements for dogs:
 - i. Indoor/outdoor enclosures for extra-large dogs over seventy-five (75) pounds shall be at least thirty-two (32) square feet, per dog.
 - ii. Indoor/outdoor dog enclosures for large dogs fifty-one (51) pounds to seventy-five (75) pounds shall be at least twenty-four (24) square feet, per dog.

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- iii. Indoor/outdoor dog enclosures for medium dogs thirty-six (36) to fifty (50) pounds shall be at least twenty (20) square feet, per dog.
 - iv. Indoor/outdoor dog enclosures for small dogs twenty-one (21) to thirty-five (35) pounds shall be at least twelve (12) square feet, per dog.
 - v. Indoor/outdoor dog enclosures for dogs eleven (11) to twenty (20) pounds shall be at least eight (8) square feet, per dog.
 - vi. Indoor/outdoor dog enclosures for dogs ten (10) pounds and under shall be at least six (6) square feet, per dog.
 - vii. The interior height of an indoor/outdoor dog enclosure must be at least one (1) foot higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.
- E. Space requirements for cats.
- i. Each cat that is housed in any animal enclosure must be provided minimum space as follows:
 - (a) ~~Each animal enclosure housing cats or kittens must be at least twenty-four (24) inches high. A minimum of 11 square feet for a cage confined cat or queen with a nursing litter;~~
 - (b) ~~Adult cats and kittens over four (4) months old must be provided with at least four (4) square feet, per cat. A minimum of 18 square feet per cat for cats housed in a free roam enclosure; and~~
 - ii. Compatibility.
 - (a) All cats housed in the same animal enclosure must be compatible and have the same owner.
 - (b) Queens in heat may not be housed in the same animal enclosure with any mature males unless an appropriate breeding permit has been obtained.
 - (c) Queens with litters may not be housed in the same animal enclosure with other ~~adult~~ cats.
 - (d) Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats other than their mother.
 - (e) Cats with a vicious or aggressive disposition must be housed separately.
 - iii. Cat litter.
 - (a) In all animal enclosures, a receptacle containing sufficient clean litter must be provided to contain excreta and body wastes.
 - (b) Litter pans shall be cleaned and changed daily or more often when necessary.
 - iv. Resting surfaces (perches).
 - (a) Each animal enclosure housing cats shall contain a solid resting surface or surfaces that, in the aggregate, are large enough to hold

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- all the occupants of the animal enclosure at the same time comfortably.
- (b) The resting surfaces must be elevated, impervious to moisture and able to be easily disinfected, or easily replaced when soiled or worn.
 - (c) The resting surfaces shall not be considered part of the minimum floor space.
- (4) *Food and water requirements: Dogs and cats—Kennels, commercial breeders, pet dealers and excess animal habitats.*
- a. Food shall be stored in rodent, pest and moisture proof containers with lids. Containers shall be clearly and properly labeled as to contents.
 - b. Fresh water shall be available to all animals at all times and shall be maintained in a container in such a manner that animals cannot turn the container over.
 - c. Food and water shall be fresh, appropriate and free from contamination.
- (5) *Cleaning procedures for kennels, training establishments, commercial breeders, pet dealers and excess animal habitats.*
- a. All ~~animal~~ dog enclosures including floors, walls and doors shall be cleaned, disinfected and dried daily. Cat enclosures should be spot cleaned daily and disinfected completely once the cat leaves the enclosure.
 - b. Dogs and cats shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures.
 - c. Drains and walkways adjacent to all animal enclosures shall be hosed and disinfected daily.
 - d. All areas containing animal waste shall be cleaned throughout the day and such waste shall be properly disposed of so as not to cause a nuisance.
 - e. Food dishes and water bowls shall be cleaned and disinfected daily.
 - f. Appropriate cleaning methods shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.
- (6) *Roadside sales.* It shall be unlawful to advertise, display for commercial purposes, attempt to sell or sell any dog or cat on any roadside or public right-of-way.
- (i) *Minimum operational standards for pet shops and pet dealers.*
- (1) *General requirements for pet shops and pet dealers.* For the purpose of this section, the word dog means a dog of any age and the word cat means a cat of any age.
- a. For each dog and cat transported into the County from outside of the State of Florida for sale, the tests, vaccines, and anthelmintics required by this chapter must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the Official Certificate of Veterinary Inspection (OCVI). The tests, vaccines, and anthelmintics must be administered no more than thirty (30) days and no less than fourteen (14) days before the dog or cat's entry into the State of Florida. An OCVI certifying compliance with this chapter must accompany each dog and cat transported into the State of Florida for sale.
 - b. Each OCVI shall contain records for only one (1) dog or cat.

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- c. No dog or cat imported into the State of Florida for sale shall be offered for sale without an OCVI issued by a veterinarian licensed in the state of origin.
 - d. The following tests, vaccines, and anthelmintics must be administered to each dog before the dog is offered for sale in the County, unless a licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog:

1. Canine distemper.
2. Leptospirosis.
3. Bordetella (by intranasal or other licensed mucosal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this State once before sale).
4. Parainfluenza.
5. Hepatitis/Canine Adenovirus type 2.
6. Canine parvovirus.
7. Rabies, provided the dog is over three (3) months of age and the inoculation is administered by a licensed veterinarian.
8. Roundworms.
9. Hookworms.

If the dog is under four (4) months of age, the tests, vaccines, and anthelmintics required by this chapter must be administered no more than twenty-one (21) days before sale within the County. If the dog is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this chapter must be administered at or after three (3) months of age, but no more than one (1) year before sale within the County.

- e. The following tests, vaccines, and anthelmintics must be administered to each cat before the cat is offered for sale in the County, unless the licensed, accredited veterinarian certifies on the OCVI that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat:

1. Panleukopenia.
2. Feline viral rhinotracheitis.
3. Calici virus.
4. Rabies, if the cat is over three (3) months of age and the inoculation is administered by a licensed veterinarian.
5. Hookworms.
6. Roundworms.

If the cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section must be administered no more than twenty-one (21) days before sale within the State. If the cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after three (3) months of age, but no more than one (1) year before sale within the State.

- f. Every dog and cat offered for sale by a pet shop or pet dealer must be accompanied by a current OCVI (paper or electronic) at all times while being offered for sale within the County. The

examining veterinarian must retain one (1) copy of the OCVI on file for at least one (1) year after the date of examination.

- g. Each dog and cat in the possession of a pet shop or pet dealer shall be examined by a veterinarian licensed to practice in Florida no more than thirty (30) days before the sale within the County. The examination must include, but not be limited to, an evaluation for possible congenital defects and contagious diseases and a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. At the conclusion of the examination, the veterinarian shall complete an OCVI including all medical findings, which shall remain current for a period of thirty (30) days. Each dog and cat in the possession of a pet shop or pet dealer shall be re-examined by a veterinarian every thirty (30) days and the pet shop or pet dealer shall ensure that a current OCVI is completed by the examining veterinarian.
- h. Each dog over six (6) months of age must be tested by a veterinarian for heartworms before being offered for sale and the results of the tests must be listed on the OCVI.
- i. Each cat must be tested by a veterinarian for feline leukemia before being offered for sale and the results of the tests must be listed on the OCVI.
- j. Each dog and cat obtained by the pet shop or pet dealer for the purpose of sale shall be examined by a veterinarian licensed in Florida within two (2) business days of the day the pet shop or pet dealer obtains the dog or cat.
- k. No pet shop or pet dealer shall possess, offer for sale, sell, transport, or arrange for the transportation of any dog or cat that is less than eight (8) weeks of age.
- l. No pet shop or pet dealer shall import a dog into the United States in violation of 7 U.S.C. 2148, Importation of live dogs.
- m. Except as provided in section 4-23(i)(10), it shall be unlawful for any pet shop or pet dealer to display, offer for sale, deliver, barter, give away, transfer or sell any dog or cat from any source that does not hold a valid license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. or successor provision of law as of the date such pet shop or pet dealer received such dog or cat. Pet shops or pet dealers shall only obtain dogs and cats from:
 - 1. A breeder holding an active class A license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder.
 - 2. A dealer holding an active class B license issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder, and if the class B license holder is not the breeder, obtained the dog or cat from a breeder who is licensed by the United State Department of Agriculture.
 - 3. A transporter holding an active license as a carrier or intermediate handler issued by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated thereunder and who obtained the dog or cat from a breeder who is licensed by the USDA.
 - 4. A humane society, private nonprofit animal organization or animal rescue organization.
- n. It shall be unlawful for any pet shop or pet dealer to obtain a dog or cat from any source, including but not limited to a breeder or dealer, if the source or, an owner, operator or employee of the source:

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1. Has been convicted of, had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence to animals under any Federal, State or local law.
 2. Has had a final judgment entered against it/him/her based upon a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.
 3. Has been permanently enjoined from breeding, selling, handling, transporting or dealing in dogs or cats by any court.
 4. Whose license/permit issued by any local government, State, or Federal government to breed, sell, handle, transport or otherwise deal in dogs or cats is suspended or revoked.
 5. That has received a finally determined citation for any "direct" noncompliance violation as indicated on any United States Department of Agriculture inspection report at any time during the prior three (3) years.
 6. That has received a finally determined citation for failure to provide a United States Department of Agriculture inspector access to property, animals or records as required by 9 CFR § 2.126, unless a subsequent inspection has been performed at which no direct or indirect violations were found by the inspector.
 7. That has received three (3) or more finally determined noncompliance citations for violations other than "direct" noncompliance or a violation of 9 CFR § 2.126 at any time during the prior three (3) years.
 8. That has received a finally determined repeat noncompliance citation at any time during the prior three (3) years.
 9. That has received a finally determined cease and desist order pursuant to 7 U.S.C. § 2149 at any time during the prior three (3) years.
- o. An OCVI must:
1. Be signed on the date of examination by the examining veterinarian who is licensed by the state of origin and accredited by the United States Department of Agriculture and must include the veterinarian's license number.
 2. Show the date of birth, sex, breed, color, EAID number, if applicable, and health record of the dog or cat examined.
 3. Contain the printed or typed names and addresses of the person or business from whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian.
 4. For each dog or cat, list all tests performed, the results of all tests performed, all vaccines and deworming medications administered, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof.
 5. State that the examining veterinarian warrants that, to the best of his or her knowledge, the dog or cat has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.
 6. State whether the examining veterinarian has detected any physical abnormalities or congenital defects in the dog or cat including but not limited to a heart murmur, an umbilical hernia, entropion, an inguinal hernia, patellar luxation and cryptorchidism.
 7. Be completed in a legible manner.

An OCVI that does not meet the above-cited requirements shall not comply with this chapter. The pet shop or pet dealer shall ensure that the OCVI is properly completed with all relevant information.

- p. It shall be a violation of this chapter to falsify any information provided in any OCVI.
- q. All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet dealer or veterinarian are subject to inspection by any agent of the Division, the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer, or any agent appointed under Florida Statutes § 828.03.
- r. All dogs and cats offered for sale by a pet shop or pet dealer shall be implanted with an electronic animal identification device (EAID).

(2) *Records.*

- a. Each pet shop and pet dealer shall maintain the following written records on each dog and cat offered for sale for a period of not less than two (2) years after disposition of each dog and cat:
 - 1. The name, address, USDA license number and state and local license number, if applicable, of every breeder, dealer, intermediate handler and carrier that has owned, possessed or handled the dog or cat.
 - 2. The date the dog or cat was born and the date the pet shop or pet dealer received the dog or cat.
 - 3. The breed, sex, color, and identifying marks of the dog or cat. If the breed is unknown or mixed, the record shall so indicate.
 - 4. If the dog or cat is being sold as capable of registration, the names and registration numbers of the sire and dam and litter number.
 - 5. A copy of each OCVI that has been completed for the dog or cat up to the point of sale.
 - 6. A complete record of any medical treatment or medication provided to or recommended for each dog or cat by a veterinarian and any medical diagnosis made by a veterinarian concerning each dog or cat up to the point of sale. If such information is contained in an OCVI, the OCVI shall be sufficient; if not, the pet shop or pet dealer shall obtain a copy of each dog or cat's medical records from the veterinarian.
 - 7. A record of any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat at the time of sale or is likely to adversely affect the health of the dog or cat in the future.
- b. For a period of two (2) years from the disposition of each dog and cat, the pet shop or pet dealer shall maintain records specifying the date and nature of disposition of each dog and cat and the name, address, and phone number of the purchaser and owner (if different than the purchaser) of each dog or cat.
- c. By the fifteenth day of the month, each pet shop and pet dealer shall provide the Division with the following records for each dog and cat sold, disposed of or that died during the previous month:
 - 1. A copy of each OCVI that has been completed for such dog or cat;
 - 2. The name, physical address (no P.O. boxes), USDA license number and state and local license number, if applicable, of every breeder, dealer, intermediate handler and carrier that has owned, possessed or handled the dog or cat.

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3. The date each dog and cat was obtained;
 4. The date each dog and cat was sold, died, or was otherwise disposed of by the pet shop or pet dealer; and
 5. The name, physical address (no P.O. boxes), and telephone number of the purchaser and owner (if different from the purchaser) of each dog and cat sold during that month, including the EAID number, breed, color, sex, and age of each dog and cat.
- d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet shop or pet dealer shall maintain a record of the date of death and known or suspected cause of death. Any dog or cat that dies while being treated by a veterinarian or person at the request of the pet shop or pet dealer shall be considered in the possession of the pet shop or pet dealer at the time of death. The veterinarian shall specify the date of and known or suspected cause of death on the dog or cat's OCVI. Within fifteen (15) days following the death of a dog or cat, the pet shop or pet dealer shall provide the Division with records reflecting the date and cause of the dog or cat's death. The pet shop or pet dealer shall maintain a copy of such record for a period of two (2) years from the date of the dog or cat's death.
 - e. Each pet shop and pet dealer shall maintain on the premises all records required by this chapter and shall make such records available to the Division upon request.
 - f. The failure to maintain complete records on each dog and cat as required by this chapter shall constitute a separate violation as to each record missing or incomplete.

(3) *Notices and disclosures to purchasers.*

- a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of each dog and cat offered for sale a written notice in twelve-point or greater type identifying the breed, sex, date of birth of each dog and cat, any illness found by the veterinarian during the most recent examination, and the name, address, USDA license number and state and local license number, if applicable, of every breeder, dealer, intermediate handler and carrier that has owned, possessed or handled the dog or cat.
- b. Each pet shop and pet dealer shall post conspicuously in close proximity to the cages or enclosures where dogs and cats are offered for sale a notice in at least fifty-point type containing the following:

"Notice to consumers: Before purchasing a dog or cat you may request information concerning each dog or cat's health, medical history, and the source from which the dog or cat was obtained. Upon your request, the pet shop or pet dealer is required to show you these records before you purchase a dog or cat and to give you a copy of these records when you purchase a dog or cat."

- c. At the time of sale, each pet shop and pet dealer shall provide the purchaser with a written notice in twelve-point or greater type stating:

Pursuant to the Palm Beach County Animal Care and Control Ordinance, every owner of a dog or cat is required to obtain a license tag for each dog and cat from the Palm Beach County Division of Animal Care and Control ("Division") or an authorized veterinarian. The license tag must be renewed every year, and proof of an up to date rabies vaccination is required to obtain or renew a license tag.

The Palm Beach County Board of County Commissioners has determined that the unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation at great expense to the community and that every feasible means of reducing the number of unwanted dogs and cats should be encouraged. The Board of County Commissioners has also determined that spaying and neutering every dog and cat is one of the best ways to must be spayed or neutered by the

time the dog is six (6) months old and every cat must be spayed or neutered by the time the cat is four (4) months old, unless certain exceptions apply.

Every owner must obtain an annual unaltered license tag from the Division or a veterinarian for each dog over the age of six (6) months and every cat over the age of four (4) months that is not spayed or neutered. A dog or cat with an unaltered license tag cannot be bred unless an appropriate breeding permit is first obtained from the Division.

No person shall breed any dog or cat in Palm Beach County without first obtaining a breeding permit.

Contact the Division at (561) 233-1200 or www.pbcgov.com/publicsafety/animalcare/ with questions about regulations pertaining to your new dog or cat.

The Division shall have the authority to establish an alternative written disclosure form that includes the essential elements of the written notice provided herein.

- d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of each dog and cat a written disclosure(s) containing all of the information required in section 4-23(i)(2)a.1. through 7. The pet shop and pet dealer shall provide all of the above-cited written disclosures containing all of the information required in section 4-23(i)(2)a.1. through 7., to the prospective purchaser of each dog or cat for review prior to the purchase upon request. The pet shop or pet dealer shall maintain a copy of the above-cited written disclosures for a period of two (2) years from the date of sale of each dog and cat and shall make such copies available to the Division upon request.

(4) *Warranties for dogs and cats.*

- a. A dog or cat that is purchased from a pet shop or pet dealer shall be considered unfit for purchase if any of the following apply:
1. Within fourteen (14) days following the sale of a dog or cat by a pet shop or pet dealer a licensed veterinarian of the purchaser's choosing certifies that, at the time of the sale, the dog or cat was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks.
 2. Within one (1) year following the sale of a dog or cat, a licensed veterinarian of the purchaser's choosing certifies such dog or cat to be unfit for purchase due to a congenital or hereditary disorder that adversely affects the health of the dog or cat.
 3. Within one (1) year following the sale of a dog or cat, the breed, sex, or health of such dog or cat is found to have been misrepresented to the purchaser.
- b. If a dog or cat is unfit for purchase for any of the above-cited reasons, the pet shop or pet dealer shall afford the purchaser the right to choose one (1) of the following options:
1. The right to return the dog or cat and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this chapter and directly related to necessary emergency services and treatment undertaken to relieve suffering;
 2. The right to return the dog or cat and receive an exchange dog or cat of the purchaser's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for

purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

3. The right to retain the dog or cat and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

Reimbursement for veterinary costs may not exceed the purchase price of the dog or cat. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

- c. The refund or exchange required by this chapter shall be made by the pet shop or pet dealer not later than ten (10) business days following receipt of a signed veterinary certification as required in this chapter. The purchaser must notify the pet shop or pet dealer within a reasonable time after the veterinarian's determination that the animal is unfit and must provide the pet shop or pet dealer with a copy of the written certification of unfitness.
 - d. A dog or cat may not be determined unfit for sale on account of an injury sustained or illness contracted after the purchaser takes possession of the dog or cat. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the dog or cat is clinically ill because of that condition.
 - e. If a pet shop or pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a purchaser under this section, the pet shop or pet dealer may require the purchaser to produce the dog or cat at a mutually agreed upon time and place for examination by a licensed veterinarian designated by the pet shop or pet dealer. Upon such examination, if the purchaser and the pet shop or pet dealer are unable to reach an agreement that constitutes one (1) of the options set forth in this chapter within ten (10) business days following examination by the pet shop or pet dealer's designated veterinarian, the purchaser may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.
 - f. No pet shop or pet dealer shall require or attempt to require a purchaser to sign a contract or agreement to waive any of the rights provided by this chapter. Any contract or agreement in which a purchaser agrees to waive any rights provided under this chapter shall be null and void and unenforceable.
 - g. This chapter does not in any way limit the rights or remedies that are otherwise available to a purchaser under any other law.
 - h. Each pet shop and pet dealer shall provide the purchaser of a dog or cat at the time of sale with the written notice required by Florida Statutes § 828.29(12), which shall be provided in twelve-point or greater type.
 - i. No pet shop or pet dealer shall require the purchaser of a dog or cat to use the pet shop's veterinarian in order to receive a refund or exchange required by this chapter.
 - j. If a purchaser requests a refund or requests to return or exchange a dog or cat pursuant to this chapter, each pet shop and pet dealer shall maintain all records related to the purchaser's request for a period of two (2) years from receipt of such records and shall deliver a copy of the purchaser's request to the Division within seven (7) days of receipt.
- (5) Animal housing requirements—Pet shops and pet dealers. All animal housing shall comply with the Association of Shelter Veterinarians "Guidelines for Standards of Care in Animal Shelters", as amended, and the following:

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- a. Animals having a known or suspected communicable animal-to-human or animal-to-animal disease shall be maintained in individual cages in an isolated location where they cannot directly or indirectly come into contact with other animals or the public.
 - b. Animals with diseases that can be airborne must be isolated in an area with independent ventilation.
 - c. Any animal that cannot stand on its own or that has a life threatening disease must be hospitalized, housed under the direct care of a veterinary hospital/clinic or humanely euthanized.
 - d. State and County health regulations must be followed when caring for any animal harboring an animal-to-human disease.
- (6) *Animal care—Pet shops and pet dealers.*
- a. Each animal shall be examined daily for signs of illness or injury. Any suspected illness or injury shall be reported to the owner or manager of the establishment immediately. Any sick animal shall be immediately isolated from other animals. All bedding material and feces in a sick animal's cage shall be removed and disinfected or discarded. Display areas, holding crates, cages or animal enclosures, trays and feeding equipment used by a sick animal shall be disinfected immediately.
 - b. Failure to obtain adequate, timely care from a licensed veterinarian for any diseased or injured animal found in the custody of any establishment shall be a violation of this chapter and/or Florida Statutes Ch. 828, "Cruelty to Animals". Proof of adequate and timely veterinary care must be provided to the Division upon request.
 - c. All animals that show signs or symptoms of injury, contagious or infectious disease shall be seen by a veterinarian within twenty-four (24) hours and at least one (1) other time prior to being sold to certify that they are free from illness or injury.
 - d. All animals other than dogs and cats (i.e., rabbits, gerbils, hamsters, guinea pigs, all other rodents, birds, and reptiles) shall be cared for pursuant to general guidelines and accepted animal husbandry standards for each species.
- (7) *Physical facility requirements—Pet shops.*
- a. All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.
 - b. All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.
 - c. Heating, cooling and temperature.
 - 1. Indoor housing facilities for animals must be sufficiently heated and cooled when necessary to protect the animals from cold and hot temperatures and to provide for their health, comfort and well-being.
 - 2. When animals are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for animals not acclimated to lower temperatures. Such animals would include short-haired breeds, sick, aged, young, infirm dogs and cats, and small domestic animals.
 - 3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) or must not rise above eighty-five (85) degrees F (thirty-five (35) degrees C) at any time.
 - d. Ventilation.

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1. Indoor housing facilities for animals must be sufficiently ventilated at all times when animals are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.
 2. Air, preferably fresh air, must be provided through windows, vents, fans (exterior) or air-conditioning.
 3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (thirty (30) degrees C) or higher.
- e. Cages/animal enclosures.
1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. Animal enclosures must be maintained in good repair.
 2. Animal enclosures must be constructed and maintained so that they:
 - A. Have no sharp points or edges that could injure animals;
 - B. Protect animals from injury;
 - C. Keep predators and unauthorized individuals from accessing the enclosure(s);
 - D. Provide animals with easy and convenient access to clean food and water;
 - E. Enable all surfaces in contact with animals to be readily cleaned and disinfected.
 - F. Have floors which are constructed in a manner that protects the animals' appendages from injury, and that if of mesh or slatted construction, will not allow the animals' appendages to pass through any openings in the floor.
 3. Space requirements for dogs.
 - A. The guideline for minimum size for an animal enclosure for a dog ten (10) pounds and under shall be three and one half (3.5) square feet.
 - B. The guideline for minimum size for an animal enclosure for a dog from eleven (11) to twenty (20) pounds shall be six (6) square feet.
 - C. The guideline for minimum size for an animal enclosure for a dog from twenty-one (21) to thirty-five (35) pounds shall be eight (8) square feet.
 - D. The guideline for minimum size for an animal enclosure for a dog from thirty-six (36) to fifty (50) pounds shall be twenty (20) square feet.
 - E. The guideline for minimum size for an animal enclosure for a dog over fifty (50) pounds shall be twenty-four (24) square feet.
 - F. The interior height of each animal enclosure for a dog must be at least six (6) inches higher than the highest point of the body (normally the ears) of the dog in the enclosure when it is in a normal standing position.
 - G. All dogs over thirty-five (35) pounds shall be required to be exercised on a leash three (3) times per day for a minimum of ten (10) minutes per exercise period.
 4. Space and other requirements for cats.
 - A. Each cat that is housed in any animal enclosure must be provided minimum vertical space and floor space as follows:

- i. Each animal enclosure housing cats must be at least twenty-two (22) inches in interior height.
- ii. Cats up to and including nine (9) pounds must be provided with at least three (3) square feet.
- iii. Cats over nine (9) pounds must be provided with at least four (4) square feet.

B. Compatibility.

- i. All cats housed in the same animal enclosure must be compatible, as determined by observation.
- ii. Kittens under four (4) months of age may not be housed in the same animal enclosure with adult cats.

C. Litter.

- i. In all cat enclosures, a receptacle containing sufficient clean litter must be provided to collect excreta and body wastes.
- ii. Litter pans shall be cleaned and changed daily or more often if necessary.

D. Resting surfaces.

- i. Each animal enclosure housing cats should contain a solid resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the animal enclosure at the same time comfortably.
- ii. The resting surfaces must be elevated, impervious to moisture and able to be easily cleaned and disinfected, or easily replaced when soiled or worn.
- iii. The resting surfaces shall not be considered part of the minimum floor space.

(8) *Food and water requirements—Pet shops.*

- a. Food shall be stored in rodent, pest and moisture proof containers with lids. Containers shall be clearly and properly labeled as to contents.
- b. Fresh water shall be available to all animals at all times and shall be maintained in a container in such a manner that animals cannot turn container over.
- c. Food and water shall be fresh, appropriate and free from contamination.

(9) *Cleaning procedures—Pet shops.*

- a. Animals (other than water dependent species) shall not be directly exposed to water or disinfectant and shall be removed from animal enclosures during cleaning procedures. Water dependent species shall not be directly exposed to disinfectant and shall be removed from tanks during cleaning procedures.
- b. The entire cage of each dog and cat including top, sides, floor, grate, wall and door shall be cleaned with soap and disinfected, rinsed and dried daily. Cat cages should be spot cleaned daily with a deep disinfection once the cat leaves the enclosure.
- c. Drains and walkways adjacent to all cages and animal enclosures shall be cleaned with soap and disinfected daily.

- d. Runs and cages shall be spot cleaned as necessary to remove animal excrement throughout the day.
- e. Food dishes and water bowls/containers shall be cleaned and disinfected daily.
- f. Appropriate cleaning procedures shall be used to ensure that fumes from excreta and urine do not adversely affect the lungs of animals or humans.

(10) *Exemption for humane societies, private nonprofit animal organizations animal rescue organizations and shelters.*

- a. A pet shop that allows a humane society, private nonprofit animal organization, animal rescue organization or shelter to use the pet shop's premises for the purpose of making animals available for adoption shall be exempt from the provisions of subsections (i)(1)(2)(3) and (4) with respect to such animals, provided the pet shop does not have an ownership interest in such animals and the provisions of section 4-26 are followed. In addition, the pet shop shall post conspicuously on the cage or enclosure of each dog and cat offered for adoption a written notice in twelve-point or greater type identifying the humane society, private nonprofit animal organization, animal rescue organization or shelter from which the dog or cat may be adopted, the breed, the sex, the age, the relevant information known about the dog or cat and that the dog or cat must be sterilized prior to adoption.
- b. A pet shop may adopt animals from a humane society, private nonprofit animal organization, animal rescue organization or shelter for the purpose of adopting those animals out through the pet shop. With regard to any animal adopted from a humane society, private nonprofit animal organization, animal rescue organization or shelter for the purpose of adoption through the pet shop, the pet shop shall comply with all requirements found in section 4-26(a)(2)–(10) and (d). In addition, the pet shop shall post conspicuously on the cage or enclosure of each dog and cat offered for adoption a written notice in twelve-point or greater type identifying the humane society, private nonprofit animal organization, animal rescue organization or shelter from which the dog or cat was obtained, the breed, the sex, the age, the relevant information known about the dog or cat and that the dog or cat must be sterilized prior to adoption.

(j) *Minimum operational standards for grooming parlors and mobile grooming units.*

(1) *Record keeping—Groomers.*

- a. All grooming parlors and mobile grooming units shall maintain a record of all animals currently on premises or being groomed.
- b. A medical emergency release form must be obtained from the owner of each animal so that emergency treatment can be given if an animal shows signs of illness or is injured while in the care and custody of the grooming parlor/unit.
- c. The information on this medical release form shall include, but not be limited to: the owner's name, address, emergency telephone number, owner's veterinarian and veterinarian's telephone number. This information shall be provided to the inspecting officer upon request.

(2) *Physical facility requirements—Groomers.*

- a. All animals shall be contained in appropriate animal enclosures and shall not be permitted to be at large in the facility.
- b. All cages and animal enclosures shall be constructed in such a way that they can be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall be made of non-porous material, impervious to fecal matter and urine, which can be easily disinfected.
- c. Heating, cooling and temperature.

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1. Indoor facilities for dogs and cats must be sufficiently heated and cooled when necessary to protect the dogs and cats from cold and hot temperatures and to provide for their health, comfort and well-being.
 2. When dogs and cats are present, the ambient temperature in the facility must not fall below fifty (50) degrees F (ten (10) degrees C) for dogs and cats not acclimated to lower temperatures and for those breeds that cannot tolerate lower temperatures without stress or discomfort (such as short-haired breeds).
 3. The ambient temperature must not fall below fifty (50) degrees F (ten (10) degrees C) and must not rise above eighty-five (85) degrees F (thirty (30) degrees C) at any time.
- d. Ventilation.
1. Indoor facilities for dogs and cats must be sufficiently ventilated at all times when dogs and cats are present to provide for their health, comfort and well-being, and to minimize odors, drafts, ammonia levels and moisture condensation.
 2. Air, preferably fresh air, must be provided through windows, vents, fans or air-conditioning.
 3. Auxiliary ventilation or air-conditioning must be provided when the ambient temperature is eighty-five (85) degrees F (twenty-nine and one-half (29.5) degrees C) or higher.
 4. Proper ventilation shall ~~insure~~ ensure that the fumes from urine do not adversely affect the lungs of the animals or humans.
- e. Cages/animal enclosures.
1. Animal enclosures must be designed and constructed of suitable materials so they are structurally sound. Animal enclosures must be maintained in good repair.
 2. Animal enclosures must be constructed and maintained so that they:
 - A. Have no sharp points or edges that could injure dogs and cats;
 - B. Protect dogs and cats from injury;
 - C. Keep predators and unauthorized individuals from accessing the enclosure;
 - D. Provide dogs and cats with easy and convenient access to clean water as needed;
 - E. Enable all surfaces in contact with dogs and cats to be readily cleaned and disinfected.
 - F. Have floors which are constructed in a manner that protects the dogs' and cats' appendages from injury, and that if of mesh or slatted construction, will not allow the dogs' and cats' appendages to pass through any openings in the floor.
 3. Animal enclosures for dogs and cats which are housed for less than twelve (12) hours must provide sufficient space for each dog and cat, appropriate to its species, breed and size to stand erect, lie down in a comfortable, normal position, stretch out, and to turn about freely.
 4. In order to house animals for more than twelve (12) hours, a kennel permit must be obtained from the Division.

(3) *Animal care—Groomers.*

- a. Each cage and animal enclosure including top, sides, floor, grate and door shall be cleaned with soap and disinfected, rinsed and dried after each animal occupant.
 - b. Clippers, combs, brushes and any other equipment shall be disinfected after each animal grooming.
 - c. Clean, separate drying towels shall be used for each individual animal groomed.
 - d. Every grooming facility must use ~~tepid~~ warm water for the purpose of washing dogs and cats. Cold water is not acceptable.
 - e. Grooming bathtubs shall be cleaned with soap and disinfected and rinsed after each animal grooming. Grooming bathtubs shall be maintained free of mold and mildew.
 - f. Clippers, dryers, combs, brushes and any other grooming equipment shall be maintained in good repair so that they are appropriate for the intended safe use per the manufacturers' or suppliers' instructions.
 - g. No animal having a known or suspected communicable or infectious disease, shall be accepted for grooming care by a grooming business.
 - h. No animal is to be housed overnight at any grooming parlor/unit unless the premise is also permitted as a kennel.
- (k) Minimum operational standards for commercial stables. The following standards shall apply, except where pre-empted by State Law.
- (1) *Record keeping requirements—Commercial stables.*
- 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 owner's 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 animal's record so that emergency treatment may be given if the animal shows signs of illness or injury while in the care and custody of the commercial stable.
 - c. A copy of a current (within the previous twelve (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 board unless a current (within the past twelve (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—Commercial stables.*
- a. Barn.
 - 1. All barns shall be well ventilated so as to have free flow of air or forced ventilation.
 - 2. 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.
 - 3. 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.

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4. Manure which has been removed from stalls and paddocks shall be maintained at least seventy-five (75) feet from the nearest animal stall. Manure shall be situated so as to assure that there shall be no run-off into canals or retention ponds.
 5. Fly abatement measures must be taken as a deterrent to flies.
- b. Pasturing.
 1. Every owner or manager of any commercial stable shall make daily observation of all animals housed or boarded on the property.
 2. 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.
 3. Separate feed buckets for each equine shall be used when feeding. When a feed trough or bunker is used, there shall be two (2) ~~linear~~ linear feet per head or a two (2) foot feed box for each animal.
 4. 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.
 5. 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.
 1. A designated safe exercise area, which is a minimum of two thousand five hundred (2,500) square feet, shall be provided for all equine.
 2. This exercise area shall be appropriately fenced.
 3. Equine shall be provided appropriate exercise as recognized by accepted animal husbandry practices.
 - d. Paddock area.
 1. Paddock areas are not required.
 2. If an optional paddock area is provided, the area provided shall be a minimum of one hundred (100) square feet up to a maximum of two thousand five hundred (2,500) square feet.
- (3) *Food and water supplies—Commercial stables.*
- 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—Commercial stables.*

- a. Any animal having a known or 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."
 - b. 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.
 - 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 (i.e., 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—Commercial stables.*
- a. ~~Stalls and paddocks 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 (i.e., 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 owners or managers of any commercial stable shall check for and remove any poisonous plants growing in or near where horses are being housed or boarded.
 - e. All chemicals, pesticides, cleaning solutions and disinfectants shall be stored in accordance with manufacturers' instructions, properly labeled as to content and away from contact with animals.

(Ord. No. 98-22, § 23, 6-16-98; Ord. No. 05-044, § 2, 9-27-05; Ord. No. 2011-005, § 4, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15; Ord. No. 2016-045, § 1, 9-27-16)

Sec. 4-24. Animal care; manner of keeping.

- (a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:
 - (1) Clean, sanitary, safe and humane conditions;
 - (2) Sufficient quantities of appropriate food daily;
 - (3) Proper air ventilation and circulation;
 - (4) Adequate quantities of visibly clean and fresh water available at all times; ~~and~~
 - (5) Medical attention and/or necessary veterinary care when an animal is sick, diseased or injured. Upon request by the Division, written proof of veterinary care must be provided; ~~and~~
 - (6) Adequate protection from the cold and heat to prevent stress, discomfort, or harm.
- (b) It shall be unlawful for any person keeping an animal to fail to provide shelter for that animal.
 - (1) Shelter for dogs, cats and small domestic animals must:

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- a. Provide adequate protection from the cold and heat. When the outdoor temperature falls below forty-five (4045) degrees Fahrenheit, all cats, small domestic animals and those dogs that cannot tolerate such temperatures without stress or discomfort (i.e., short-haired breeds, sick, aged, young or infirm), must be moved indoors or provided adequate heating to maintain temperature above forty-five (4045) degrees Fahrenheit range. When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit all dogs, cats, and small domestic animals must be provided air conditioning, a fan, or another cooling source to maintain the temperature in the shelter at or below eight-five (85) degrees Fahrenheit;
 - b. Provide protection from the direct rays of the sun and the direct effect of wind and rain;
 - c. Provide a wind break and rain break;
 - d. Contain clean, dry, bedding material;
 - e. Provide protection from the elements at all times;
 - f. Provide sufficient space for each animal to comfortably stand up, sit down, lie down, and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously; ~~and~~
 - g. Provide a solid roof;:
 - h. Be structurally sound, kept in good repair, and must protect animals from injury, contain the animals securely, and restrict other animals from entering;
 - i. Be free of any accumulation of trash, waste, material, junk, weeds, and other discarded materials; and
 - j. Be cleaned regularly to remove animal waste to provide a clean and sanitary living environment.
- (2) Shelter for equine, bovine, ovine and porcine normally maintained in outdoor areas must:
- a. Provide protection from the direct rays of the sun and the direct effect of wind and rain;
 - ~~b. Provide a wind break and rain break;~~
 - e-b. Provide a solid roof or tree cover sufficient to provide dry shelter at all times for the entire group of animals;
 - ~~d-c. Provide protection from the elements at all times; and~~
 - e-d. Provide space for each animal to comfortably stand up, sit down, lie down and turn around in the shelter. If the shelter is used for more than one (1) animal at the same time, it must provide enough space for each animal to comfortably stand up, sit down, lie down and turn around simultaneously.
- (c) It shall be unlawful for any person maintaining equine or ovine to fail to keep the animal's hooves trimmed so as to prevent lameness, discomfort, or ~~and extreme overgrowth causing~~ deformities.
- (d) No person shall tether an animal to a stationary or inanimate object as a means of confinement or restraint unless such person is with the animal and the animal is at all times visible to such person. Notwithstanding the foregoing, tethering an animal to a vehicle or trailer is prohibited. Choke or prong type collars shall not be used on an animal while such animal is tethered. As used in this chapter, tether means to restrain an animal by tying the animal to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash or lead to walk an animal. Notwithstanding the foregoing, an animal may be tethered while actively participating in or attending an organized show, field trial, agility event,

herding contest or other similar exposition or event, of a limited duration, that involves the judging or evaluation of animals.

- (e) Any dog maintained outdoors for all or part of the day in a fenced yard or other type of enclosure shall be provided a minimum of eighty (80) square feet of open space. An additional forty (40) square feet shall be required for each additional dog kept in the same enclosed area. Each dog shall be provided sufficient shelter within the enclosed area. Any enclosed area where a dog is confined shall be kept free of objects that may injure the dog and shall be cleaned regularly to remove feces. Dogs shall not be maintained outdoors during periods of extreme weather including but not limited to hurricanes, tropical storms, and tornados.
- (f) Animals must be given appropriate daily exercise.
- (g) No humane slaughter of animals as defined in Florida Statutes, §§ 828.22 and/or 828.23 shall be done within earshot or view of the public.
- (h) It shall be unlawful for any person to tease or molest any animal.
- (i) It shall be unlawful for any person to:
 - (1) Leave an animal in any unattended motor vehicle;
 - (2) Transport an animal in any motor vehicle without adequate ventilation or in unsanitary conditions; or
 - (3) Subject or cause an animal to be subjected to extreme temperatures that adversely affect the animal's health or safety.
- (j) It shall be unlawful to transport any animal on a public road in any vehicle unless the animal is safely and humanely restrained (at a minimum by a harness with double tethering for dogs) so that the animal is unable to jump or fall out of the vehicle and, if the animal is inside of a crate, the crate must be secured to prevent movement. When animals are transported in a pickup truck with a metal bed, the animals shall be provided protection from the metal bed.
- (k) Animals shall not be allowed on any median or in any roadway, highway or street intersection for any purpose other than crossing same.
- (l) Commercial trappers are prohibited from trapping domestic animals except for the purpose of TNVR or to retrieve loose owned animals for the purpose of return to owner. Any animal trapped by a commercial trapper shall be trapped, handled, and transported in a humane manner. When trapping such animal a commercial trapper shall comply with Section 4-24(m)(1)-(5) and (7)-(9). A commercial trapper shall not kill any domestic animal that he/she traps.
- (m) Any person trapping a domestic animal shall adhere to the following requirements:
 - (1) Use a humane trap;
 - (2) Provide protection from the direct rays of the sun and direct effect of wind, rain and irrigation/sprinkler system;
 - (3) Provide fresh water in the trap;
 - (4) All trapped dogs and cats, other than community cats addressed in subsection (5) below, shall be immediately returned to their rightful owner or to a governmentally operated animal shelter or humane society in the County. Notwithstanding the foregoing, lactating/nursing cats for which no owner can be located shall be immediately released at the location where the cat was trapped. For any dog or cat brought to an animal shelter or humane society, the person who trapped the dog or cat shall provide the address or exact location where the dog or cat was trapped; ~~and~~

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- (5) All community cats that are trapped shall be immediately released at the location where the cat was trapped unless trapped for the purpose of revaccination, medical care or to address a public health or safety concern as determined by the Division;
 - (6) No trapped animal shall be killed in any manner other than a method approved in the American Veterinary Medical Association Guidelines on Euthanasia, as may be amended from time to time;
 - (7) Trapping shall occur no earlier than two (2) hours before sunset and no later than two (2) hours after sunrise, and trapped animals shall be removed from any trap within that period, except when trapped by the Division for TNVR or emergency purposes;
 - (8) Each trap shall include the name, address and telephone number of the person setting the trap on the trap in letters of no less than one-quarter (¼) inch in height; and
 - (9) Any animal trapped shall be trapped handled and transported in a humane manner.

~~(m)~~(n) To the extent not inconsistent with this chapter the following portions of the Florida Statutes, in their current form and as subsequently amended, are hereby adopted and incorporated by reference except as to penalty, shall be part of this section as if they were set out in full and shall be punishable as civil infractions:

- (1) Section 828.058, Florida Statutes;
- (2) Section 828.065, Florida Statutes;
- (3) Section 828.08, Florida Statutes;
- (4) Section 828.12, Florida Statutes;
- (5) Section 828.121, Florida Statutes;
- (6) Section 828.122, Florida Statutes;
- (7) Section 828.123, Florida Statutes;
- (8) Section 828.1231, Florida Statutes;
- (9) Section 828.125, Florida Statutes;
- (10) Section 828.13, Florida Statutes;
- (11) Section 828.14, Florida Statutes;
- (12) Section 828.16, Florida Statutes;
- (13) Section 828.161, Florida Statutes;
- (14) Section 828.22, Florida Statutes;
- (15) Section 828.23, Florida Statutes;
- (16) Section 828.24, Florida Statutes; and
- (17) Section 828.252, Florida Statutes.

~~(n)~~ No person, for the purpose of that person's sexual gratification, may:

- ~~(1) Engage in a sexual act with an animal;~~
- ~~(2) Coerce any other person to engage in a sexual act with an animal;~~
- ~~(3) Use any part of the person's body or an object to sexually stimulate an animal;~~
- ~~(4) Videotape a person engaging in a sexual act with an animal; or~~
- ~~(5) Kill or physically abuse an animal.~~

(Ord. No. 98-22, § 24, 6-16-98; Ord. No. 03-029, § 1, 8-19-03; Ord. No. 2011-005, § 5, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15)

Editor's note(s)—Section 17 of Ord. No. 2011-005 specifies that § 4-24(d) and (e) shall become effective on July 1, 2011.

Sec. 4-25. Dogs and cats offered for sale; health requirements.

- (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten without first obtaining an official certificate of veterinary inspection pursuant to Florida Statutes, § 828.29, as amended. Dogs, cats, puppies or kittens offered for sale must be at least eight (8) weeks old, free of internal and external parasites, and have proper inoculations as described below.
- (b) The official certificate of veterinary inspection shall document that the following inoculations, tests and treatments have been administered:
 - (1) Dogs/puppies.
 - a. Inoculated against: canine distemper, leptospirosis, parainfluenza, hepatitis/canine adenovirus type 2, canine parvovirus, and ~~borderdellabordeatella~~. A rabies inoculation must be provided for any dog three (3) months of age or older.
 - b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, whipworms, tapeworms, coccidia and giardia. Heartworm detection must occur for dogs six (6) months of age or older. Appropriate treatment for all positive findings must be documented.
 - (2) Cats/kittens.
 - a. Inoculated against: panleukopenia, feline viral rhino tracheitis, calici virus and rabies (provided the cat is over three (3) months of age).
 - b. Diagnostic tests to detect the following internal parasites: hookworms, roundworms, tapeworms and coccidia. Appropriate treatment for all positive findings must be documented. Each cat must be feline leukemia tested prior to being offered for sale, and the results given to the potential purchaser.
- (c) The veterinarian shall date the official certificate of veterinary inspection upon the actual examination and administration of the inoculations and/or treatments. The sale of all dogs and cats must take place no more than thirty (30) days after the official certificate of veterinary inspection has been issued. If a dog or cat is not sold within thirty (30) days of the issuance of the official certificate of veterinary inspection, then a new examination and inspection certificate must be obtained.
- (d) The Division, ~~city-operated~~ municipal animal control agencies and ~~registered nonprofit~~ humane societies/rescues shall be exempt from the provisions of this section.

(Ord. No. 98-22, § 25, 6-16-98)

Sec. 4-26. Animal agencies.

- (a) Stray Hold Partners shall enter into an agreement with the County agreeing to abide by all requirements of this Chapter. All humane societies Stray Hold Partners shall:
 - (1) ~~Hold stray animals for five (5) days (excluding legal holidays or days the operation is closed to the public) allowing owners access for identifying and reclaiming said animals in accordance with section 4-12, Redemption and adoption. Animals not redeemed in accordance with section 4-12 shall become~~

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the property of the Stray Hold Partner holding the animal. In the event there is a dispute with a possible owner during the stray holding period, the animal shall be turned over to Animal Care and Control. For private nonprofit animal organizations and animal rescue organizations, if an owner comes forward during the stray hold period, they may choose to bring the animal back to the Division for redemption or redeem directly back to the owner.

- (2) For a period of two (2) years from the date of impoundment of each animal, keep records of the impoundment and disposition of each animal received and record dates, names and addresses of persons from whom each animal was obtained and to whom each animal is released. All such records must be made available to the Division for inspection and copying upon request. ~~By the fifteenth day of the month, provide the Division with the name and address of each person who has adopted an animal during the previous month and the EAID and license tag number (if applicable) of such animal.~~
 - (3) Provide dogs and cats released to owners with a rabies inoculation and instructions on acquiring a County rabies/license tag.
 - (4) Provide dogs and cats released to new adopters with:
 - a. A rabies inoculation and instructions on acquiring a County rabies tag.
 - b. An electronic animal identification device (EAID) ~~or tattoo. The numbering system shall be registered with the Division.~~
 - (5) Reasonably assure that adopted dogs are not to be used as commercial guard dogs, bait dogs, or used for dog fighting.
 - (6) Assure that animals kept longer than twenty-four (24) hours are maintained in animal enclosures that are consistent with subsection 4-23(h).
 - (7) Contact appropriate agencies for the identification of any animals found with tattoos, tags or electronic animal identification devices (EAID).
 - (8) Comply with section 4-24, Animal care; manner of keeping.
 - (9) ~~Provide for the sterilization of every adopted dog and cat. Every dog and cat shall be sterilized prior to release, unless a veterinarian licensed to practice in the State of Florida certifies in writing that the dog or cat has a medical condition that would be substantially aggravated by such procedure or would likely cause the dog or cat's death. A dog or cat may be temporarily released to a potential adopter if the adopter agrees in writing to bring the dog or cat to the Humane Society or authorized veterinarian for sterilization as soon as deemed safe by a veterinarian licensed to practice in the State of Florida.~~
Provision shall be made for the sterilization of all dogs and cats sold or released for adoption by either:
 - a. Providing sterilization by a licensed veterinarian before relinquishing custody or the animal; or
 - b. Entering into a written agreement with the adopter guaranteeing that sterilization will be performed within 30 days or prior to sexual maturity. The humane society, private nonprofit animal organization, or animal rescue organization shall require sufficient deposit from the adopter, which deposit shall be refundable upon presentation of written evidence by the veterinarian performing the sterilization that the animal has been sterilized. Upon the request of a licensed veterinarian, and for valid reason, the time limit within which the animal must be sterilized may be extended.
- (b) Non-Stray Hold Partners must follow the same requirements as the general public, section 4-8 Keeping/Adopting Stray Animals.
- (10) ~~By the fifteenth day of the month, provide the Division with the following information:~~
- a. ~~Number of animals in its possession or being sheltered. This data shall be provided by species.~~

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- b. ~~Number of dogs/cats adopted.~~
 - c. ~~Number of dogs/cats in foster.~~
- (b) ~~All private nonprofit animal organizations and animal rescue organizations shall:~~
- (1) ~~Comply with section 4-22, Number of animals; acreage restrictions/excess animal habitats.~~
 - (2) ~~Comply with section 4-24, Animal care; manner of keeping.~~
 - (3) ~~Provide dogs and cats released to owners or new adopters with:~~
 - a. ~~A rabies inoculation and County rabies/license tag.~~
 - b. ~~An electronic animal identification device (EAID) or tattoo. The numbering system shall be registered with the Division.~~
 - (4) ~~Provide for the sterilization of every adopted dog and cat. Every dog and cat shall be sterilized prior to release, unless a veterinarian licensed to practice in the State of Florida certifies in writing that the dog or cat has a medical condition that would be substantially aggravated by such procedure or the procedure would likely cause the dog or cat's death. A dog or cat may be temporarily released to a potential adopter if the adopter agrees in writing to bring the dog or cat to the private nonprofit animal organization or animal rescue organization or authorized veterinarian for sterilization as soon as deemed safe by a veterinarian licensed to practice in the State of Florida.~~
 - (5) ~~Hold stray animals for ten (10) days after a found report has been filed at the Division with two (2) clear photographs (at least three (3) inches by three (3) inches) of the dog or cat and a "found" advertisement has been placed in a local newspaper of general circulation.~~
 - (6) ~~For a period of two (2) years from the date of impoundment of each animal, keep records of the impoundment and disposition of all each animals received and record dates, names and addresses of persons from whom each animal was obtained and to whom each animal is released. All such records must be made available to the Division for inspection and copying upon request. By the fifteenth day of the month, provide the Division with the name and address of each person who has adopted an animal during the previous month and the EAID and license tag number (if applicable) of such animal.~~
 - (7) ~~Reasonably assure that dogs adopted or sold are not to be used as commercial guard dogs.~~
 - (8) ~~Contact appropriate agencies for the identification of any animals with tattoos, tags or electronic animal identification devices (EAID).~~
 - (9) ~~By the fifteenth day of the month, provide the Division with the following information:~~
 - a. ~~Number of animals in its possession or being sheltered. This data shall be provided by species.~~
 - b. ~~Number of dogs/cats adopted.~~
 - c. ~~Number of dogs/cats in foster.~~
- (c) All humane societies, private nonprofit animal organizations, and animal rescue organizations that accept animals from any member of the public will be required to have such person sign a written statement detailing the reclaim, adoption and euthanasia policies.
- (d) All humane societies, private nonprofit animal organizations, and animal rescue organizations must be transparent with potential adopters and/or with other organizations that are considering accepting the transfer of an animal into their own program. All known dangerous propensities, such as any bite history, any history of animal attacks and/or any history of aggressive incidents, as well as any known medical conditions, must be disclosed to prospective adopters, fosters and/or to the next organization taking possession of the animal.
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- (de) All humane societies, private nonprofit animal organizations and animal rescue organizations that house or shelter animals within a facility open to the public are subject to annual inspection by the Division.
- (ef) No humane society, private nonprofit animal organization or animal rescue organization shall provide compensation directly or indirectly to any breeder, pet dealer, pet auction, or other source in exchange for a cat or dog.
- (g) No humane society, private nonprofit animal organization, or animal rescue organization shall make animals available for adoption or resale in Palm Beach County if that animal was purchased from a pet auction or commercial breeder within the prior six (6) months.
- (h) No humane society, private nonprofit animal organization, or animal rescue organization shall market an animal as having been "Rescued" or "Saved" if that animal was purchased from a breeder, pet dealer, pet auction, or other source.
- (i) No humane society, private nonprofit animal organization, or animal rescue organization shall import or accept any animal originating from any location outside the state of Florida without obtaining a valid Official Certificate of Veterinary Inspection for that animal. Such document must certify the animal is free of contagious disease and be signed by a state licensed veterinarian from the state of origin within 7 days prior to the date of importation. Such records must be maintained for a minimum of 2 years and must be made available to the Division upon request.
- (Ord. No. 98-22, § 26, 6-16-98; Ord. No. 08-004, pt. 5, 2-5-08; Ord. No. 2016-045, § 1, 9-27-16)

Sec. 4-27. Aggressive dogs, and dangerous dogs ~~and vicious dogs~~.

- (a) *Classification of dogs as aggressive and dangerous.*
- (1) The Division shall investigate reported incidents involving any dog that may be aggressive or dangerous and shall, if possible, interview the owner and require a sworn affidavit from any person, animal control officer, or enforcement officer desiring to have a dog classified as aggressive or dangerous.
- (2) In the event that any animal control officer has sufficient cause to believe that a dog is aggressive or dangerous and that the owner is unable or unwilling to humanely, safely and securely confine the dog, the officer may impound the dog pending the investigation and any appeal if deemed necessary to protect the public. Notwithstanding the foregoing, a dog that is the subject of a dangerous dog investigation and that has killed a human being or has bitten a human being and left a bite mark that scores 5 or higher on the Dunbar bite scale must be immediately confiscated by the Division; placed in quarantine, if necessary, for the proper length of time; impounded; and held. The dog must be held pending the outcome of the investigation and any hearings or appeals related to the dangerous dog classification or any penalty imposed under this chapter. If the dog is to be destroyed, the dog may not be destroyed while an appeal is pending.
- (3) The owner shall be responsible for payment of all boarding costs and other fees required for the Division to care for the any dog impounded at the shelter pending the outcome of the investigation and resolution of any hearing or appeal.
- (4) An owner's refusal to surrender a dog for impoundment pending the investigation shall constitute a violation of this chapter.
- (5) At the discretion of the Division, a dog that is the subject of a an aggressive or dangerous dog investigation, other than those dogs that are required to be confiscated by the Division in accordance with section 4-27(a)(2), may be confined at a licensed facility approved by the Division or at the residence of the owner if the Division is given adequate assurance by the owner that the dog can be humanely, safely, and securely confined without posing a danger to the public. If the dog remains with

the owner pending the outcome of a dangerous dog investigation and resolution of any appeal, the dog shall be at all times maintained in a securely fenced or enclosed area to prevent the dog from escaping or coming into contact with any person or domestic animal other than a person or domestic animal in the immediate household of the owner. If the dog remains with the owner pending the outcome of an aggressive dog investigation and resolution of any appeal, the dog shall be at all times maintained in a securely fenced or enclosed area to prevent the dog from escaping or coming into contact with any domestic animal other than a domestic animal in the immediate household of the owner. Pending resolution of an aggressive or dangerous dog appeal, the dog shall at all times wear a muzzle when it is off the owner's property and must be restrained by a substantial leash not exceeding six (6) feet in length and under the control of a competent person.

- (6) No dog that is the subject of an aggressive or dangerous dog investigation may be relocated or ownership transferred pending the outcome of an investigation or any appeal related to the determination of an aggressive or dangerous dog classification. The owner shall provide the Division with the address of where the dog will be maintained pending an investigation and any related hearings.
- ~~(2)(7)~~ A dog shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be declared aggressive or dangerous if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (8) If a dog is classified as a dangerous dog due to an incident that causes severe injury to a human being, based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health, and welfare, the dog may be destroyed in an expeditious and humane manner.
- ~~(3)(9)~~ A dog that is moved into Palm Beach County and that has been involved in known previous animal-to-human bites or has been equivalently classified as dangerous in its past jurisdiction(s), shall be subject to investigation and classification by the Division. All information, past history and reports from other agencies, organizations or persons may be used to determine the appropriate classification. Equivalently classified as dangerous in another jurisdiction shall be subject to all of the dangerous dog requirements set forth herein. Within seven (7) days after a dog is moved into Palm Beach County, the owner shall obtain a certificate of registration for the dog from the Division.
- ~~(4)(10)~~ After its investigation, the Division shall make an initial determination as to whether there is sufficient cause to classify the dog as aggressive or dangerous, and as to the appropriate penalty, if classified as Dangerous. The Division shall provide written notification of sufficient cause finding (and proposed penalty, for a dangerous dog), to the owner, by registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process. The owner shall be afforded an opportunity for a hearing before a Special Master prior to a final determination of the classification. If the owner decides to appeal the initial determination, the owner shall file a written request with the Division for a hearing before the Special Master within seven (7) calendar days from the date of receipt of the notification of the sufficient cause finding and if requested, the hearing shall be held as soon as possible, no sooner than five (5) calendar days and not more than twenty-one (21) calendar days after receipt of the request from the owner. Said written request must be accompanied by an appeal bond and any applicable fees for the care and boarding of said dog (due through the fifth day following the date of the request for hearing). The appeal bond and any other applicable fees shall be established by the Board by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County. The Division shall provide notice of the hearing to the owner by U.S. mail, electronic mail, facsimile, certified mail or certified hand delivery. ~~If the owner after seven (7) calendar days from the delivery of the "notice of intent to classify/sufficient cause notice," has not filed a written request for a hearing,~~

the determination of the Division shall become final. If a hearing is not timely requested regarding the aggressive or dangerous dog classification or proposed penalty, the determination of the Division as to such matter is final.

~~(5)(11)~~ Once a hearing date is set, failure to appear before the Special Master may, at the Special Master's discretion, result in the dismissal of the hearing with prejudice. In such instances, the ~~process will proceed and the dog shall be classified as aggressive or dangerous~~ determination of the Division as to such matter is final.

~~(6)(12)~~ Upon an aggressive or dangerous dog classification becoming final after a hearing or by operation of law pursuant to subsection 4-27(a), the Division shall provide written notification to the owner by registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process. The owner may appeal the dangerous dog classification, or penalty, or both, to the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida. The owner may appeal the aggressive dog classification by filing a petition for writ of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County within thirty (30) days after receipt of written notification that the dog has been classified as aggressive or dangerous in accordance with the Florida Rules of Appellate Procedure. If the Division allows the owner to maintain possession of the dog during a dangerous dog appeal, the owner must confine the dog in a securely fenced or enclosed area to prevent the dog from escaping or coming in contact with any person or domestic animal other than a person or domestic animal in the immediate household of the owner, pending a resolution of the appeal. If the Division allows the owner to maintain possession of the dog during an aggressive dog appeal, the owner must confine the dog in a securely fenced or enclosed area to prevent the dog from escaping or coming in contact with any domestic animal other than a domestic animal in the immediate household of the owner, pending a resolution of the appeal. Pending resolution of an aggressive or dangerous dog appeal, the dog shall at all times wear a muzzle when it is off the owner's property and must be restrained by a substantial leash not exceeding six (6) feet in length and under the control of a competent person.

~~(13)~~ Hunting dogs are exempt from this section when engaged in any legal hunt or training procedure. Dogs engaged in training or exhibiting in legal sports such as obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding trials are exempt from this section when engaged in any legal procedures. However, such dogs at all other times in all other respects are subject to this chapter. Dogs that have been classified as dangerous may not be used for hunting purposes.

(b) *Aggressive dog mandates and responsibilities.* Within fourteen (14) days after a dog has been classified as aggressive or an aggressive dog classification is upheld on appeal, the aggressive dog shall be implanted with an approved electronic animal identification device (EAID) at the owner's sole expense and the aggressive dog shall be spayed/neutered unless a licensed veterinarian has examined the dog and certified in writing, that at such time spaying/neutering the classified dog will endanger its health because of infirmity, disability, illness or other medical consideration. However, the dog will be spayed/neutered as soon as its health permits. If there is a disagreement concerning the health status for sterilizing an aggressive dog, the Division may have the animal care and control staff/contract veterinarian examine the dog to determine its eligibility for sterilization. If the disagreement cannot be resolved, the Division and the owner shall agree on a third veterinarian to examine the animal for sterilization eligibility. The cost of the third veterinarian shall be split evenly between the Division and the owner. The opinion of the third veterinarian shall govern.

(1) *Responsibilities for owner.* An aggressive dog shall at all times wear a muzzle when it is off the owner's property and must be restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or domestic animal. Dogs that have been classified as aggressive shall not be brought to a dog park, public park or public beach that allows dogs.

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- (c) The Director or designee may, in his or her discretion, enter into a written consent agreement with the owner of a dog sought to be classified as aggressive providing for a one-year probationary period prior to an aggressive dog classification becoming final. The consent agreement shall provide written assurance of voluntary compliance with all applicable provisions of this chapter. The consent agreement may in addition provide for remedial or corrective action, including but not limited to, evidence of successful completion of a course of dog training. Except as expressly provided for in the consent agreement, the consent agreement shall not be deemed to impose any limitation on the County's ability to enforce any provisions of this Chapter. Violation of the consent agreement shall be a violation of this Chapter, may lead to termination of the consent agreement, and may result in an aggressive or, if warranted, dangerous dog classification.

~~(e)~~(d) *Dangerous dog mandates and responsibilities.*

- (1) *Mandates for owner.* Except for any dog that is required to be destroyed pursuant to section 4-27(a)(8), ~~W~~within fourteen (14) seven (7) days after a dog has been classified as dangerous or a dangerous dog classification is upheld on appeal, [a]n owner of a dangerous dog shall ~~comply~~ obtain a certificate of registration for the dog from the Division and renew the certificate annually. The fee shall be established by the Board by Resolution. The certificate of registration may only be issued to the owner upon sufficient evidence of compliance with all of the following:
- a. ~~Provide the Division with a A~~ Provide the Division with a certificate of rabies vaccination.
 - b. ~~A special dangerous dog tag supplied by the Division shall be purchased annually and affixed to the dog's collar to be worn at all times. The fee shall be established by the Board by resolution. A proper enclosure to confine the dangerous dog and the posting of the premises with a clearly visible warning sign at all entry points which informs both children and adults of the presence of a dangerous dog on the property.~~
 - c. ~~The dog shall be implanted with an approved electronic animal identification device (EAID) at the owner's sole expense.~~
 - d. ~~The owner of a dangerous dog shall provide the Division with two (2) color photographs of the dog, (front view and side view) that clearly identifies the classified dog. Each photograph shall be at least three (3) inches by three (3) inches.~~
 - e. ~~A dangerous dog must be spayed/neutered unless a licensed veterinarian has examined the dog and certified in writing, that at such time spaying/neutering the classified dog would endanger its health because of infirmity, disability, illness or other medical consideration. However, the dog will must be spayed/neutered as soon as its health permits. If there is a disagreement concerning the health status for sterilizing a dangerous dog, the Division may have the animal care and control staff/contract veterinarian examine the dog to determine its eligibility for sterilization. If the disagreement cannot be resolved, the Division and the owner shall agree on a third veterinarian to examine the animal for sterilization eligibility. The cost of the third veterinarian shall be split evenly between the Division and the owner. The opinion of the third veterinarian shall govern.~~
 - f. Liability insurance coverage in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage to the Division.
- (2) *Responsibilities for owner.*
- a. ~~The owner shall immediately notify the Division when a dangerous dog:~~

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1. Is loose, unconfined or lost/stolen;
 2. Has bitten a human being or attacked another domestic animal;
 3. Is sold, given away, or dies; or
 4. Is moved to another address.
- b. Prior to a dangerous dog being sold or given away, the owner shall provide the name, address and phone number of the new owner to the Division. The new owner shall execute a document to be supplied by the Division, acknowledging that the owner is aware of the dangerous dog classification, and that the owner ~~shall~~ must comply with the requirements of this section. The new owner must comply with all of the requirements of this chapter. If the animal is moved out of the County to another jurisdiction within the State, the owner is required to abide by Florida Statutes Ch. 767. The animal control authority at the new location must be notified by the owner of a dog classified as dangerous, that the dog is in its jurisdiction.
 - c. While on the owner's property, a dangerous dog must be securely confined indoors or securely confined outdoors in an enclosed and locked structure, suitable to prevent the entry of any person other than adult members of the immediate household and constructed to prevent the dog from escaping. The structure must be a minimum of eighty (80) square feet. Such structure shall have secure sides and a secure top and bottom to prevent the dog from escaping over, under or through the structure. The enclosure shall provide a humane existence for the dog and protection from the elements.
 - d. When being transported, a dangerous dog must wear a muzzle and be safely and securely restrained within a vehicle.
 - e. The owner shall prominently display a sign to be provided by the Division at the owner's expense, on his/her premises at all entry points warning children and adults that there is a dangerous dog on the property. The fee for this sign shall be established by the Board by resolution.
 - f. A dangerous dog shall at all times wear a muzzle when it is not securely confined indoors or securely confined outdoors in an enclosed and locked structure on the owner's property. A dangerous dog may be off the owner's premises or out of its enclosure if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a competent person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or domestic animal. Notwithstanding the foregoing, the owner may exercise the dog in a securely fenced or enclosed area that does not have a top, with a muzzle but without a leash, if the dog remains within his or her sight and only members of the immediate household or persons eighteen (18) years of age or older are allowed in the fenced yard or enclosure while the dog is present.
 - g. A dangerous dog shall not be used as a guard dog as defined in this chapter.
 - h. Dogs that have been classified as dangerous shall not be used for hunting purposes.
 - i. Dogs that have been classified as dangerous shall not be brought to a dog park or public park or public beach that allows dogs.
 - j. When any person or domestic animal other than the owner or a person or domestic animal in the immediate household of the owner visits the premises where the dangerous dog is maintained, the owner shall secure the dangerous dog in an enclosed and locked structure to prevent such person or domestic animal from coming into contact with the dangerous dog.

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- k. Dogs that have been classified as dangerous shall not be brought to any nonresidential establishment other than a veterinary office or other facility where the dangerous dog is being treated, trained or boarded.
 - l. Notwithstanding the foregoing, a dangerous dog may be cared for at a boarding facility or by a pet sitter if the boarding facility or pet sitter acknowledges in writing that the dog is a dangerous dog and agrees to comply with this chapter.

The Division shall have the authority to make inspections to ensure that the provisions cited herein are complied with.

An owner of a dangerous dog shall have the option to have said dog humanely euthanized at his/her sole expense by the Division or licensed veterinarian if the owner is unable to comply with the requirements cited herein.

(3) *Violations.*

- a. The Division is responsible for investigating alleged violations of this section after a dog is classified as aggressive or dangerous. A citation may be issued to the owner of any aggressive or dangerous dog alleged to be in violation of this section. The investigating officer may issue such citation upon the receipt of one (1) sworn affidavit of complaint. This affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner, if known, and a description of the dog. In the event that a third or subsequent citation is issued to the owner for violation of this section, the owner shall be required to appear in court.
- b. An animal care and control officer may impound a dangerous dog if the owner fails to comply with the dangerous dog mandates and responsibilities cited herein. A dangerous dog impounded under this section may be redeemed by the owner upon the owner's compliance with the dangerous dog mandates and responsibilities and payment of any boarding fees, impound fees, or other applicable fees established by the Board by resolution. If the owner does not comply with the dangerous dog mandates and responsibilities and redeem the dangerous dog within fourteen (14) days of the date the dog was impounded, the dog shall become the property of the County.

~~(d)(e) Vicious dog. Attack or bite by dangerous dog or unclassified dog that causes death; confiscation; destruction.~~

- (1) ~~Upgrading dangerous dog to vicious dog.~~ If a dog that has previously been declared dangerous attacks or bites a person or a domestic animal, without provocation, the dangerous dog shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time or impounded and held ten (10) business days after the owner is given written notification by certified mail, certified hand delivery (signed receipt), or service in conformance with the provisions of chapter 48 relating to service of process and thereafter destroyed in an expeditious and humane manner. ~~The Division shall make an initial determination as to whether there is sufficient cause to upgrade the dangerous classification to vicious.~~
- (2) ~~Attack by unclassified dog that causes death of a human.~~ If a dog that has not previously been declared dangerous attacks and causes the severe injury to or death of any human, the dog may be destroyed in an expeditious and humane manner. ~~The dog shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time or held for ten (10) business days after the owner is given written notification by registered mail, certified mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process and thereafter destroyed in an expeditious and humane manner. The Division shall make an initial determination as to whether there is sufficient cause to classify the dog as vicious.~~

- (3) ~~Attack by unclassified dog that causes severe injury to a human.~~ If a dog that has not been declared dangerous attacks and causes severe injury to the death of a human, ~~based upon the nature and circumstances of the injury and the likelihood of a future threat to the public safety, health and welfare, the dog may be destroyed in an expeditious and humane manner.~~ The dog shall be immediately confiscated by the Division, placed in quarantine, if necessary, for the proper length of time; ~~impounded; or and~~ held for ten (10) business days after the owner is given written notification by certified registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process and thereafter destroyed in an expeditious and humane manner. ~~The Division shall make an initial determination as to whether there is sufficient cause to classify the dog as vicious.~~
- (4) A dog shall not be ~~declared vicious subject to classification~~ if the threat, injury or damage was sustained by a person who, at the time, was unlawfully on the property or, while lawfully on the property, was tormenting, abusing, or assaulting the dog or its owner or a family member. No dog may be ~~declared vicious subject to classification~~ if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.
- (5) ~~Vicious dog c~~Classification process.
- a. The Division shall investigate any incident involving any dog that may be vicious subject the dog to classification under section 4-27(e) and shall, if possible, interview the owner and require a sworn affidavit from any person, animal control officer, or enforcement officer desiring to have a dog classified as vicious. The dog shall be impounded and held by the Division pending the outcome of the investigation and any appeal.
 - b. The owner shall be responsible for payment of all boarding costs and other fees required for the Division to care for the dog pending the outcome of the investigation and resolution of any appeal.
 - c. An owner's refusal to surrender a dog for impoundment pending the investigation shall constitute a violation of this chapter. No dog that is the subject of a vicious dog investigation an investigation under section 4-27(e) may be relocated or ownership transferred.
 - ~~b.d.~~ After its investigation, the Division shall make an initial determination as to whether there is sufficient cause to ~~classify~~ destroy the dog as vicious. The Division shall provide written notification of sufficient cause finding, to the owner, by registered mail, certified hand delivery (signed receipt) or service in conformance with the provisions of chapter 48 relating to service of process. ~~The ten (10) business day time period from date of notification, shall allow the owner to file a written request for a hearing before a Special Master prior to a final determination of the vicious classification. The owner may request a hearing under subsection 4-27(a) during the 10 business days after such notification.~~ The hearing shall be held no sooner than five (5) calendar days and not more than twenty-one (21) calendar days after receipt of the request from the owner. The appeal bond, and any applicable fees for the care and boarding of said dog (due through the fifth day following the date of the request for hearing) must accompany the owner's written request. The appeal bond and fees shall be established by the Board by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County. The Division shall provide notice of the hearing to the owner by U.S. mail, electronic mail, ~~facsimile~~, certified mail or certified hand delivery. If the owner fails to appeal within the ten (10) business days period of the notification, the dog shall be humanely destroyed in an expeditious and humane manner.
 - e.e. Once a hearing date is set, failure to appear before the Special Master may, at the Special Master's discretion, result in the dismissal of the hearing with prejudice. In such instances, the process will proceed and the dog shall be classified as vicious destroyed in an expeditious and

~~humane manner. The owner shall be responsible for payment of all boarding costs and other fees as may be required to humanely and safely keep the dog during any appeal procedure.~~

- (6) *Notice of appeal.* The owner may appeal the classification to the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida ~~within thirty (30) days after receipt of written notification that the dog has been classified as vicious in accordance with the Florida Rules of Appellate Procedure.~~

(Ord. No. 98-22, § 27, 6-16-98; Ord. No. 05-044, §§ 3, 4, 9-27-05; Ord. No. 2009-019, § 2, 7-21-09; Ord. No. 2011-005, § 6, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15; Ord. No. 2016-045, § 1, 9-27-16)

Sec. 4-28. Sterilization program for dogs and cats.

- (a) *Purpose.* The Board has determined that the unintended or uncontrolled breeding of dogs and cats within the County leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering privation and death, being impounded and euthanized at great expense to the community, and constituting a public nuisance and public health hazard. It is, therefore, declared to be the public policy of the County that every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens be encouraged.
- (b) *Spaying, neutering of dogs and cats.*
- (1) Every dog six (6) months of age or older and every cat four (4) months of age or older within the County shall be spayed or neutered, unless proof of one (1) of the following exemptions is provided to the Division:
- The dog or cat is registered with a national or international club, association, or registry recognized by the Division, and the owner certifies in writing to the Division that the animal is being used, trained, or considered for use in a show(s), sporting competition(s), or other similar competitive event(s) held by one (1) or more national or international clubs, associations, or registries.
 - A veterinarian licensed in the State certifies in writing that the dog or cat is medically unfit to undergo the required spay or neuter procedure because of a medical condition, including but not limited to age, that would be substantially aggravated by such procedure or would likely cause the dog or cat's death. The writing must state the date by which the dog or cat may be safely spayed or neutered. The Division may extend the time for spaying or neutering a dog or cat or may exempt such dog or cat from the spay/neuter requirement based upon the written medical recommendation of a licensed veterinarian. For a dog or cat that is not spayed or neutered due to a health condition as provided herein, the license tag fee established by the Board for sterilized dogs or cats shall apply. As soon as the medical condition that prevents a dog or cat from being spayed or neutered ceases to exist, it shall be the duty of the owner of such dog or cat to promptly comply with this section.
 - The dog is currently used by a law enforcement agency for law enforcement purposes.
 - The dog is a guide dog or service animal as defined in section 4-2 of this chapter.
 - The owner wishes to keep the dog unsterilized and certifies in writing to the Division that the dog will not be bred or used for stud purposes unless an appropriate breeder permit is first obtained from the Division. Breeding or using the dog for stud in violation of this provision shall constitute a violation of this chapter.
 - The dog is used for breeding purposes by a licensed hobby or commercial breeder. The cat is used for breeding purposes by a licensed hobby or commercial breeder and is registered as a pedigreed cat with the Cat Fancier Association or the International Cat Association.

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- g. The dog or cat is being harbored by a shelter, humane society, or private animal nonprofit organization, or animal rescue organization whether public or private, whose principal purpose is securing the adoption of dogs or cats or offering sanctuary for dogs or cats, provided that the dog or cat is spayed or neutered ~~prior to being placed for adoption in accordance with Section 4-26,~~ Animal agencies.
- h. Illegal Breeders will be required to spay or neuter their animals within 30 days of notice of non-compliance.

(Ord. No. 08-004, pt. 6, 2-5-08; Ord. No. 2015-027, § 1, 6-23-15; Ord. No. 2016-045, § 1, 9-27-16)

Editor's note(s)—Ord. No. 08-004, pt. 6, adopted February 5, 2008, amended the Code by renumbering former § 4-28 as a new § 4-30, and adding a new § 4-28.

Sec. 4-29. Hobby breeder permits.

(a) *Hobby breeder permits.*

- (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes without first obtaining an appropriate breeding permit issued by the Division. No person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four (4) months of age together without first obtaining an appropriate breeding permit from the Division. No cat shall be bred unless it is a pedigreed cat registered as such with the Cat Fancier Association or the International Cat Association. No hobby breeder permit shall be issued unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier Association or the International Cat Association. The cost of the permit and other related fees shall be established by the Board by resolution.
- (2) Any person found to be engaging in illegal breeding will not be eligible to obtain a Hobby Breeder permit for one year.
- (23) Hobby breeders shall:
 - a. Not breed more than two (2) litters or more than nineteen (19) dogs, cats, puppies, or kittens during a one-year period;
 - b. Not offer for sale, sell, trade, receive any compensation for or give away more than two (2) litters or more than nineteen (19) dogs, cats, puppies, or kittens during a one-year period;
 - c. Keep records for the duration of the hobby breeder permit and all permit renewals as to the birth of each litter of puppies or kittens and shall make such records available for review by the Division upon request;
 - d. Keep records including but not limited to records concerning rabies vaccinations, all other inoculations and any medical condition(s) of each dog, cat, puppy or kitten intended to be sold, given away, or otherwise conveyed;
 - e. On a quarterly basis, the name, address, and telephone number of the new owner of any dog, cat, puppy or kitten placed or a notice that no animal was sold during the quarter shall be provided to the Division;
 - f. Furnish to each new owner of a dog, cat, puppy or kitten the hobby breeder permit number so the new owner has proof and assurance that the animal was legally bred;
 - g. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or free giveaway, with the exception of animals taken to an animal shelter;

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- h. Recommend to each new owner that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner of State requirements for rabies vaccinations;
 - i. List the person's hobby breeder permit number on all advertisements and literature concerning the sale or free giveaway of any dog, cat, puppy or kitten of the hobby breeder;
 - j. Adhere to minimum standards regarding the care and manner of keeping of animals as provided in section 4-24, animal care; manner of keeping; and
 - k. To the extent permitted by law, allow the Division to inspect the exterior of the premises wherein an animal that is the subject of a hobby breeder permit is maintained and to view any animal that is the subject of the permit, if the Division has probable cause to believe that a violation of section 4-24, animal care; manner of keeping, exists. Such inspection will be limited to that necessary to ascertain compliance with section 4-24, animal care; manner of keeping conducted at least once per year, typically at times of new permit application and as a condition of annual renewal. If a hobby breeder refuses to allow the Division to perform an inspection as provided herein, citations may be issued and the Division may apply for a warrant pursuant to Florida Statutes Ch. 933. All reports of such inspections shall be in writing and maintained by the Division.
- (34) A hobby breeder permit is valid for a period of one (1) year from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to expiration.
- (45) A hobby breeder permit is not transferable, assignable, or refundable.
- (56) Each person owning an animal intended to be used for breeding or stud purposes shall obtain a hobby breeder permit prior to using any dog or cat for breeding or stud purposes. A hobby breeder must obtain an unaltered license tag for each unaltered dog or cat covered under the hobby breeder permit.
- (7) Only one hobby breeder permit shall be issued per parcel of land.
- (b) *Obtaining a hobby breeder permit.*
- (1) A person seeking a hobby breeder permit shall apply to the Division on a form approved by the Division.
 - (2) The permit application shall include but is not limited to the following information:
 - a. The name, address and telephone number of the applicant;
 - b. A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals or had a final judgment entered against the applicant under F.S. § 828.073, or any other statute prohibiting animal neglect or mistreatment;
 - c. A description (species, breed, sex, age, coloration) of each animal under the permit; and
 - d. A description of the activity for which the permit is requested.
 - (3) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued based on false or withheld information shall be revoked.
 - (4) No person who has previously been convicted of, had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or who has had a final judgment entered against him/her pursuant to Florida Statutes 828.073 or comparable statute, cruelty to animals or who has had a final judgment entered against him/her pursuant to F.S. § 828.073, shall be issued a hobby breeder permit.
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- (1) The permit applicant shall complete an application, supply all information requested by the Division, and pay the applicable permit fee established by the Board by resolution.
 - (2) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications.
- (d) *Violations.*
- (1) Failure to apply for a permit prior to operating as a hobby breeder shall constitute a violation.
 - (2) Failure to reapply for a permit at least thirty (30) days before expiration of the existing permit shall constitute a violation.
 - (3) Refusal to allow an animal control officer to inspect an animal or the premises as provided in section 4-29(a)(2)k. shall constitute a violation.
 - (4) It shall be a violation of this chapter to counterfeit a hobby breeder permit or official certificate of veterinary inspection or to maliciously destroy a hobby breeder permit.
 - (5) It shall be a violation of this section to advertise, display, attempt to sell or sell any dog or cat on any roadside or public right-of-way.
- (e) *Permit denial, revocation, and suspension.*
- (1) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is determined that:
 - a. There has been a material misstatement or misrepresentation in the permit application;
 - b. The applicant/permit holder has been cited for at least three (3) violations of this chapter within a two-year period, each resulting in the imposition of a fine;
 - c. The permit holder/applicant has outstanding and unsatisfied civil penalties imposed due to a violation of this chapter;
 - d. The applicant/permit holder, his/her agent or a member of the household has been convicted of a violation of law involving cruelty to animals or has had a final judgment entered against him/her pursuant to Florida Statutes § 828.073; had adjudication withheld on, or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic violence or has had a final judgment entered against him/her pursuant to Florida Statutes 828.073 or comparable statute; or
 - e. An animal under the care and responsibility of an applicant/permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death.
 - (2) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review, the permit fee shall be refunded as provided by the Board by resolution.
- (f) *Appeal process.*
- (1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a Special Master within the ten-day period after the Division originates the adverse action. A written notice of appeal and appeal bond must be filed with the Division within ten (10) days of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.
 - (2) The appeal will be heard by a Special Master within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal may be continued by

the Division, the Special Master, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.

- (3) Unless otherwise provided herein, the hearing before the Special Master shall be governed as provided in section 4-30, Animal care and control Special Master hearing.
- (4) The denial, revocation or suspension of the permit shall be upheld or reversed by the Special Master.
- (5) All decisions by the Special Master shall be final and reviewable by writ of certiorari to the County Circuit Court.
- (6) The Special Master shall provide the applicant or permit holder with written notice of his/her decision.
- (g) *Owner requirements following notice of adverse action and/or appeal process.*
 - (1) If the notice of adverse action of denial, revocation or suspension of a hobby breeder permit is not appealed, the applicant or permit holder shall come into compliance with this chapter within ten (10) days after the notice of adverse action.
 - (2) Any person whose permit has been revoked may not reapply for a period of one (1) year. Each reapplication for a permit shall be accompanied by a fee to be established by the Board by resolution.
- (h) *Fee waiver.* The Division shall waive the annual hobby breeder permit fee for any person/applicant who applies for a hobby breeder permit on or before August 1, 2008. For persons/applicants who apply for a hobby breeder permit during this period, the Division shall also annually waive the fee for two (2) unaltered dog or cat license tags. The fee waiver shall remain in effect for a hobby breeder so long as the hobby breeder remains in compliance with this chapter and F.S. ch. 828.

(Ord. No. 08-004, pt. 7, 2-5-08; Ord. No. 2011-005, § 7, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15; Ord. No. 2016-045, § 1, 9-27-16)

Editor's note(s)—Ord. No. 08-004, pt. 7, adopted February 5, 2008, amended the Code by renumbering former § 4-29 as a new § 4-31, and adding a new § 4-29.

Sec. 4-30. Animal Care and Control Special Master hearings.

- (a) The Board of County Commissioners shall appoint Special Masters who shall make decisions relating to any hearings that have been initiated as provided in this chapter. ~~Special Masters shall have the qualifications as specified in and shall be appointed selected in accordance with Article 2, Palm Beach County Unified Land Development Code, as amended. The Board shall appoint as many Special Masters as deemed necessary.~~
 - 1. Special Masters shall at minimum: (a) be a graduate of a law school accredited by the American Bar Association; (b) demonstrate knowledge of local government regulations and procedures; (c) be a member in good standing with the Florida Bar; and (d) meet other such qualifications that may be established by resolution of the Commission.
 - 2. Special Masters shall enter into an agreement with the Board setting forth the terms and conditions of their service.
 - 3. Code Enforcement Special Masters selected in accordance with Article 2 of the Palm Beach County Unified Land Development Code may serve ex officio as Special Masters.
 - 4. The County Manager shall have authority to remove individual Special Masters with or without cause.
- (b) Each case before the Special Master shall be presented by the county. An assistant county attorney shall serve as the prosecuting attorney for the Division.

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(Supp. No. 124, Update 2)

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- (c) Upon request of the Division, or at such other times as may be necessary, a hearing before a Special Master may be convened. A record shall be kept of all Special Master hearings and all hearings shall be open to the public.
- (d) At the hearing, the burden of proof shall be upon the Division to show by a preponderance of the evidence that a violation of this chapter has occurred.
- (e) ~~All testimony shall be under oath and shall be recorded. The Division shall provide notice of any hearing before a Special Master to the alleged violator by U.S. Mail, electronic mail (with delivery receipt), facsimile (with delivery receipt), certified mail, or hand delivery.~~
- (f) ~~All testimony shall be under oath and shall be recorded.~~ The formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. Upon determination of the Special Master, irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the State of Florida. Any part of the evidence may be received in written form.
- (g) The Special Master may inquire of or question any witness present at the hearing. The alleged violator, his/her attorney, the Division or attorney representing the Division shall be permitted to inquire of or question any witness present at the hearing. The Special Master may consider testimony presented by the Division, the alleged violator, or any other witnesses.
- (h) At the conclusion of the hearing, the Special Master shall orally render his or her decision based on evidence entered into the record. The decision shall then be transmitted to the alleged violator in the form of a written order including findings of fact, and conclusions of law consistent with the record. All decisions of the Special Master shall be final. Unless otherwise provided in this chapter, the order may include a notice that it must be complied with by a specified date.
- (i) ~~Any aggrieved party, including the local governing body, may appeal an order a final administrative order of the Special Master concerning a dangerous dog classification under Section 4-27 or a violation of this chapter by filing an appeal in the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within 30 days of the execution of the order to be appealed, including the County, to the Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County. Such appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Master. Any appeal filed pursuant to this chapter shall be considered timely if it was filed within thirty (30) days of the execution of the order to be appealed. Special Master orders involving a denial, revocation, or suspension any permit issued under this chapter or an aggressive dog classification issued under section 4-27 by may be appealed by filing a petition for writ of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County or in accordance with any other procedure allowed by law. PBC may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with F.S. § 119.07.~~
- (j) The Special Master shall have the power to:
- (1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by a sheriff or other authorized persons consistent with Rule 1.410(d), Florida Rules of Civil Procedure upon request by the Special Master.
 - (2) Subpoena records and other documentary materials.
 - (3) Take testimony under oath.
 - (4) Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.
 - (5) Issue orders requiring an owner to reimburse the County for any costs incurred to care for an animal.

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- (k) If the County prevails in any hearing before the Special Master, the alleged violator's appeal bond (if required) shall be forfeited, in whole or in part, to the County to the extent necessary to cover the cost of the Special Master. If the alleged violator prevails in any hearing before the Special Master, the appeal bond shall be returned to the alleged violator.
 - (l) Upon the finding of a violation, the Special Master may impose the maximum fine provided for in section 4-32. If the violation has been corrected prior to the hearing, the Special Master may impose a fine less than the maximum fine provided for in section 4-32.
 - (m) Upon the finding of a violation or ruling in favor of the County, the Special Master may order the violator/respondent to pay the County for the costs and expenses involved in the case.
 - (n) A certified copy of an order imposing a fine, or a fine plus costs, may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the Special Master may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property, which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

(Ord. No. 98-22, § 28, 6-16-98; Ord. No. 05-044, § 5, 9-27-05; Ord. No. 08-004, pt. 6, 2-5-08; Ord. No. 2011-005, § 8, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15; Ord. No. 2016-045, § 1, 9-27-16)

Note(s)—See editor's note, § 4-28.

Sec. 4-31. Interference with enforcement.

- (a) It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or employee of the Division in the performance of his/her duties.
- (b) It shall be unlawful for any person to knowingly interfere with or damage any humane animal trap owned by the Division or to molest or release any animal caught therein.
- (c) No animal that is the subject of a manner of keeping, animal cruelty, dangerous/vicious dog or animal bite investigation may be relocated or ownership transferred pending the outcome of the investigation.
- (d) It shall be unlawful for any person to refuse to present an animal to an officer for examination when that animal is the subject of an investigation.
- (e) It shall be unlawful to provide an animal compliance officer with false information or to take any action that would compromise an investigation.
- (f) It shall be unlawful to impersonate any Division personnel and/or forge, alter, mutilate, or use the County's official logo, seal, or any other official insignia in any form without the prior written consent of the County.
- (g) It shall be unlawful to falsify information about any animal in an attempt to defraud, mislead, or interfere with an investigation.

(Ord. No. 98-22, § 29, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08)

Editor's note(s)—Ord. No. 08-004, pt. 7, adopted February 5, 2008, amended the Code by renumbering former § 4-29 as a new § 4-31. In order to prevent duplication of section numbers, former §§ 4-30—4-32 were renumbered as 4-32—4-34 at the discretion of the editor.

Sec. 4-32. ~~Violations, civil infractions, civil penalties~~ Enforcement; penalties.

- (a) Any violation of this chapter is a civil infraction and may be enforced as provided in Section 828.27, Florida Statutes.
- (b) Any person who has committed an act in violation of this chapter ~~shall~~ may receive a citation from the Division by an animal control officer or law enforcement officer who has probable cause to believe that the person has committed a civil infraction in violation of this chapter. The citation form shall include, but not be limited to the following:
 - 1. The date and time of issuance.
 - 2. The name and address of the person.
 - 3. The date and time the civil infraction was committed.
 - 4. A brief statement of facts constituting probable cause.
 - 5. The ordinance violated.
 - 6. The name of the officer.
 - 7. The procedure for the person to follow in order to pay the civil penalty, to contest the citation, or to appear at the mandatory hearing for certain aggravated violations.
 - 8. The applicable civil penalty if the person elects to contest the citation.
 - 9. The maximum civil penalty if the person elects not to contest the citation.
 - 10. For Special Master Proceedings, notice that failure to pay the civil penalty or to request a hearing within ten (10) days, after receipt of the citation, exclusive of weekends and legal holidays, shall constitute a waiver of the alleged violator's right to a hearing and may result in the entry of an order against the violator and the imposition of a civil penalty not to exceed \$2,500 for a first violation, \$5,000 for a second violation, and \$7,500 for a third or subsequent violation.
 - 11. For county court proceedings, notice that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, the person shall be deemed to have waived his or her right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.
- (c) The Special Master and County Court shall have jurisdiction over all violations of this chapter.
- (d) For citations processed through county court, tThe County Clerk shall accept designated fines and issue receipts therefore.
- (e) Violation of any provision of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00), unless otherwise provided by law. A person who violates Section 767.12, Florida Statutes, commits a noncriminal infraction, punishable by a fine not to exceed one thousand dollars (\$1,000) per violation. A person who violates Section 828.27(1)(g)(2)(b), Florida Statutes, commits a noncriminal infraction, punishable by a fine not to exceed two thousand five hundred dollars (\$2,500) for a first violation, five thousand (\$5,000) for a second violation, and seven thousand five hundred dollars (\$7,500) for a third or subsequent violation per violation. Any person who has violated any provision of this chapter or a statute

incorporated herein by reference shall be fined an amount as established by the Board of County Commissioners by resolution.

- (f) The act for which the citation is issued shall cease upon receipt of the citation, unless otherwise specified therein. Any person issued an animal care and control citation shall be deemed to be charged with a civil violation and shall comply with the directives on the citation.
- (g) Payment shall be made, either by mail or in person, to the violations bureau Clerk of Courts within the time specified on as directed within the citation. If the person cited pays the civil penalty, he or she waives the right to a hearing on whether the violation was committed. If a person follows this procedure, he shall be deemed to have admitted the infraction and to have waived his right to a hearing on the issue of commission of the infraction.
- (h) Pursuant to Florida Statutes, §§ 938.01 and 938.19, mandatory costs shall be assessed against every person found in ~~convicted of a~~ violation of this chapter. Pursuant to Florida Statute § 828.27, a five dollar (\$5.00) surcharge shall be assessed against every person ~~convicted of a~~ found in violation of this chapter.
- (i) Any person who fails to make payment within the specified period shall be deemed to have waived his/her right to pay the uncontested civil penalty as set forth in the citation.
- (j) Any person who elects to appear before the court to contest the citation shall be deemed to have waived his/her right to pay the uncontested civil penalty as set forth in the citation. The court, after a hearing, shall make a determination as to whether a violation has occurred and may impose a civil penalty not to exceed five hundred dollars (\$500.00) plus court costs. Notwithstanding the foregoing, a person who violates Section 767.12, Florida Statutes, commits a noncriminal infraction, punishable by a fine not to exceed one thousand dollars (\$1,000) per violation or violates Section 828.27(1)(g)(2)(b), Florida Statutes, commits a noncriminal infraction, punishable by a fine not to exceed two thousand five hundred (\$2,500) for a first violation, five thousand (\$5,000) for a second violation, and seven thousand five hundred (\$7,500) for a third or subsequent violation, plus court costs.
- (k) If a person fails to pay the civil penalty, or fails to appear in court to contest the citation, he ~~or she~~ shall be deemed to have waived his right to contest the citation; and in such case, a default judgment may be entered and the judge shall impose a fine at that time. An order to show cause may be issued. ~~If the fine is paid, the case shall be dismissed. If the fine is not paid, judgment may be entered up to the maximum civil penalty.~~
- (l) ~~Any person cited for an infraction under this chapter shall sign and accept the citation indicating a promise to pay the fine or appear in court. Any person who willfully refuses to sign and accept a citation issued by an officer shall be guilty of a misdemeanor of the second degree, punishable as provided by Florida Statutes, §§ 775.082 or 775.083.~~
- (m) The Division may require mandatory Special Master or court appearances for certain aggravated violations of this chapter resulting in the unprovoked biting, attacking or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; or violations resulting in the issuance of a third or subsequent citation to a person. The citation shall clearly inform the person of the mandatory ~~court~~ appearance. The Division shall maintain records to prove the number of citations issued to the person. Persons required to appear before a Special Master or in court do not have the option of paying the fine instead of appearing in court.
- (n) ~~Permission is hereby granted to employees working for county municipal governments to enforce this chapter through the issuance of citations when those employees have been certified as animal control officers pursuant to Florida Statutes, § 828.27(4)(a)1. Enforcement must be in cooperation with and receive the approval of the Division.~~
- (n) The following process applies when citations are issued pursuant to the jurisdiction of the Special Master:

1. Whenever, based upon personal investigation and in accordance with the policies and procedures established by the division, the animal control officer has reasonable and probable grounds to believe that a person has committed a violation of this chapter, the officer may issue a citation to the violator.
 2. The act for which the citation is issued shall cease upon receipt of the citation unless otherwise specified in the citation, and the person charged with the violation shall elect either to correct the violation and pay the civil penalty in the manner indicated on the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, request an administrative hearing before the Special Master to appeal the issuance of the citation. If the hearing date is not set forth in the citation, a notice of hearing shall be served on the violator as provided herein. Failure of the violator to appeal the decision of the animal control officer within the timeframe as set forth herein shall constitute a waiver of the violator's right to an administrative hearing. A waiver of the right to an administrative hearing shall be deemed an admission of the violation and penalties may be imposed accordingly.
 3. Upon written notification by the animal control officer that a violator has not contested the citation or paid the penalty within the time allowed on the citation, or if a violation has not been corrected within the time set forth on the citation, the Special Master shall enter an order ordering the violator to pay the civil penalty set forth on the citation. A hearing shall not be necessary for the issuance of such an order. The order shall include a notice, if applicable, that fine(s) were imposed.
 4. Upon appeal of a citation, or at such other times as may be necessary, a hearing before the Special Master may be convened in accordance with section 4-30.
 5. Any person who, within ten (10) calendar days after receipt of the citation, fails to either come into compliance with the section of this chapter for which he or she is in violation or request a hearing, shall be subject to additional citations for second and subsequent violations of the same section of this chapter.
- (o) The violation of any provision of this chapter may also be enforced pursuant to FSS Ch. 162, Local Government Code Enforcement Boards Act, and Article 10 of the Palm Beach County Unified Land Development Code, all as may be amended or recodified from time to time. A Palm Beach County Special master may impose fines as provided for in FSS 162.09(2)(d). In determining the amount of the fine, the Palm Beach County Special Master shall consider:
- (1) The gravity of the violation;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.
- The Board of County Commissioners may by resolution adopt recommended fine amounts for consideration by a special master.
- ~~(e)~~(p) Failure to comply with any provision of this chapter shall constitute a separate and distinct violation.
- ~~(p)~~(q) Each day a violation of any provision of this chapter exists shall constitute a separate and distinct violation.
- (r) Whether a person is cited for 1st, 2nd, or 3rd offense will be based on the issuance of prior citations to anyone residing in the same residence, and/or caring for the same animals, within the prior 12 months. A person will only receive a 1st offense citation if no other resident/caretaker received a citation for the same violation within the prior 12 months.
- (s) Nothing herein shall limit any other enforcement mechanism authorized by law, including, but not limited to, the right to seek injunctive or any other equitable relief.

- (t) It is the purpose of this code to provide additional, cumulative remedies. These sanctions are in addition to any criminal penalties that may be imposed by law.
- (u) Except as otherwise specified in section 4-27, proper notice of a citation or hearing is given where notice has been mailed to the violator by certified mail, return receipt requested; by hand delivery by the sheriff, other law enforcement, a certified process server, animal control officer, or other person designated by the local government body; by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; and in the case of commercial premises, leaving the notice with the manager or other person in charge. A notice of hearing may be provided to the violator/respondent by electronic mail with delivery receipt and a confirmation by the violator/respondent of receipt.

(Ord. No. 98-22, § 30, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08; Ord. No. 2011-005, § 9, 3-15-11; Ord. No. 2015-027, § 1, 6-23-15)

Note(s)—See editor's note, § 4-31.

Sec. 4-33. ~~First offenders course~~ Animal Cruelty prevention course.

The Director may approve animal cruelty prevention, an animal care education course that may be taken by persons found to be in violation of this chapter. The Board of County Commissioners may implement by resolution an "animal care and control first offender's course." If implemented, The Director or designee, may in his or her discretion, authorize persons found in violation of this chapter may choose to attend an animal control first offender's animal cruelty prevention and animal care education course selected by the Director or designee in lieu of paying the fines as established by the Board by resolution citation(s) being processed. Failure to attend or complete a course will result in the citation(s) being processed. If a person chooses to attend the animal control first offender's course and satisfactorily completes the course on or before the specified date, the violation shall be deemed a warning and considered as such on that person's animal control violation record. The course must be completed at the location, time and date specified on the citation by the Director or designee. All fees associated with taking the course are the responsibility of the violator.

Failure to attend the course will result in the citation being processed as a first offense and an animal control violation and accompanying fine may be assessed against the person. The resolution Director will delineate which type of offenders and offenses are eligible for the school and establish a fee for each person who attends course.

(Ord. No. 98-22, § 31, 6-16-98; Ord. No. 08-004, pt. 7, 2-5-08)

Note(s)—See editor's note, § 4-31

Sec. 4-35. Community cats.

- (a) The Board establishes the following community cat requirements:
- (1) All community cats must be cared for on the private property of the caregiver or with permission of the property owner or property manager.
 - (2) All community cat caregivers shall have all un-owned free-roaming cats within their care sterilized, implanted with an EAID, vaccinated against rabies, and ear-tipped for easy identification. It shall be a violation of this chapter for any person to provide care to an un-owned, free-roaming cat without first having the cat sterilized, implanted with an EAID, vaccinated against rabies, and ear-tipped for easy

identification, unless for the purpose of trapping for TNVR (which includes pre-trapping habituation to the trap, i.e. – feeding near or in the trap).

- (3) All community cat caregivers are required to provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition, adequate quantities of visibly clean and fresh water and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Dumping on the ground or dispensing large quantities of food more than will be immediately eaten by the community cats present in thirty minutes is prohibited. Feeding areas must be maintained in a clean and sanitary condition.
- (4) Community cat caregivers shall make reasonable attempts to remove young kittens from the field for domestication.
- (b) A person returning a community cat to field must provide the Division with the cat's EAID number and any other information upon request by the Division.
- (c) Community cats meeting the requirements of this section are exempt from the license tag requirements of section 4-11, Dog and cat rabies/license tags.
- (d) The Division has the right to remove or authorize the removal of any free-roaming cat or community cat because of immediate public health or safety concerns.
- (e) No community cat shall be released at any governmentally owned or managed park, natural area, area deemed as environmentally sensitive land or on any easement adjacent to such lands without approval from the applicable governmental entity.
- (f) Healthy community cats that have been impounded at the Division may be immediately returned to field, released to a caregiver or adopted. Notwithstanding the foregoing, whenever such cat is visibly injured or diseased and appears to be suffering and it reasonably appears that such cat cannot be expeditiously cured and returned to field, transferred to a humane society or private animal nonprofit organization or placed in foster care, then the Division, acting in good faith and upon reasonable belief, may humanely euthanize the cat upon the advice of the Division's veterinarian.
- (g) Any person who confines a community cat for any extended amount of time, other than short periods necessary for the cat to recover from a medical procedure or treatment as directed by a veterinarian, will be considered the owner of the cat. Medically directed confinement of community cats is allowed for recovery and will not affect the ownership status of the cat. However non-medically directed confinement will change the status of the cat and it will no longer be a community cat, and as such will now be subject to licensure as an owned cat.
- (h) Return to field may only be performed by the Division, an animal rescue organization, a private animal nonprofit organization, or a person on behalf of the Division and/or with the permission of the Division.

(Ord. No. 2015-027, § 2, 6-23-15)

Sec. 4-36. Electronic animal identification device implantation (EAID) for all cats.

- (a) All cats four (4) months of age or older shall be implanted with an EAID, unless a veterinarian licensed in the State certifies in writing that a specific cat is medically unfit to be implanted with an EAID because of a medical condition, including but not limited to age, that would be substantially aggravated by such procedure or would likely cause the cat's death. The writing must state the date by which the cat may be safely implanted with an EAID. The Division may extend the time for implanting the cat with an EAID or may

exempt such cat from the requirement based upon the written medical recommendation of a licensed veterinarian. As soon as the medical condition that prevents a cat from being implanted with an EAID ceases to exist, it shall be the duty of the owner of such cat to promptly comply with this section.

- (b) The owner of every cat shall keep his/her contact information associated with the EAID up to date with the Division.
- (c) EAIDs for community cats may be registered to a humane society, private animal nonprofit, or individual to facilitate return to field, and this in no way implies ownership of said cats.

(Ord. No. 2015-027, § 3, 6-23-15)

Sec. 4-37. Incorporation of State Statutes

All laws of the State of Florida related to animal control, welfare, cruelty, and care are hereby adopted and incorporated in this chapter by reference. It is the intent of the Board that this chapter shall supplement the provisions of state law, including required procedures, and that in the event of any conflict between the terms of the chapter and state law, state law shall control. If any provision of State Law is not otherwise expressed in this chapter, and animal control officer may issue a citation or violation using this subsection and noting the Section of Florida Statute violated. Such violations shall be subject to a fine noted in Section 4-32 or as otherwise provided by law.

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Attachment 3

56 **WHEREAS**, the Ordinance has not been revised in approximately ten years, and it is
57 necessary to make changes to reflect statutory changes and to make other changes to protect the
58 health, safety, and welfare of the citizens and animals of Palm Beach County; and

59 **WHEREAS**, illegal dog breeding occurring in unlicensed Facilities with an emphasis on
60 profit over animal welfare has caused state-wide overcrowding in rescues and shelters; and

61 **WHEREAS**, because of the lack of proper animal husbandry practices at many of these
62 Facilities, animals born and raised there are more likely to suffer from health, social, and
63 temperament problems that result in costly treatment or even death; and

64 **WHEREAS**, the lack of health certificates accompanying importations of rescued
65 animals from out of state puts both the pet population and the livestock population in Florida at
66 risk of introduced diseases; and

67 **WHEREAS**, those diseases could impact the vital agricultural resources in Florida in
68 addition to the pets of unsuspecting families; and

69 **WHEREAS**, changes to Florida Statutes have greatly impacted the investigation and
70 prosecution of animal crimes; and

71 **WHEREAS**, the Ordinance has been amended numerous times and it is necessary to
72 repeal and replace the ordinance in its entirety to consolidate all amendments into a single,
73 consistent document.

74 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
75 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

76 **Section 1. Short Title; applicability.**

77 (a) This chapter shall be designated and may be cited as the "Palm Beach County Animal
78 Care and Control Ordinance."

79 (b) The provisions of this chapter shall be applicable to the incorporated and unincorporated
80 areas of Palm Beach County except to the extent of a conflict with a municipal ordinance. Unless
81 otherwise provided, nothing in this chapter shall be construed to relieve any person from
82 compliance with any applicable county or municipal regulations.

83 **Section 2. Definitions.**

84 For the purposes of this chapter, the following terms, phrases, words and their derivations
85 shall have the meaning given herein. When not inconsistent with the context, words used in the
86 present tense include the future, words in the plural number include the singular number, words
87 in the singular number include the plural number, and the use of any gender shall be applicable

88 to all genders whenever the sense requires. The words "shall" and "will" are mandatory, and the
89 word "may" is permissive. Words not defined shall be given their common and ordinary meaning.

90 *Adoption* means the transfer of ownership of an unwanted, abandoned, abused or stray
91 animal by a shelter, humane society, private nonprofit animal organization, or animal
92 rescue organization to an adoptive owner. The term adoption does not include the sale of
93 an animal for profit.

94 *Advertising* shall mean any statement made in connection with the solicitation of an
95 animal service, animal business, and/or the sale of an animal and includes without
96 limitation, statements and representations made in a newspaper or other publication, on
97 the radio, television, or internet or contained in any notice, handbill, business card, sign,
98 catalog, billboard, brochure, poster or letter.

99 *Aggressive dog* shall mean any dog that according to the records of the Division has
100 severely injured or killed a domestic animal while off property that is exclusive to the
101 owner.

102 *Animal* shall mean any living vertebrate or sentient invertebrate, other than a human
103 being.

104 *Animal control officer/code enforcement officer* shall mean any person employed by the
105 County whose duty it is to enforce codes and ordinances pursuant to Florida Statutes, §
106 162.21, and including County animal care and control ordinances and as defined in
107 Florida Statutes, § 828.27(1)(b) and other applicable State laws.

108 *Animal establishment* shall mean a kennel, commercial breeder, pet dealer, pet shop,
109 grooming parlor, mobile grooming unit, excess animal habitat, commercial stable, or
110 training establishment operating in Palm Beach County.

111 *Animal rescue organization* shall mean an incorporated organization that has a nonprofit
112 status with the Internal Revenue Service for which the central purpose is sheltering,
113 adopting, fostering, providing rescue or old age homes for dogs and/or cats, or TNVR for
114 cats. The term "rescue" shall include legally receiving dogs and/or cats from shelters or
115 owners and providing medical or behavioral rehabilitation and care, as needed, for
116 placement into new homes.

117 *Authorized veterinarian/clinic* shall mean any person licensed or permitted to practice
118 veterinary medicine under the laws of the State and such person shall have had no

119 previous incidents where money collected from the sale of rabies/license tags has been
120 used/handled inappropriately or illegally.

121 *Board* shall mean the Board of County Commissioners of the County.

122 *Breeding* shall mean sexual intercourse or artificial insemination of an animal, the result
123 of which may be offspring.

124 *Carrier* shall mean the operator of any airline, railroad, motor carrier, shipping line, or
125 other enterprise that is engaged in the business of transporting any animals for hire.

126 *Class A breeder* shall mean a person who holds a class A license issued by the United
127 States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., and regulations
128 promulgated thereunder.

129 *Class B dealer* shall mean a person who holds a class B license issued by the United
130 States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., and regulations
131 promulgated thereunder.

132 *Commercial breeder* shall mean any person who engages in the sale or breeding of more
133 than two (2) litters of dogs or cats or twenty (20) dogs or cats, whichever is greater, per
134 one-year period.

135 *Commercial trapper* shall mean any person or business receiving compensation for
136 trapping animals.

137 *Community cat* shall mean any un-owned free-roaming cat that has been sterilized,
138 vaccinated against rabies, ear-tipped, implanted with an EAID and returned to field and
139 may be cared for by one (1) or more residents of the immediate area who is/are known or
140 unknown.

141 *Community cat caregiver* shall mean a person who provides food, water and/or other care
142 for one (1) or more community cats but who does not own, harbor, keep or have custody,
143 control or charge of such cats.

144 *County* shall mean the incorporated and unincorporated areas of the County.

145 *Dangerous dog* shall mean a dog that according to the records of the Division, meets at
146 least one (1) of the following:

147 (1) Has aggressively bitten, attacked, endangered or has inflicted severe injury on a
148 human being on public or private property.

149 (2) Has more than once severely injured or killed a domestic animal while off the
150 owner's property.

151 (3) Has been used primarily or in part for the purpose of dog fighting or is a dog
152 trained for dog fighting.

153 (4) Has, when unprovoked, chased or approached a person upon the streets,
154 sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack,
155 provided that such actions are attested to in a sworn statement by one (1) or more persons
156 and dutifully investigated by the Division. For the purpose of this definition, an act is
157 unprovoked if it was not caused by anything the person who is chased or approached in
158 a menacing fashion or apparent attitude of attack has done.

159 *Director* shall mean the Director of the Palm Beach County Division of Animal Care and
160 Control.

161 *Domestic animal* shall mean any equine or bovine animal, goat, sheep, swine, domestic
162 cat (any cat in the *Felis catus* family regardless of ownership status), dog, poultry, ostrich,
163 emu, rhea, or other domesticated beast or bird, including but not limited to, domestic
164 fowl.

165 *Division* shall mean the Palm Beach County Animal Care and Control Division.

166 *Electronic animal identification device* (EAID) shall mean a microchip with a frequency
167 used and approved by the Division.

168 *Ear-tipping* shall means removing approximately a quarter-inch off the tip of a cat's left
169 ear while the cat is anesthetized. An ear-tip on the left ear shall be presumptive evidence
170 that a cat has been vaccinated against rabies, implanted with an EAID, sterilized and
171 returned to the field.

172 *Excess animal habitat* shall mean any property measuring two and one-half (2.5) acres or
173 more on which the maximum number of thirty (30) dogs and cats has been exceeded and
174 for which a permit has been issued by the Division.

175 *Exotic animal* shall mean non-native species and wildlife species that are regulated by the
176 Florida Fish and Wildlife Conservation Commission.

177 *Finally determined* shall mean a determination of a federal agency where all rights to
178 challenge such determination at available administrative tribunals and courts of law have
179 been exhausted or the time period within which such challenge may be filed has expired.

180 *Free-roaming* shall mean any cat outdoors regardless of the cat's appearance, behavior,
181 or ownership status.

182 *Grooming establishment* shall mean any place of business (stationary or mobile) which
183 accepts private pets for bathing, clipping, dipping, pedicuring, or other related services
184 (not to include breeding, dentistry or overnight boarding).

185 *Guard dog* shall mean any type of dog used for the purpose of defending, patrolling or
186 protecting property or life at any nonresidential establishment or which resides on the
187 nonresidential property. The term "guard dog" shall exclude any stock dogs used
188 primarily for handling and controlling livestock or farm animals.

189 *Guard dog service* shall mean any person, business, or corporation that trains, sells, rents,
190 or leases guard dogs for the purpose of defending, patrolling, or protecting property or
191 life at any nonresidential establishment in Palm Beach County.

192 *Harborer* or *caregiver* shall mean any person who provides care, shelter, protection,
193 refuge, or nourishment to an animal or undertakes the responsibility to do so.

194 *Hobby breeder* shall mean any person who intentionally causes or allows the breeding or
195 studding of a dog or a cat or engages in the breeding of up to two (2) litters of dogs or
196 cats or nineteen (19) dogs or cats per household or premises per one-year period.

197 *Humane society* shall mean an incorporated organization that has a nonprofit status with
198 the Internal Revenue Service for which the central purpose is to provide for the protection
199 of animals. A humane society operates from a business facility on appropriately zoned
200 property and has advertised and set hours for public access.

201 *Humane trap* shall mean any device used for capturing an animal without inflicting
202 injury, pain or suffering and which provides adequate ventilation for the trapped animal.
203 Snares, leg traps or similar devices are considered inhumane and shall not be used.

204 *Illegal breeder* shall mean any person who intentionally or unintentionally causes or
205 allows the breeding or studding of a dog or a cat or engages in such without an approved
206 Hobby Breeder license.

207 *Impoundment* shall mean confinement at a shelter or approved stray holding facility, or
208 the taking or picking up and confining of an animal by an officer under the provisions of
209 this chapter.

210 *Intermediate handler* shall means any person (other than a dealer, research facility,
211 exhibitor, any person excluded from the definition of a dealer, research facility, or
212 exhibitor, an operator of an auction sale, or a carrier as defined in 9 CFR § 1.1), who is

213 engaged in any business in which he/she receives custody of animals in connection with
214 their transportation in commerce.

215 *Kennel* shall mean any place of business for hire at which dogs or cats are kept for
216 boarding or limited pet boarding, training, or daycare.

217 *Livestock* shall mean all animals of the equine, bovine, or swine class, including goats,
218 sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

219 *Major violation* shall mean a violation including any one (1) of the following:

220 (1) A violation of section 4-23(a), Animal Care; manner of keeping, other than a
221 violation requiring immediate veterinary care as provided in section 4-23(b)(11)e.,
222 Kennel, excess animal habitat, commercial breeder, pet dealer, pet shop, grooming parlor,
223 and commercial stable permits.

224 (2) Failure to ensure that animals offered for sale are vaccinated with required
225 vaccines as required by this chapter.

226 (3) Offering an animal for sale without maintaining all properly completed OCVI's
227 pertaining to the animal, which contain records for only one (1) animal, as required by
228 this chapter.

229 (4) Failure to have an animal examined by a veterinarian and tested by a veterinarian
230 as provided in section 4-22(i)(1), Kennel, excess animal habitat, commercial breeder, pet
231 dealer, pet shop, grooming parlor, and commercial stable permits.

232 (5) Falsifying records required to be maintained or provided to the County or
233 consumers under this chapter.

234 (6) A violation of section 4-22(n), Kennel, excess animal habitat, commercial
235 breeder, pet dealer, pet shop, grooming parlor, and commercial stable permits.

236 (7) Failure to properly isolate or quarantine an animal with a known or suspected
237 communicable animal-to-human or animal-to-animal disease.

238 (8) Failure to comply with minimum requirements concerning physical facilities,
239 animal cages, enclosures, housing, or shelter or tethering in violation of this chapter.

240 (9) A violation involving a dog or cat transported or offered for sale prior to eight (8)
241 weeks of age or imported in violation of this chapter.

242 (10) Failure to provide required disclosures to a consumer.

243 (11) Failure to comply with warranty requirements for dogs and cats offered for sale.

244 (12) Failure to follow cleaning requirements set forth in this chapter.

245 *Minor violation* shall mean a violation that is readily correctible including any one (1) of
246 the following:

247 (1) Any violation involving recordkeeping or signage that is not listed as a major
248 violation.

249 (2) Failure to timely provide records to the Division.

250 (3) Failure to microchip an animal as required by this chapter.

251 (4) Failure to make a record available to an inspector upon request.

252 (5) A violation involving an animal escaping from the premises of the permitted
253 facility.

254 *Official certificate of veterinary inspection* shall mean a legible certificate of veterinary
255 inspection which has been issued by the State Department of Agriculture and Consumer
256 Services and signed by the examining veterinarian licensed by the State and accredited
257 by the United States Department of Agriculture.

258 *Owner* shall mean any person, firm, corporation, organization, humane society, public or
259 private nonprofit organization, harborer, or caregiver, other than a community cat
260 caregiver, who owns, keeps, harbors, possesses, or has control or custody of an animal.
261 If the person purporting to own an animal is a minor as defined by the Florida Statutes,
262 the minor's parent(s) or legal guardian shall be deemed the owner of an animal for the
263 purposes of this chapter.

264 *Person* shall mean any natural person, society, firm, corporation, partnership, association,
265 humane society, public or private nonprofit organization, other legal entity, public or
266 private institution, municipal corporation, unit of local government or other business unit
267 and every officer, agent, or employee of such business unit. If the person is a minor as
268 defined by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed
269 the owner of an animal for the purposes of this chapter.

270 *Pet dealer* shall mean any person who, in commerce, for compensation or profit engages
271 in the sale of a dog(s) or cat(s) for use as a pet but who does not engage in breeding dogs
272 or cats. This definition excludes humane societies, private animal nonprofit organizations,
273 animal rescue organizations and shelters.

274 *Pet shop* shall be held to include any place of business where pet/companion animals
275 (including small animals intended for use as reptile food) are kept for retail or wholesale
276 purchase. Excluded are those animals regulated and controlled by the State Fish and

277 Wildlife Conservation Commission. This definition excludes humane societies, private
278 animal nonprofit organizations, animal rescue organizations and shelters.

279 *Police work dog* shall mean any dog owned by any State, County or municipal police
280 department or any State or Federal law enforcement agency which has been trained to aid
281 law enforcement officers and is actually being used for police work purposes.

282 *Premises* shall mean any parcel of land and the structures thereon.

283 *Proper enclosure* shall mean, while on the owner's property, a dog is securely confined
284 indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry
285 of young children and designed to prevent the dog from escaping. The pen or structure
286 must have secure sides and a secure top to prevent the dog from escaping over, under, or
287 through the structure and must also provide protection from the elements.

288 *Psittacine bird* means any member of the Psittacidae family of birds including but not
289 limited to parrots, parakeets, and macaws.

290 *Public road* shall mean any street, sidewalk, alley, highway or other way open to travel
291 by the public, including rights-of-way, bridges, common ground, easements and tunnels.

292 *Quarantine* shall mean the strict confinement, isolation and observation of an animal
293 suspected of having rabies or any other infectious zoonotic disease.

294 *Quarterly basis* means the calendar quarters ending March 31, June 30, September 30,
295 and December 31 each calendar year.

296 *Return to field* shall mean return to the place of origin, the vicinity of the place of origin
297 or, as a last resort, to an alternative location if all reasonable options of return to the place
298 of origin have been exhausted. This may be done by the Division, a non-profit animal
299 welfare organization, or an individual on behalf of the Division and/or with the
300 permission of the Division.

301 *Secure enclosure* shall mean a locked pen or structure constructed to prevent an animal
302 from escaping over, under or through the enclosure. The enclosure shall have secure sides
303 and a top.

304 *Service animal* shall mean any dog that is individually trained to do work or perform tasks
305 for the benefit of an individual with a disability as defined in the Americans with
306 Disabilities Act of 1990, 42 U.S.C. 12102, and 28 C.F.R. 35.104, as may be amended
307 from time to time.

308 *Severe injury* shall mean any physical injury that results in broken bones, multiple bites
309 or disfiguring punctures/lacerations requiring sutures or reconstructive surgery.

310 *Shelter* shall mean a governmentally operated animal care and control facility.

311 *Stable, commercial* shall mean those premises where:

312 (1) More than four (4) equines are kept which do not belong to the owner or operator
313 of the premises; or

314 (2) Equines are kept for boarding, pasturing, breeding, riding, training, riding lessons,
315 resale or rearing, and for which advertising is used to promote such activities.

316 "Advertising" shall mean any written statement (excluding real property leasehold
317 arrangements) made in connection with the solicitation of such businesses and includes
318 without limitation, statements and representations made in a newspaper or other
319 publication, or on radio or television or contained in any notice, handbill, business card,
320 sign, catalog, billboard, brochure, poster or letter.

321 *Stable, private* shall mean those premises where up to four (4) equines are kept which do
322 not belong to the owner or occupant of the premises.

323 *Sterilization* shall mean rendering an animal permanently incapable of reproduction by
324 surgical or permanent chemical alteration, implantation of a device or other physical
325 means, or because of physiological sterility, but only where sterilization has been certified
326 by a veterinarian licensed in any state. The term sterilization is equivalent to the term
327 spay for female animals or neuter for male animals.

328 *Sterilized* shall refer to an animal permanently incapable of reproduction.

329 *Stray* (noun) shall mean any animal that does not appear, upon reasonable inquiry, to have
330 an owner.

331 *Stray holding partner* shall mean an animal rescue organization, humane society, or
332 private animal nonprofit organization approved by the Director to hold dogs and cats
333 during the stray hold period provided for in Section 4-12 and to return such animals to
334 their owners or make such animals available for adoption in accordance with this chapter
335 and any rules adopted by the Director to implement the stray hold partner program.

336 *TNVR*, also known as Trap, Neuter (sterilize), Vaccinate, Return, shall mean a program
337 whereby an un-owned free-roaming cat is humanely trapped, sterilized, implanted with
338 an EAID, vaccinated against the threat of rabies, ear-tipped and returned to field.

339 *Unaltered* shall mean an animal that has not been sterilized.

340 *Unprovoked* shall mean carried out without cause or reason. For the purpose of this
341 chapter, an act is "unprovoked" if not instigated by the victim, whether the victim is a
342 person or domestic animal.

343 **Section 3. Females in heat.**

344 The owner or keeper of a female dog or cat in heat (estrus) shall humanely and securely confine
345 such dog or cat indoors or in an enclosed and locked pen or structure to prevent the entry of a
346 male dog or cat and to prevent the female in heat from escaping. The only exception to this
347 section is controlled and intentional breeding after acquisition of either a Hobby breeder or
348 Commercial breeder permit.

349 **Section 4. Dog and cat control.**

350 (a) *Dogs.* It shall be unlawful for any dog to be off the owner's property (which property is
351 exclusive to the owner) unless the dog is under the restraint or control of a person by means
352 of a leash or other device such as a cage, crate or vehicle in accordance with section 4-23,
353 Animal care; manner of keeping. Dogs shall be exempted from the provisions of this
354 subsection when:

- 355 (1) Being used by law enforcement to perform law enforcement services;
- 356 (2) Performing services as a service animal, when necessary to be off leash to perform such
357 services;
- 358 (3) Within a public space designated for dogs to be off-leash such as a dog park or public
359 beach that allows dogs, provided the handler adheres to all rules instituted for such
360 space; or
- 361 (4) Engaged in herding, hunting, registered field trials, obedience trials or an American
362 Kennel Club or other similarly recognized show or competition and on property that
363 they are lawfully permitted to be on.

364 (b) A fine schedule for violations of this section shall be established by the Board by resolution.
365 As a means to encourage owners to sterilize dogs, the following additional procedure has
366 been implemented: When a first offense citation is issued to an owner of an unsterilized dog
367 for violating paragraph (a) above, the Division is authorized to hold the citation for fifteen
368 (15) calendar days, allowing time for the owner to have said dog sterilized. If proof of
369 sterilization is presented to the Division in this time period, the citation shall not be processed
370 through the County court system, thus waiving the citation fine for the owner. If the Division

371 is not presented proof of sterilization within fifteen (15) calendar days, the citation will be
372 processed.

373 (c) Any dog found off the owner's property in violation of this section may be impounded by
374 the Division and held for possible redemption in accordance with section 4-12, Redemption
375 and adoption.

376 (d) Any dog or cat that has bitten, attacked or threatened to bite or attack a human being or
377 domestic animal while off the owner's property (which property is exclusive to the owner)
378 may be impounded by the Division and held for possible redemption in accordance with
379 section 4-12, Redemption and adoption. Such dog or cat may be removed from the owner's
380 property and impounded unless confined in a humane manner.

381 (e) Any violation of this section that results in a human being or another domestic animal being
382 injured and/or a vehicle accident, may result in a citation being issued with an enhanced
383 penalty.

384 **Section 5. Animals creating nuisances.**

385 (a) The owner having control or custody of any dog, cat or psittacine bird that:

386 (1) Habitually barks, whines, howls, squawks or causes other objectionable oral noise
387 resulting in a serious annoyance to a reasonable person, shall be deemed to be
388 committing an act in violation of this section; or

389 (2) Disturbs the peace by habitually or repeatedly destroying, desecrating or soiling
390 public or private property, chasing persons, livestock, cars or other vehicles, running
391 at large, or other behavior that interferes with the reasonable use and enjoyment of
392 the property, shall constitute a public nuisance.

393 (b) An animal control officer shall investigate an alleged violation of this section upon the
394 receipt of two (2) sworn affidavits of complaint provided by the Division, signed by two
395 (2) unrelated County residents living in separate dwellings no more than 1000 feet from
396 the alleged violation. For the enforcement of paragraph (a)(2) herein, one (1) of the
397 affidavits may be provided by a person who works for a recognized business or agency
398 that regularly or frequently provides service in the close vicinity of the alleged violation.
399 The affidavit shall specify the address or location of the alleged violation, the nature, time

400 and date(s) of the act, the name and address of the owner or custodian, if known, and a
401 description of the animal, if known.

402 (c) An animal control officer, upon the receipt of two (2) sworn affidavits of complaint as
403 provided for in paragraph (b) herein, may issue a citation to the owner or custodian of any
404 animal alleged to be in violation of this section.

405 (1) Prior to enforcement action being taken, the animal control officer will mail a
406 warning letter to the address where the animal resides. If the issue involves
407 nuisance noise, the owner will be given 30 days to resolve the nuisance,
408 however for all other forms of nuisance, the expectation shall be immediate
409 correction.

410 (2) If nuisance noise violations persist and are reported to the Division by the
411 affiants between 31-90 days following the issuance of a warning letter, the letter
412 will be deemed ineffective and a 1st offense citation will be issued based on the
413 original affidavits.

414 (3) If continued nuisance noise violations are not reported until after 90 days of the
415 issuance of a violation letter, new affidavits will be required to support the new
416 time period, and a 1st offense citation will then be issued.

417 (4) Following the issuance of any citation for nuisance noise violations, the pet owner
418 shall correct the violation immediately. If the issue is not corrected, the affected
419 parties will be required to submit new affidavits, for the new time period, and
420 additional citations will be issued.

421

422 **Section 6. Scientific experimentation/animals as prizes.**

423 (a) It shall be unlawful for any person, firm, organization or corporation to deliver, sell,
424 offer or give any animal to any person, firm, organization or corporation for scientific
425 experimentation which involves any cruel or inhumane treatment.

426 (b) It shall be unlawful for the Division to deliver, sell, offer or give any live animal to any
427 person, firm, organization or corporation for scientific experimentation.

428 (c) It shall be unlawful for any person, firm, organization or corporation to conduct
429 scientific experimentation on animals which involves any cruel or inhumane treatment.

430 (d) It shall be unlawful for any person or organization whether for profit, nonprofit, charity
431 or any other purpose to offer an animal as a prize in response to participation in a game,
432 contest, raffle, drawing of chance or any other similar event.

433 **Section 7. Injured animals, action required.**

434 (a) It shall be unlawful for any person injuring any animal by any means, to fail to notify
435 immediately the owner of the animal, the Division, or the appropriate police
436 department if in an incorporated municipality, or the sheriff's office if in an
437 unincorporated area.

438 (b) It shall be unlawful for the owner of any injured animal to fail to provide veterinary
439 care for that animal. Over the counter medications and holistic remedies may not be
440 considered sufficient for the injuries sustained, unless directed by a Veterinarian
441 licensed to practice in the state of Florida.

442 **Section 8. Keeping/adopting stray animals.**

443 (a) It shall be unlawful for any person in the County to harbor or keep any stray or
444 apparently lost animal unless he/she has notified the Division within twenty-four (24)
445 hours from the time such animal came into his/her possession. Legal notification to the
446 Division shall include effective communication with the Division's Lost and Found
447 Coordinators and/or by properly using the Division's online Lost and Found portal.

448 (b) The Division, at its sole discretion, may permit a person who possesses a stray, or
449 apparently lost animal, to keep the animal during the redemption period provided for in
450 Section 4-12, Redemption and Adoption, provided that such person complies with all
451 of the following:

452 (1) Within 48 hours, take the found stray animal to the Division, other authorized stray
453 holding partner, or veterinary office to be scanned for an electronic animal identification
454 device (EAID) and checked for a tattoo. Proof must be presented to the Division that
455 these requirements have been met.

456 (2) Within 48 hours, provide the Division with clear identifying color photographs showing
457 the animal from a side view and a front view. Each photograph must be of sufficient
458 quality for an owner to clearly recognize the animal (if electronic a minimum of 1280 x
459 960 pixels).

460 (3) If the animal is or becomes injured or sick the person in possession of the animal shall
461 obtain necessary veterinary care for the animal or bring the animal to the Division so
462 that appropriate care may be provided. If the animal is brought to the Division for
463 veterinary care, the Division will determine whether the animal may be returned to said
464 person.

465 (4) Relinquish the animal to the Division for return to its owner after proof of ownership
466 has been demonstrated and/or to the Division upon request for any reason.

467 (c) A person who finds or cares for a stray or apparently lost animal who wishes to adopt
468 the animal, after the above process has been followed and no owner has come forward,
469 must:

470 a. Submit an application to the Division and pay any applicable fees;
471 b. Obtain a rabies inoculation and County tag for the animal, if applicable;
472 c. Have the animal sterilized; and
473 d. Have the animal implanted with an electronic animal identification device (EAID).

474 A prospective adopter, at his/her option and expense, may make an appointment at the
475 Division to secure the above-cited services or may secure these services through a
476 private veterinarian. If a dog or cat is adopted prior to sterilization, the adopter shall
477 enter into a consent agreement between the Director or designee and the adopter
478 guaranteeing that sterilization will be performed within 30 days of adoption and pay a
479 deposit in accordance with Section 823.15, Florida Statutes. The deposit will be
480 refunded upon the Division's receipt of evidence from the veterinarian performing the
481 sterilization that the dog or cat has been sterilized. The requirements herein must be
482 secured within thirty (30) calendar days after the Division approves the adoption
483 application. Extensions may be granted by the Division for reasonable requests. Any
484 deviation from these adoption requirements by the potential adopter will void the
485 adoption, in which case the animal must be immediately relinquished to the Division.

486 At its discretion, the Division may refuse an adoption of an animal if it is determined that
487 the adoption is not in the best interest of the animal or the health, safety and general
488 welfare of the public. Factors to be considered may include those factors set forth in
489 section 4-12(d), Redemption and adoption, of this chapter.

490 **Section 9. Animal waste.**

491 The owner of every dog and cat shall be responsible for the removal of any feces deposited
492 by his/her animal on public property, public walks, public beaches, recreation areas,
493 common areas, or private property of others.

494 **Section 10. Rabies vaccinations.**

495 (a) Every person who is the owner of any dog, or cat, or ferret shall have such animal
496 vaccinated against rabies with a vaccine approved by the United States Department of
497 Agriculture in accordance with F.S. § 828.30. The duration of the vaccination shall be
498 according to the approved label accompanying the vaccine as it applies to the particular
499 species and age of the dog, or cat, or ferret.

500 (b) Every person who visits the County with any dog or cat for a period of thirty (30)
501 calendar days or less shall be deemed in compliance with this section by furnishing a
502 current, valid certificate of rabies vaccination issued in accordance with the laws of the
503 jurisdiction in which they permanently reside. Dogs and cats without a current
504 certificate of rabies vaccination must receive a rabies inoculation and be issued a County
505 vaccination certificate.

506 (c) Every dog or cat that is relocated to the County for a period of more than thirty (30)
507 calendar days, must have a current valid certificate of rabies vaccination. The
508 information contained on that certificate must be substantially the same as the County
509 rabies vaccination certificate or the dog and/or cat owner must secure a rabies
510 vaccination and a County certificate of vaccination.

511 (d) Evidence of a rabies vaccination shall consist of a fully completed County rabies
512 vaccination certificate signed by the veterinarian administering the vaccine. The
513 Division shall provide the certificates to be used by the veterinarians. One (1) copy of
514 the certificate shall be retained by the veterinarian for at least one (1) year after the
515 vaccination expires and the other copies shall be distributed by the veterinarian to the
516 owner and animal care and control as directed by the Division.

517 (e) As a means to encourage owners to vaccinate their dogs and cats against rabies: When
518 a first offense citation is issued to an owner of an unvaccinated dog or cat the Division
519 is authorized to hold the citation for fifteen (15) calendar days, allowing time for the
520 owner to have said dog or cat vaccinated. If proof of vaccination is presented to the

521 Division within this time period, the citation will be administratively dismissed by the
522 Division. If the Division is not presented proof of vaccination within fifteen (15)
523 calendar days, the citation will be processed.

524 **Section 11. Dog and cat rabies/license tags.**

525 (a) Dogs and cats.

526 (1) Every person who is the owner of any dog or cat four (4) months of age or older
527 shall secure from the Division or an authorized veterinarian/clinic a rabies/license tag
528 in accordance with the schedule in subsection (a)(6). The Division shall provide suitable
529 tags for sale through authorized veterinarians/clinics.

530 (2) No rabies/license tag shall be issued or renewed until evidence of vaccination for
531 rabies by a licensed veterinarian has been presented. Upon vaccinating a dog or cat
532 against rabies, authorized veterinarians/clinics shall have available for purchase by the
533 owner, a County rabies/license tag. The rabies/license tag shall be valid for one of the
534 following: one (1) year from the date of vaccination and must be renewed annually if
535 the rabies vaccination is only approved for one (1) year; three (3) years from the date of
536 vaccination and must be renewed every three (3) years if the rabies vaccination is
537 approved for three (3) years; or a lifetime if the pet receives a three (3) year vaccination
538 and maintains current rabies vaccinations for the pet's lifetime with proof sent to the
539 Division within 30 days of each vaccination date and the pet has a microchip (EAID)
540 registered with the Division. No rabies/license tag shall be valid after the expiration of
541 the rabies vaccination, regardless of the date of issuance.

542 (3) Failure to secure and purchase a new license tag within thirty (30) calendar days
543 after the previous tag expires will result in a late penalty. The Board is hereby authorized
544 to establish by resolution the cost for the late penalty. Failure to secure and purchase a
545 new license tag within 30 days after a three (3) year vaccination or to comply with all
546 conditions set forth in Section 4-11(2) will result in the loss of the lifetime tag option.

547 (4) All dogs shall be required to wear a valid County license tag. The license tag shall
548 be securely fastened about the dog's neck by a collar, harness or other substantial device
549 so as to be clearly visible at all times. Dogs housed in a secure enclosure may be exempt
550 from wearing the required license tag while kept in the enclosure, as long as the tag is
551 securely fastened to a collar/harness and that device is attached to the enclosure. Dogs

552 participating in a registered field trial, obedience trial, conformation show and/or match
553 are not required to wear such tags during the time of the event.

554 (5) All cats, other than community cats, shall be required to wear a valid County
555 license tag. The license tag shall be securely fastened around the cat's neck by a collar,
556 harness or other substantial device so as to be clearly visible at all times. Cats, other
557 than community cats, may be exempt from wearing the required license tag while kept
558 in a secure enclosure as long as the tag is securely attached to the enclosure or while
559 within the owner's residence as long as the tag is provided to an officer upon request.

560 (6) Every person who owns a dog or cat in the County shall be required to secure a
561 dog or cat rabies/license tag pursuant to the following schedule:

562 a. On or before the date a dog or cat is four (4) months of age;
563 b. Within thirty (30) calendar days of acquiring a dog or cat; or
564 c. Within thirty (30) calendar days after a dog or cat enters the County.

565 (7) All authorized veterinarians/clinics shall have County rabies/license tags
566 available for purchase by dog or cat owners or their agents who present evidence to the
567 veterinarian that the dog or cat has been vaccinated against rabies pursuant to section 4-
568 10, Rabies vaccinations. For a one-year or three-year vaccination, the effective date of
569 the license tag shall be the date on which the dog or cat was last vaccinated against
570 rabies. Persons purchasing lifetime tags are responsible for sending in proof of current
571 rabies vaccination within thirty (30) calendar days of each vaccination to the Division
572 to maintain the lifetime tag. Failure to do so will result in the loss of the lifetime tag.

573 (8) Active law enforcement dogs that are currently owned by a Federal, State, County,
574 or Municipal law enforcement agency are exempt from county license tag requirements.

575 (9) In the event that a licensed veterinarian has determined that a rabies vaccination
576 would endanger an animal's health because of age, infirmity, disability, illness, or other
577 medical considerations, that animal will be exempt for the license tag requirement.
578 However, such animal must be vaccinated against rabies and obtain a license tag as soon
579 as its health permits.

580 (b) All authorized veterinarians/clinics and authorized representatives shall remit payment
581 for rabies/license tags sold according to procedures established by the Division. All

582 authorized veterinarians/clinics and representatives are encouraged to issue one (1)
583 business check monthly for rabies/license tags sold. Failure to follow the procedures
584 established by the Division will result in the requirement that a business check from the
585 authorized entity be issued to the Division on a monthly basis. A monthly rabies/license
586 tag report form for purposes of tabulating tags sold and amount owed shall be supplied
587 by the Division.

588 (c) Schedule of fees and payments. The Board is hereby authorized to establish by
589 resolution:

590 (1) A schedule of fees for all license tags.

591 (2) A schedule of payments or handling fees to authorized veterinarians/clinics and
592 representatives who participate in the sale of dog and cat license tags.

593 (d) General license tag requirements for dogs and cats.

594 (1) The address of the owner shall be presumed to be the abode of the dog or cat. All
595 changes of address must be reported to the Division within thirty (30) calendar days
596 following such change.

597 (2) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise,
598 shall be reported in writing to the Division by the new owner within thirty (30) calendar
599 days after ownership changes.

600 (e) As a means to encourage owners to license their dogs and cats: When a first offense
601 citation is issued to an owner of an unlicensed dog or cat, the Division is authorized to
602 hold the citation for fifteen (15) calendar days, allowing time for the owner to have said
603 dog or cat licensed. If proof of licensure is presented to the Division within this time
604 period, the citation will be administratively dismissed by the Division. If the Division
605 is not presented with proof of licensure within fifteen (15) calendar days, the citation
606 will be processed.

607 **Section 12. Redemption and adoption.**

608 (a) Cats with an identified owner and dogs. All cats with an identified owner and dogs that
609 have been impounded at the Division or at a stray holding partner site shall be held for
610 redemption by the owner for 72 hours that the Division or stray holding partner is open
611 for public access. Notwithstanding the foregoing, if a cat with an identified owner or

612 dog is so injured or diseased as to appear to be suffering and it reasonably appears that
613 such cat with an identified owner or dog is imminently near death or cannot be cured or
614 rendered fit for service and the Division makes a reasonable and concerted, but
615 unsuccessful, effort to locate the owner of the cat with an identified owner or dog or the
616 owner's agent, then the Division, acting in good faith and upon reasonable belief, may
617 humanely euthanize the cat with an identified owner or dog upon the advice of the
618 Division's veterinarian. If the Division locates the owner or the owner's agent, the
619 Division shall notify him or her of said cat's, or dog's location and condition and such
620 person shall either immediately redeem and provide care for the cat or dog or relinquish
621 the cat or dog to the Division. The Division shall be required to attempt to contact the
622 owner of any cat with an identified owner or dog impounded wearing a tag, exhibiting
623 a recognizable tattoo, or implanted with an electronic animal identification device
624 (EAID). Those cats with an identified owner or dogs not claimed within 72 hours (that
625 the Division or the stray holding partner is open for public access) by the owner shall
626 become the property of the County or the stray holding partner and may be placed for
627 adoption, transferred to a humane society or private animal nonprofit organization,
628 placed in foster care or disposed of in a humane manner. Impounded cats with an
629 identified owner or dogs that are infected with a contagious disease that poses a threat
630 to the animals or staff at the shelter or to the public may be immediately humanely
631 euthanized. The provisions of this section do not apply to community cats, which are
632 addressed in section 4-35, Community cats.

633 (b) Cats without identification. All cats without identification such as a tag, a recognizable
634 tattoo or EAID that are impounded by the Division will be immediately processed for
635 adoption, returned to field, transferred to a humane society or private animal nonprofit
636 organization or placed in foster care. Notwithstanding the foregoing, whenever such cat
637 is injured or diseased and appears to be suffering and it reasonably appears that such cat
638 cannot be expeditiously cured, then the Division, acting in good faith and upon
639 reasonable belief, may humanely euthanize the cat upon the advice of a veterinarian.
640 Cats impounded under this subsection that are infected with a contagious disease that
641 poses a significant threat to the animals or staff at the shelter or to the public may be
642 immediately humanely euthanized. Nothing in this section shall be construed to prohibit
643 the Division from humanely euthanizing any cat that is irremediably suffering.

644 (c) Exotic animals. Any exotic animal that is impounded and believed to be an escaped pet,
645 will be held for purposes of redemption for 72 hours that the Division is open for public
646 access. If no owner has come forward during such time, the Division will permanently
647 place the animal with an appropriate organization or euthanize it, if appropriate to do so
648 depending on species and other factors. The Division reserves the right to immediately
649 euthanize any invasive species that is impounded, if it is not believed to have an owner.
650 Notwithstanding the foregoing, any other exotic species that may have specific permit
651 requirements for possession with other State or Federal agencies and that the Division
652 cannot satisfy, will immediately be transferred to appropriate facilities for disposition
653 or humanely euthanized.

654 (d) Impounded animals shall be released when the following conditions have been satisfied:

655 (1) Proof of ownership. Proof of ownership shall be established by way of a license
656 and rabies vaccination certificate, bill of sale, photograph, affidavits from neighbors, or
657 other reliable documentary evidence. The Division may also require a sworn statement
658 of ownership. Failure to provide satisfactory proof of ownership shall constitute grounds
659 for the Division to refuse to release an animal to a person claiming to be the owner.

660 (2) Rabies vaccination and license tag. No dog or cat shall be released from the
661 Division without a current rabies vaccination and license tag unless the Division's
662 veterinarian has determined that the vaccination would endanger the animal's health
663 because of age, infirmity, disability, illness or other medical considerations. Such
664 animal must be vaccinated against rabies as soon as its health permits. Notwithstanding
665 the foregoing, community cats must be vaccinated against rabies but are exempt from
666 the requirement to obtain a license tag.

667 (3) Electronic animal identification device (EAID). No dog or cat shall be released to
668 the owner unless it has been implanted with an electronic animal identification device
669 (EAID) at the owner's expense. No dog or cat shall be released for adoption unless it
670 has been implanted with an EAID.

671 (4) Fees and costs. The owner of an impounded animal shall pay all impoundment
672 fees, daily boarding costs, medical expenses and other costs related to such
673 impoundment prior to release of the animal. These fees shall be established by the
674 Board. Notwithstanding the foregoing, if the owner of an unaltered dog or cat agrees to

675 have the animal spayed or neutered prior to release from the Division, the owner shall
676 pay the impoundment/redemption fee established by the Board for sterilized animals.
677 During overcrowding crisis periods at the shelter, the Division shall have the ability to
678 forgive some or all fees should the owner have a legitimate financial burden but is able
679 to prove provision of the appropriate care of the animal.

680 (e) The Division shall have the authority to approve or decline the adoption or release of
681 any animal in its custody or responsibility. At its discretion, the Division may refuse an
682 adoption or the release of an animal if it is determined that the adoption or release is not
683 in the best interest of the animal or the health, safety and general welfare of the public.
684 Factors to be considered may include, but are not limited to the following:

685 (1) Property and/or lease restrictions.

686 (2) Insufficient personal identification or address verification.

687 (3) Previous or current reported animal offenses or citations.

688 (4) Failure to fulfill requirements of previous animal adoptions.

689 (5) Number of animals presently owned.

690 (6) Conditions under which the animal is to be housed.

691 (7) Disposition/temperament of animal.

692 (8) Observations and determination of field investigator.

693 (9) Prior adjudication withheld on, plead nolo contendere, or convictions for of
694 animal cruelty or abuse (with or without inclusion on the Florida Department of Law
695 Enforcement's database of documented "Aggravated Animal Cruelty" offenders),
696 sexual activities involving animals, child abuse, or domestic violence. (10) Prior
697 removal of an animal for neglect or mistreatment under F.S. § 828.073.

698 (11) Relinquishment of ownership of an animal(s) within the past year or history of
699 relinquishing ownership of animal(s) on more than one (1) occasion.

700 (12) Outstanding fees, costs or fines owed to the Division.

701 (f) All unsterilized dogs or cats released by the Division to owners with an agreement that
702 the animal return for sterilization at a later time, must be brought back for sterilization
703 as agreed or sterilized by a private veterinarian within the time limits prescribed by the

704 Division. Failure to sterilize any dog or cat as agreed at the time of redemption, will be
705 a violation of this section.

706 **Section 13. Adoption fees and sterilization requirements for dogs and cats.**

707 (a) The Division shall be responsible for sterilizing every dog and cat prior to release for
708 adoption except those dogs or cats that are a medical or surgical risk or that are
709 transferred to a humane society or private animal nonprofit organization that has agreed
710 to have the dog/cat sterilized prior to adoption or return to field. Notwithstanding the
711 foregoing, if an animal cannot be sterilized at the time of adoption due to a medical or
712 surgical risk, the adopter shall execute a written agreement guaranteeing that
713 sterilization will be performed within 30 days or prior to sexual maturity. The adopter
714 shall provide a sufficient deposit as authorized by the Board by resolution, which deposit
715 shall be refundable upon presentation to the Division of written evidence from the
716 veterinarian performing the sterilization that the animal has been sterilized. Failure by
717 the adopter to timely comply with the provisions of this paragraph shall result in the
718 deposit being forfeited to the Division and shall be a violation of this Chapter. Any legal
719 fees or court costs used for the enforcement of this paragraph are the responsibility of
720 the adopter. Upon the request of a licensed veterinarian, and for a valid reason, the
721 Division may extend the time limit within which the animal must be sterilized.

722 (b) A fee for adoption shall be set by the Board by resolution. No portion of the adoption
723 fee shall be refunded for sterilization performed by a private veterinarian.

724 (c) Any transfer of ownership of an adopted animal shall not occur until such animal has
725 been sterilized and proof of sterilization has been provided to the Division.

726 **Section 14. Records.**

727 The Division shall keep records of the impoundment and disposition made of all animals
728 under the control of the Division and shall record the relevant dates, names and
729 addresses of persons to whom any animals are released.

730 **Section 15. Humane education.**

731 (a) It is hereby considered to be a valid public purpose to educate the population of the
732 County concerning the law and the proper care and respect for animals. In accordance

733 with this duty, the Division shall make adequate provision for conducting appropriate
734 educational programs.

735 (b) In order to educate the population of the County concerning the law and the proper care
736 and respect for animals, the Division may prepare educational material that may be
737 provided to the public at no charge and post relevant information on its website.

738 **Section 16. Animal bites and quarantining; rabies control.**

739 (a) A rabies control program, including the investigation of all reported animal bites, may
740 be carried out through a mutual agreement with the Florida Health Department using
741 the requirements of Florida Department of Health Rules and Regulation, Chapter 64 D-
742 3, Florida Administrative Code, and this chapter as a basis for enforcement and program
743 implementation.

744 (b) Any dog, cat, or ferret without a current rabies vaccination that has bitten, is believed to
745 have bitten or has otherwise exposed a person to rabies or is suspected of having rabies
746 shall be quarantined for rabies observation. The owner of such animal shall relinquish
747 control of the animal for the purpose of quarantine at a location approved by the
748 Division. The animal shall be quarantined at the owner's expense for a period of ten (10)
749 days from the date of the bite. It shall be unlawful for any person to fail to surrender any
750 such animal for rabies quarantine. Additionally, it shall be unlawful for any person to
751 fail to inform the Division of any such animal's whereabouts if the owner has
752 relinquished possession of said animal or caused said animal to be taken from the
753 owner's premises.

754 At the Division's and/or the County Florida Health Department's sole discretion, the
755 animal may be allowed to complete the quarantine while secured inside the owner's
756 home, if the animal's health could be compromised by completing the quarantine at the
757 Division, the owner can sufficiently confine the animal, and if allowing a home
758 quarantine will not pose a risk to public safety. Permission for a home quarantine may
759 be revoked at any time.

760 (c) Any dog, cat, or ferret with a current documented rabies vaccination that has bitten, is
761 believed to have bitten or has otherwise exposed a person to rabies may be quarantined
762 at home. The Division and/or the County Florida Health Department shall have the
763 authority to grant or deny permission for home quarantine privilege. If at any time

764 during the quarantine period the Division determines that the owner of the animal is not
765 able to sufficiently confine the animal, the owner shall relinquish control of the animal
766 to the Division. The animal will be confined in the custody of the Division or at an
767 approved holding facility of a local veterinarian for the remainder of the quarantine
768 period at the owner's expense.

769 (d) Any animal other than a dog, or cat, or ferret which has bitten, is believed to have bitten
770 or has otherwise exposed a person to rabies or is suspected of rabies shall be
771 relinquished into the custody of the Division by the owner pending a determination of
772 final disposition by the Florida Health Department.

773 (e) It shall be unlawful for any person to feed or fail to take appropriate precautions to
774 prevent unintentional feeding of any wild raccoon, fox or coyote.

775 (f) The following fees shall be imposed, in amounts set forth by resolution of the Board,
776 for carrying out the rabies control program:

777 (1) Animal bite coordinator fee. Owners whose animals have been reported to have
778 bitten any person, shall be charged a fee for the services of an animal bite coordinator.
779 The animal bite coordinator gathers all necessary information by telephone,
780 correspondence or records at the Division, to determine the vaccination status and
781 quarantine requirements for the animal. Such fee shall not be assessed in those instances
782 where the owner and the victim are the same, or within the immediate family or living
783 in the same household and the animal has a current rabies vaccination.

784 (2) Field officer fee. Owners whose animals have been reported to have bitten any
785 person, shall be charged a fee, in addition to the Animal bite coordinator fee, when the
786 animal bite coordinator conducts work, however is not able to obtain all necessary
787 information pursuant to section 4-16(h)(1) herein and an animal control officer is
788 dispatched to secure or obtain the required bite information.

789 (3) Transportation fee. Owners whose animals have been reported to have bitten any
790 person and who are required to have such animal quarantined at an approved quarantine
791 facility, shall be charged a transportation fee when the situation requires transportation
792 by the Division.

793 (4) Quarantine release fee. At the end of each quarantine period for rabies
794 observation, owners whose animals have been reported to have bitten any person are

795 required to call the Division to verify that said animal is alive and healthy to assure that
796 it is free of rabies infection. A quarantine release fee shall only be charged when the
797 owner fails to call or the Division is unsuccessful at reaching the owner by phone within
798 forty-eight (48) hours following the expiration of the quarantine period, requiring an
799 animal control officer to be dispatched for the purpose of verifying that the animal is
800 alive and well.

801 (5) Quarantine at the Division fee. Owners whose animals are quarantined at the
802 Division for a rabies quarantine shall be charged a quarantine fee, which shall be paid
803 by the owner at the beginning for the quarantine period. The owner shall be responsible
804 to pay for any medical care provided during the quarantine period at the conclusion of
805 the quarantine period.

806 (g) Except as provided in subsection (f)(5), an invoice reflecting fees imposed pursuant to
807 this section shall be sent to the owner of the animal. Payment shall be made by the owner
808 within thirty (30) days of receipt of said invoice. Unpaid fees may be sent to collections
809 or collected by any means available at law.

810

811 **Section 17. Guard dogs.**

812 (a) Guard dog permit.

813 (1) Any person seeking to operate a guard dog service or who owns a dog that such
814 person is seeking to use for the purpose of defending, patrolling or protecting property
815 or life at any nonresidential establishment in Palm Beach County shall obtain a guard
816 dog permit.

817 (2) A guard dog permit is valid for a period of twelve (12) months from the date of
818 issuance and must be renewed annually. Renewal applications for permits shall be made
819 at least thirty (30) days prior to expiration.

820 (3) A guard dog permit is not transferable, assignable, or refundable.

821 (4) The guard dog permit fee shall be established by the Board by resolution.

822 (b) Obtaining a guard dog permit.

823 (1) A person seeking a guard dog permit shall apply to the Division on a form
824 approved by the Division.

825 (2) The permit application shall include but is not limited to the following
826 information:

827 a. The name, address and telephone number of the applicant and a
828 description of the location(s) at which guard dogs will be maintained;

829 b. A statement as to whether the applicant or any officer or employee of the
830 guard dog service has ever been charged or convicted of, had adjudication withheld on,
831 or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities
832 involving animals, child abuse, or domestic violence or has had a final judgment entered
833 against that person under Florida Statutes § 828.073 or any other statute prohibiting
834 animal neglect or mistreatment. Case names and numbers must be included in the
835 application;

836 c. The breed, sex, age, color(s), guard dog license tag number, and electronic
837 animal identification device (EAID) number of each dog that will be used as a guard
838 dog;

839 d. If applicable, a complete list containing the name, address, and telephone
840 number of every customer procuring the use of a guard dog and the physical location of
841 every guard dog (identified by license tag number), if different than the customer's
842 address;

843 e. The name, address and telephone number of the applicant's
844 veterinarian(s);

845 f. The name, address and telephone number(s) of the person(s) responsible
846 for training and/or providing food, water, exercise and care to each guard dog; and

847 g. If applicable, proof of business tax receipt from the Palm Beach County
848 Tax Collector.

849 (3) The permit applicant shall complete an application, supply all information
850 requested by the Division, and pay the applicable permit fee established by the Board
851 by resolution. No application shall be deemed complete and reviewable until the permit
852 fee is paid.

853 (4) Permit applications shall be valid for thirty (30) days in order for applicants to
854 make corrections to meet minimum compliance specifications.

855 (c) Permit denial, revocation, and suspension.

856 (1) By notice of adverse action, the Division may deny, revoke or suspend any permit
857 if it is determined by the Division that:

858 a. There has been a material misstatement or misrepresentation in the permit
859 application or in any information or documents required to be maintained or provided
860 to the Division;

861 b. The applicant/permit holder has been cited for at least two (2) violations of this
862 chapter within a one-year period, each resulting in the imposition of a fine;

863 c. The applicant/permit holder has failed to pay a fine or to request a hearing in
864 County Court to answer the charges of a citation within thirty (30) days of issuance of
865 the citation;

866 d. The applicant/permit holder, his/her employee, or an officer of the guard dog
867 service has been convicted of, had adjudication withheld on, or plead nolo contendere
868 to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse,
869 domestic violence, or has had a final judgment entered against him/her pursuant to
870 Florida Statutes § 828.073 or a comparable statute; or

871 e. An animal under the care and responsibility of an applicant/permit holder has been
872 found to be in need of immediate veterinary care that, if not treated, would result in
873 suffering, pain or death.

874 f. The facility has unresolved citations for a violation of section 4-23, Animal care;
875 manner of keeping.

876 (2) No permit fee shall be refunded for a permit that is revoked or suspended. For a
877 permit that is denied after review and inspection, the permit fee shall be refunded as
878 provided by the Board by resolution.

879 (d) Appeal process.

880 (1) Any applicant or permit holder who has been denied a permit or whose permit has
881 been revoked or suspended may appeal the adverse action to a Special Master by filing
882 a written notice of appeal and appeal bond with the Division within ten (10) days of
883 issuance of the notice of adverse action. The Board of County Commissioners is hereby
884 authorized to establish the amount of the appeal bond by resolution. The appeal bond

885 shall be remitted to the Division in the form of a money order, a certified check, a
886 cashier's check, or a bank check payable to the County.

887 (2) The appeal will be heard by a Special Master within thirty (30) calendar days after
888 the applicant or permit holder has submitted a notice of appeal. The initial hearing on
889 the appeal may be continued by the Division, the Special Master, or the applicant or
890 permit holder beyond the thirty (30) calendar days for good cause shown.

891 (3) Unless otherwise provided herein, the hearing before the Special Master shall be
892 governed as provided in section 4-30, Animal Care and Control Special Master hearing.

893 (4) The denial, revocation, or suspension of the permit shall be upheld or reversed by
894 the Special Master.

895 (e) Requirements following notice of adverse action and/or appeal process.

896 (1) If the notice of denial, revocation or suspension of a guard dog permit is not
897 appealed within ten (10) days after the notice of adverse action is issued, the applicant
898 or permit holder shall immediately cease and desist operation of a guard dog service or
899 use of a guard dog for the purpose of defending, patrolling or protecting property or life
900 at any nonresidential establishment in Palm Beach County.

901 (2) Any person whose permit has been revoked may not reapply for a period of one
902 (1) year.

903 (3) Each reapplication for a permit shall be accompanied by a fee to be established
904 by the Board by resolution.

905 (4) Any person with a guilty adjudication of animal cruelty within the past five (5)
906 years may not hold a permit to operate a guard dog service in the County.

907 (f) Registration of guard dogs.

908 (1) Guard dog services and guard dog owners shall annually register each guard dog
909 owned or used in Palm Beach County with the Division. The registration shall include
910 the following for each dog:

911 a. Name, address and telephone number of the owner and/or manager;

912 b. The breed, sex, weight, age and color(s) of the guard dog;

913 c. A color photograph of the guard dog;

- 914 d. Other distinguishing physical features of the guard dog;
- 915 e. Certification of rabies vaccination;
- 916 f. The guard dog license tag number;
- 917 g. The guard dog's electronic animal identification device number (EAID);
- 918 h. Proof of ownership (i.e., bill of sale, receipt or notarized affidavit) including the
- 919 name and address of the person from whom the dog was obtained;
- 920 i. A notarized affidavit signed by the previous owner acknowledging that the dog
- 921 will be used as a guard dog. This requirement may be waived if the dog has been
- 922 previously registered to the guard dog owner for more than one (1) year in the County.
- 923 j. A current certification from a veterinarian who is licensed in Florida stating that
- 924 the guard dog has been examined and is healthy and physically fit to perform service as
- 925 a guard dog. The owner shall obtain the certification form from the Division and shall
- 926 provide it to the examining veterinarian for completion.
- 927 (2) At least every six (6) months, each guard dog shall be examined by a veterinarian
- 928 who is licensed in Florida to determine whether the dog is healthy and physically fit to
- 929 perform service as a guard dog. The owner shall obtain the certification form from the
- 930 Division, shall provide it to the examining veterinarian for completion, and, upon
- 931 completion, shall provide it to the Division.
- 932 (3) Newly acquired dogs shall be immediately vaccinated against rabies, tagged and
- 933 registered with the Division as a guard dog before being used as a guard dog.
- 934 (4) The fee to register a guard dog with the Division shall be established by the Board
- 935 by resolution.
- 936 (5) A guard dog license tag shall be an annual requirement. The guard dog license tag
- 937 is available only through the Division. The fee for a guard dog license tag shall be
- 938 established by the Board by resolution. The guard dog tag shall be worn at all times or
- 939 shall be fastened to each guard dog's enclosure when the guard dog is inside it.
- 940 (6) No dog shall be used as a guard dog unless and until the dog has been registered
- 941 with the Division.
- 942 (7) No dog shall be registered or used as a guard dog if a veterinarian deems that the
- 943 dog is physically unfit to perform service as a guard dog.

- 944 (8) No dog shall be used as a guard dog while it is pregnant or lactating.
- 945 (9) Each guard dog must be implanted with an EAID used and approved by the
946 Division.
- 947 (10) Maintenance of guard dog registration system; transfer, death, disappearance, and
948 rabies inoculation as affecting registration system. The Division shall maintain a guard
949 dog registration system which shall contain all data required by the Division.
950 Immediately upon transfer of ownership, death or disappearance of a guard dog, the
951 guard dog service or guard dog owner shall notify the Division. Upon receipt of the
952 information, the appropriate entry shall be made in the guard dog registration system. If
953 the dog has disappeared, an entry should be made to reflect the location of such
954 disappearance.
- 955 (g) Inspection/records.
- 956 (1) It shall be a condition of the issuance of any guard dog permit and guard dog
957 registration that officers of the Division shall at any reasonable time, unannounced, have
958 the right to enter the premises and inspect:
- 959 a. All dogs and all premises where such dogs are trained, in use, or kept.
- 960 b. All records for each guard dog including but not limited to vaccination, veterinary,
961 and medical treatment records.
- 962 c. All records concerning the training, sale, or use of a guard dog.
- 963 (2) Refusal to allow inspection of a guard dog, premises, or records shall be a
964 violation of this chapter.
- 965 (3) Guard dog services shall require any customer that procures the use of a guard
966 dog to sign an agreement authorizing officers of the Division to perform unannounced
967 inspections of any guard dog and premises where the guard dog is being used as a guard
968 dog.
- 969 (4) Guard dog services shall maintain records identifying the name, address, and
970 telephone number of each customer procuring the use of a guard dog and the physical
971 location of each guard dog (with registration number), if different than the customer's
972 address.

973 (5) On a bi-weekly basis, guard dog services shall provide the Division with complete
974 records identifying the name, address, and telephone number of every customer
975 procuring the use of a guard dog and the physical location of every guard dog (with
976 license tag number). The method of reporting shall be as directed by the Division.

977 (6) Guard dog services and guard dog owners shall immediately notify the Division
978 in writing when a guard dog is temporarily or permanently removed from service due
979 to sickness, injury, a medical condition, or death.

980 (7) Guard dog services and guard dog owners shall maintain records of the
981 acquisition, transfer of ownership, death, or disappearance of a guard dog.

982 (8) The records required to be maintained herein shall be maintained for a period of
983 at least two (2) years from the date of creation and shall be provided to the Division
984 upon request unless otherwise provided herein.

985 (h) Transportation of guard dog.

986 (1) Every vehicle transporting a guard dog must be clearly marked, showing that it is
987 transporting a guard dog. A compartment separate from the driver is required and shall
988 be arranged to ensure maximum ventilation for the dog.

989 (2) No guard dog shall be transported in the trunk of a car. No guard dog shall be
990 transported in the open bed of a truck unless the guard dog is inside a sturdy well-
991 ventilated crate that is large enough for the dog to comfortably stand up with its head
992 fully raised and lie down and turn around and is securely fastened within the bed of the
993 truck to prevent movement of the crate. The crate must be protected from the extremes
994 in weather so as to not compromise the welfare of the guard dog.

995 (3) No guard dog shall be transported in violation of section 4-23(h), Animal care;
996 manner of keeping.

997 (i) General requirements for guard dogs.

998 (1) Guard dog enclosures shall be a minimum of one hundred (100) square feet if one
999 (1) dog is present and one hundred fifty (150) square feet if two (2) dogs are present.
1000 No more than two (2) dogs shall be maintained in an enclosure.

- 1001 (2) Only compatible dogs may be kept in the same enclosure. Appropriate resources
1002 such as food, water, and bedding must be provided to minimize competition or resource
1003 guarding and ensure access by all cohoused animals.
- 1004 (3) Unaltered dogs of the opposite sex shall not be maintained in the same enclosure
1005 unless the guard dog service or guard dog owner has an appropriate breeding permit
1006 issued by the Division.
- 1007 (4) The guard dog enclosure shall be made of chain link or similar material with a
1008 solid roof over the entire enclosure. The enclosure shall contain a shelter inside the
1009 enclosure large enough to allow all dogs present to comfortably stand up, turn around
1010 and lie down in the shelter simultaneously. The shelter within the enclosure shall
1011 provide protection from the direct rays of the sun and direct effect of the wind and rain,
1012 a wind and rain break and provide ventilation. The shelter shall be raised off the ground
1013 at least six (6) inches, have a solid roof, have flooring made of a nonporous easily
1014 cleanable surface, have at least three (3) covered sides and an opening large enough for
1015 each guard dog to access the shelter, have adequate ventilation with windows or
1016 openings to allow air to circulate, and have fans or an air conditioning unit as required
1017 by this chapter. Enclosures or shelters that are covered on all sides in a manner that
1018 prevents adequate ventilation are prohibited.
- 1019 The enclosure and shelter within the enclosure must be structurally sound, kept in good
1020 repair, must be constructed and maintained such that it:
- 1021 a. Has no sharp points or edges that could injure the dog.
 - 1022 b. Protects the dog from injury.
 - 1023 c. Enables the dog(s) to remain dry and clean.
 - 1024 d. Provides shelter from extreme temperatures and weather conditions that
1025 may be uncomfortable or hazardous to the dog.
 - 1026 e. Has floors that are constructed in a manner that protects the dog's feet and
1027 legs from injury, and that, if of mesh or slatted construction, does not allow
1028 the dog's feet to pass through any openings in the floor.

- 1029 (5) The enclosure shall have clean, dry bedding or a reasonably soft comfortable
1030 surface for each dog to lie down on to prevent a dog from getting calluses or pressure
1031 sores.
- 1032 (6) When the outdoor temperature rises above eighty-five (85) degrees Fahrenheit
1033 guard dogs must be provided air conditioning or, at minimum, one (1) twenty-inch
1034 electric fan directed into enclosure and one (1) twenty-inch electric fan directed into the
1035 shelter within the enclosure. When the temperatures fall below forty (40) degrees
1036 Fahrenheit, guard dogs must be moved indoors or provided adequate heating in their
1037 enclosure and shelter to maintain temperatures above forty-five (45) degrees Fahrenheit.
- 1038 (7) Guard dog enclosures and the area immediately surrounding the enclosures shall
1039 be cleaned at least once a day to remove any food waste and excrement to prevent soiling
1040 of the dogs and to reduce disease hazards, insects, pests, and odors. Standing water must
1041 be removed, and animals must be protected from coming into contact with contaminated
1042 water and other waste during cleaning. All surfaces coming into contact with a guard
1043 dog including the primary enclosure and food and water receptacles must be
1044 appropriately sanitized at least weekly but as often as necessary to prevent accumulation
1045 of dirt, debris, food waste, excreta, and other disease hazards. Materials that cannot be
1046 sanitized via live steam under pressure washing with hot 180F water and soap or
1047 detergent, or use of a detergent/disinfection product followed by a clean water rinse,
1048 must be sanitized by removal of contaminated material such as gravel, grass, sand, earth
1049 or absorbent bedding. All excrement and waste shall be removed from the property.
- 1050 (8) Guard dogs shall be provided with easy and convenient access to clean food and
1051 water. Dogs must be fed at least once a day. The food must be uncontaminated,
1052 wholesome, palatable, and of sufficient quantity and nutritive value to maintain the
1053 normal condition and weight of the animal. The diet must be appropriate for the
1054 individual animal's age and condition. Each guard dog enclosure shall be checked three
1055 (3) times a day to ensure that clean fresh water is available.
- 1056 (9) Each guard dog shall be examined daily for signs of illness or injury. Any guard
1057 dog that is sick, injured, lame, or diseased shall be immediately examined by a licensed
1058 veterinarian and removed from use as a guard dog until deemed healthy by the
1059 veterinarian. If, during an inspection, the Division determines that a guard dog on

1060 commercial premises is sick, injured, lame, or diseased, the dog shall be immediately
1061 impounded by the Division and may be redeemed in accordance with section 4-12,
1062 Redemption and adoption, unless a petition is filed under Florida Statutes § 828.073.

1063 (10) Guard dogs maintained in an enclosure shall have at least one-half ($\frac{1}{2}$) hour of
1064 exercise within each twelve (12) hours of confinement. Guard dog services and guard
1065 dog owners shall maintain a daily record identifying each guard dog by license tag
1066 number and providing the date, time, location, and name of the person who exercised
1067 the guard dog.

1068 (11) Guard dogs must be given a humane existence, and shall at all times be maintained
1069 in accordance with section 4-23, Animal care; manner of keeping, unless otherwise
1070 specified in this section.

1071 (12) Any person who uses the service of a guard dog shall be responsible to assure that
1072 the guard dog is provided a humane existence in accordance with section 4-23, Animal
1073 care; manner of keeping, unless otherwise specified in this section, and shall
1074 immediately contact the Division to report any guard dog that is sick, diseased, lame or
1075 injured.

1076 (13) Any guard dog on commercial premises that is not registered as a guard dog shall
1077 be impounded by the Division and may be redeemed in accordance with section 4-12,
1078 Redemption and adoption.

1079 (14) Each person or business that rents or uses a guard dog to patrol the premises after
1080 that business's operating hours shall provide adequate fencing or some other confining
1081 structure to keep the guard dog within the premises.

1082 (15) Each person or business that rents or uses a guard dog on commercial premises
1083 shall at each entry point and at fifty-foot intervals along the property's fence perimeter,
1084 post a readily visible sign including the words "Guard Dog."

1085 (16) Entry points of commercial premises that use a guard dog shall have a sign posted
1086 with the telephone number of the guard dog's trainer, handler and/or owner in case of
1087 an emergency.

1088 (17) Each person or business that rents or uses a guard dog on commercial premises
1089 shall at each entry point and on the guard dog enclosure post a readily visible sign that

1090 notifies members of the public to report guard dog complaints to the Division. Such
1091 signs will be available through the Division for a fee set by the Board by resolution.

1092 (18) No dog that has been classified as "aggressive" or "dangerous" by the Division
1093 shall be used as a guard dog.

1094 **Section 18. Evictions, incarcerations, community service adjudications, and other**
1095 **involuntary occurrences; effect on animals.**

1096 In cases of evictions, incarcerations, hospitalizations, death, adjudications of hardship or the
1097 like from the Florida Department of Children and Families or other such community
1098 service agencies, and/or other involuntary occurrences whereby the owner of an animal
1099 is unavailable or unable to care for an animal and such animal is impounded by the
1100 Division, the Division shall have the authority to place the animal for adoption transfer
1101 the animal to a humane society or private animal nonprofit organization or dispose of
1102 such animal in a humane manner, when the following conditions are met:

1103 (1) Prior to the Division's taking any action as described herein, written notice of the
1104 Division's intent will be provided to the owner of the animal by hand delivery or by mail
1105 at the address on file with the Division or at the last known address.

1106 (2) The owner of the animal shall have five (5) business days from the date of the
1107 Division's notice to make proper arrangements for the care of the animal, be it by
1108 personal claim or otherwise. If the owner does not make such arrangements for the care
1109 of the animal within the aforementioned time period, the animal shall become the
1110 property of the County.

1111 **Section 19. Disposal of bodies of dead animals.**

1112 (a) Any owner of any animal, upon the death of such animal, shall immediately dispose of
1113 the carcass by burning, burying at least two (2) feet below the surface of the ground,
1114 providing the animal to a company licensed to perform cremation or other disposal, or
1115 other method of disposal authorized by law.

1116 (b) It is unlawful to dispose of the carcass of any animal by dumping such carcass on any
1117 public or private property, or in any place where such carcass can be eaten by another
1118 animal.

1119 (c) Any owner of any animal shall be responsible for the costs of disposing of the animal
1120 in instances where the Division disposes of the animal due to any emergency or the
1121 owner's failure to act. The costs of disposal shall be established by the Board by
1122 resolution.

1123 **Section 20. Livestock.**

1124 (a) Livestock fences. Every owner of livestock shall erect and/or maintain a fence to contain
1125 and confine all livestock kept or maintained on his/her premises. Such fence shall be
1126 sufficiently strong and substantial so as to prevent egress of livestock. Failure to so erect
1127 and/or maintain the fence in reasonably good condition shall be deemed a violation of
1128 this chapter. The owner of livestock shall, within twenty-four (24) hours of initial
1129 warning from the Division, repair or erect a fence and/or make arrangements for the
1130 placement of livestock so as to have the livestock confined. If the fence is not repaired
1131 or erected, or arrangements have not been made for the placement of livestock within
1132 the twenty-four-hour period, the owner may receive a civil citation.

1133 (b) Livestock at large. Any owner of livestock who unlawfully, intentionally, knowingly or
1134 negligently permits the same to run at large or stray upon any street, roadway, right-of-
1135 way, other public area or the private property of another without consent shall be
1136 deemed to be in violation of this chapter.

1137 (c) Livestock impounded at the Division, with the exception of cattle, shall be held for
1138 redemption by the owner for a minimum of 72 hours. Livestock not claimed within 72
1139 hours (that the Division is open for public access) by the owner shall become the
1140 property of the County and may be placed for adoption, transferred to a humane society
1141 or private animal nonprofit organization, placed in foster care or disposed of in a
1142 humane manner.

1143 (c) Livestock maintained on vacant land. Every owner of livestock maintained on vacant
1144 land shall post a reference number lodged with the Division that will link to the
1145 individual's contact information. This reference number will be posted at every gate
1146 and/or access point to the property. No phone numbers other than the Division's contact
1147 number will be listed on the sign along with the reference number.

1148 (d) Equine infectious anemia/Coggins.

1149 (1) All horses moving within the County must have a report of a negative Coggins
1150 (EIA) test conducted within the previous twelve (12) months. A foal under six (6)
1151 months of age, is exempted from test requirements when accompanied by its dam which
1152 has a report of a negative Coggins test conducted within the past twelve (12) months.

1153 (2) All horses must have a report of a negative Coggins test conducted within the
1154 previous twelve (12) months for change of ownership. The negative Coggins test report
1155 must be provided to the new owner or custodian at the time of change of location or
1156 ownership.

1157 **Section 21. Number of animals; acreage restrictions/excess animal habitats.**

1158 (a) The chart set forth below prescribes the maximum number of dogs and/or cats, other
1159 than community cats, per specified acreage restrictions:

1160 Number of Dogs

1161	and/or Cats	Less Than 1.5 Acres	1.5 to Less Than 2.5 Acres	2.5 or More Acres
1162	1—10 dogs and/or cats	Allowed	Allowed	Allowed
1163	11—20 dogs and/or cats	Prohibited	Allowed	Allowed
1164	21—30 dogs and/or cats	Prohibited	Prohibited	Allowed

1165

1166 Acreage determination excludes easements for roads or other areas that must allow public
1167 egress and ingress. All property must be contiguous.

1168 (b) References to dogs and cats only refer to dogs and cats older than four (4) months. There
1169 are no restrictions on the number of dogs and cats younger than four (4) months old that
1170 can be on the premises.

1171 (c) If it is determined that a person is in violation of this section, such person shall be
1172 allowed thirty (30) days from the notice of violation to cure same.

1173 (d) Any person who wishes to exceed the maximum number of thirty (30) dogs and/or cats
1174 on two and one-half (2.5) acres or more must apply to the Division for a special "excess
1175 animal habitat" permit. The owner must comply with all animal care standards as
1176 required in section 4-22 and 4-23 of this chapter. Public animal shelters and humane

1177 societies in compliance with local zoning laws are exempt from animal acreage
1178 requirements provided they are on a minimum of one (1) acre.

1179 (e) Unowned community cats, when not contained to the property, are not to be counted in
1180 the number of animals present.

1181 (f) All animals on a property, no matter the size of the property, must be provided at least
1182 with the minimum physiological and psychological elements for humane care as noted
1183 in Section 4-23.

1184 **Section 22. Animal Establishments.**

1185 (a) Applicability of this chapter and other laws.

1186 (1) The requirements within this chapter are in addition to any requirements that may
1187 be set forth in: Florida Statutes, Ch. 588, "Livestock at Large"; Florida Statutes, Ch.
1188 585, "Animal Industry"; Florida Statutes, Ch. 828, "Cruelty to Animals"; Florida
1189 Department of Health and Rules and Regulations Chapter 64D-3 Florida Administrative
1190 Code, Control of Communicable Diseases and Conditions Which May Significantly
1191 Affect Public Health"; Unified Land Development Code of Palm Beach County as
1192 adopted by Ordinance 92-20, as amended or recodified; Palm Beach County Ordinance
1193 No. 72-7, as amended, "Business Taxes"; and any and all other applicable rules and
1194 regulations, policies, ordinances, and local, state, or federal laws.

1195 (2) This section shall not be interpreted to require a permit from a veterinary
1196 clinic/hospital, for medical services regulated by the Department of Business and
1197 Professional Regulation; however, veterinary clinics/hospitals providing services,
1198 including but not limited to, boarding, grooming, and training unrelated to medical
1199 treatment must obtain an appropriate permit. All other animal establishments as defined
1200 in this chapter are required to secure a permit.

1201 (b) Permit procedures and requirements.

1202 (1) No person shall operate, solicit business, or advertise an animal establishment
1203 without first obtaining an operational permit (hereinafter, "permit") issued by the
1204 Division.

1205 (2) Permit applications shall be valid for thirty (30) days in order for applicants to
1206 make corrections to meet minimum compliance specifications. A permit shall be issued

1207 only after the Division completes an inspection and determines that the minimum
1208 requirements and standards, as set forth herein have been met. No permit shall be issued
1209 until receipt of payment of the applicable fee. The permit shall be prominently displayed
1210 on the premises where animals are located. The cost of a permit and other related fees
1211 shall be established by the Board by resolution.

1212 (3) The permit is valid for a period of one (1) year from the date of issue, unless
1213 otherwise stated or revoked. The permit must be renewed annually. Said permit is not
1214 transferable, assignable or refundable except as specifically provided for herein.
1215 Renewal applications for permits shall be made at least thirty (30) days prior to the
1216 expiration date. The Board shall by resolution establish late fees for untimely permit
1217 renewal applications. Failure to timely apply for a permit renewal may result in a lapse
1218 in the permit.

1219 (4) A new animal establishment shall use its initial permit issue date as the
1220 anniversary date for the purposes of permit expiration and renewal.

1221 (5) Each separate place of business or property shall be required to have a permit.
1222 Each individual mobile grooming unit shall be subject to inspection and shall be
1223 required to have a separate permit.

1224 (6) If there is a change in ownership of any animal establishment, the new owner shall
1225 obtain a permit.

1226 (7) It shall be a condition of the issuance of any permit that the Division shall be
1227 allowed, at any reasonable time, to inspect without notice, all domestic animals, all
1228 premises where animals are kept, all records pertaining to such animals, and all records
1229 pertaining to the business.

1230 (8) No permit shall be issued without written approval from the Palm Beach County
1231 Zoning Division or the applicable municipal zoning office to confirm that the animal
1232 establishment may legally operate at the proposed location.

1233 (9) An animal control officer may conduct an investigation of any complaint
1234 concerning any animal establishment within the County.

1235 (10) If an inspection of an animal establishment reveals noncompliance with this
1236 chapter, an animal control officer may issue a citation, setting forth the name of the
1237 establishment being cited, to owners or managers of an animal establishment.

1238 (11) By notice of adverse action, the Division may deny, revoke or suspend any permit
1239 if it is determined that:

1240 a. There has been a material misstatement or misrepresentation in the permit
1241 application or the permit has been transferred in an effort to avoid the requirements of
1242 this chapter;

1243 b. The permit holder/applicant/corporation/officer of the corporation has
1244 been cited for at least two (2) major violations or five (5) minor violations, within a five-
1245 year period, each resulting in the imposition of a fine;

1246 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
1247 imposed due to a violation of this chapter;

1248 d. The permit holder/applicant or a member of the household if a home-based
1249 business has been convicted of, had adjudication withheld on, or plead nolo contendere
1250 to a crime of animal cruelty or abuse, sexual activities involving animals, child abuse,
1251 or domestic violence;

1252 e. An animal under the care and responsibility of a permit holder/applicant
1253 has been found to be in need of immediate veterinary care that, if not treated, would
1254 result in suffering, pain or death;

1255 f. The permit holder/applicant and/or his/her/its employees/agents refuses to
1256 allow the inspection of the premises or the records required to be maintained by this
1257 chapter or by state law;

1258 g. The permit holder/applicant or a member of the household if a home-based
1259 business has had a final judgment entered against him/her/it based upon a finding of
1260 animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable
1261 statute; or

1262 h. The permit holder/applicant knowingly employs/employed an employee
1263 who has been convicted of, had adjudication withheld on, or plead nolo contendere to a
1264 crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or

1265 domestic violence or who has had a final judgment entered against him/her based upon
1266 a finding of animal neglect or mistreatment pursuant to Florida Statutes § 828.073 or
1267 comparable statute.

1268 i. The permit holder/applicant/company/parent company/subsidiary
1269 company has been convicted or found guilty in a criminal or civil lawsuit of selling
1270 animals known to be ill; deceptive sales/trade practices; racketeering;
1271 misrepresentation; false statement; failure to honor warranties; violation of Section
1272 828.29, Florida Statutes, or similar law.

1273 j. The permit holder/applicant purchased an animal from a source pending,
1274 open, unresolved violations of local, state, or federal animal welfare laws.

1275 (12) No permit fee shall be refunded for a permit that is revoked or suspended. For a
1276 permit that is denied after review and inspection, the permit fee shall be refunded as
1277 provided by the Board by resolution.

1278 (13) After October 1, 2016, no new permit shall be approved for any pet shop or pet
1279 dealer that offers for sale dogs or cats. Notwithstanding the foregoing, existing pet shops
1280 or pet dealers that offer for sale dogs or cats may renew their pet shop operating permit
1281 or relocate the business provided they are in compliance with this chapter and may
1282 transfer, assign or sell their business provided that the transferee, assignee or new owner
1283 meets all requirements for licensure under this chapter. After October 1, 2016, any pet
1284 shop or pet dealer that offers for sale dogs or cats shall not open additional stores or
1285 operate from additional business premises.

1286 (14) No cat shall be bred unless it is a pedigreed cat registered as such with the Cat
1287 Fancier Association or the International Cat Association. No permit shall be issued for
1288 any commercial cat breeding operation unless the cats to be bred are pedigreed cats
1289 registered as such with the Cat Fancier Association or the International Cat Association.

1290 (15) No dog or cat shall be rented or leased and no permit shall be issued for such
1291 purpose.

1292 (c) Reserved.

1293 (d) Appeal process.

- 1294 (1) Any person who has been denied a permit or whose permit has been revoked or
1295 suspended may appeal this action to a Special Master within the ten-day period after the
1296 Division originates the adverse action. A written notice of appeal and appeal bond must
1297 be filed with the Division within ten (10) days of the notice of adverse action. The Board
1298 of County Commissioners is hereby authorized to establish the amount of the appeal
1299 bond by resolution. The appeal bond shall be remitted to the Division in the form of a
1300 money order, a certified check, a cashier's check, or a bank check payable to the County.
- 1301 (2) The appeal must be heard by a Special Master within thirty (30) calendar days
1302 after the owner has submitted a notice of appeal. The appeal may be delayed by the
1303 Division, the Special Master, or the permit applicant or permit holder beyond the thirty
1304 (30) calendar days for good cause shown.
- 1305 (3) The person receiving the notice of adverse action shall, until final disposition of
1306 the appeal, take whatever positive measures are necessary to prevent any future
1307 violations of this chapter from occurring.
- 1308 (4) Unless otherwise provided herein, the hearing before the Special Master shall be
1309 governed as provided in section 4-30, Animal Care and Control Special Master hearing.
- 1310 (5) The denial, revocation or suspension of the permit shall be upheld or revoked by
1311 the Special Master.
- 1312 (e) Owner requirements following notice of adverse action and/or appeal process.
- 1313 (1) If the notice of adverse action of denial, revocation or suspension of a permit
1314 issued under this section is not appealed, the animal establishment shall be required to
1315 humanely dispose, by means of returning to owner, sale, gift, or euthanasia performed
1316 by a licensed veterinarian or other humane method, all animals in its possession that it
1317 is not otherwise entitled to possess under this chapter, within fifteen (15) days after
1318 notice of adverse action. If the notice of adverse action of denial, revocation, or
1319 suspension of a permit issued under this section is upheld on appeal, the animal
1320 establishment shall be required to humanely dispose, by means of returning to owner,
1321 sale, gift, or euthanasia performed by a licensed veterinarian or other humane method,
1322 all animals in its possession that it is not otherwise entitled to possess under this chapter,
1323 within fifteen (15) days after the appeal hearing unless otherwise ordered by the Special
1324 Master. The permit applicant or permit holder shall provide the Division with written

1325 notification of the disposition and location of each animal, including the name, address,
1326 and telephone number of each new owner. If the animals have not been humanely
1327 disposed of as described above, the Division shall attempt to notify owner(s), if
1328 applicable, and may impound any animals found to be housed or kept in violation of
1329 this chapter. Such animals may be redeemed in accordance with section 4-12,
1330 Redemption and adoption.

1331 (2) Any person whose permit has been revoked may not reapply for a period of one
1332 (1) year. Each reapplication shall be accompanied by a fee to be established by the Board
1333 by resolution.

1334 (3) Any person who has been convicted of, had adjudication withheld on, or plead
1335 nolo contendere to a crime of animal cruelty or abuse, sexual activities involving
1336 animals, child abuse, or domestic violence within the past five (5) years may not hold
1337 apply for a permit to operate an animal establishment in the County.

1338 (f) Inspection procedures.

1339 (1) An inspection form shall be used as a guideline for the inspecting officer and the
1340 animal establishment.

1341 (2) Inspections of animal establishments shall be made without notice, during normal
1342 business hours or at any reasonable time during daylight hours. All inspections shall be
1343 made in the presence of the owner, manager or person in charge of the establishment
1344 whenever possible.

1345 (3) The inspecting officer will complete the inspection form by marking
1346 unsatisfactory items. Instructions and comments will be made at the bottom of the
1347 inspection form.

1348 (4) Whenever deficiencies are noted or the Division receives a complaint from the
1349 public, a follow-up inspection of the establishment may be initiated by the Division.

1350 (5) After the inspection is complete, the owner, manager or person in charge of the
1351 animal establishment shall sign the inspection form whereupon a copy of the completed
1352 form will be given to the owner or manager. If the owner or manager is not present, a
1353 copy of the form will be mailed to the owner or manager and the original copy will be
1354 kept by the Division.

1355 (6) The owner or manager of the animal establishment shall correct or initiate
1356 corrections within seven (7) days, unless otherwise stated by the inspecting officer.

1357 (g) Minimum general operational standards.

1358 (1) Each animal establishment will prominently display a current, valid County
1359 animal care and control operational permit.

1360 (2) Each animal establishment which accepts privately owned animals into its
1361 custody, shall report to the Division, any obvious case of neglect or animal abuse
1362 pursuant to this chapter or Florida Statutes Ch. 828, "Cruelty to Animals." The
1363 Division's phone number shall be posted in a prominent location visible to both
1364 employees and customers.

1365 (3) Each animal establishment shall meet all fire safety requirements in accordance
1366 with the local fire and zoning regulations. A posted plan and diagram to evacuate all
1367 animals in case of fire shall be provided in a prominent location. Commercial stables
1368 shall show proof of a fire inspection, with all recommendations adhered to, that was
1369 conducted by PBC Fire Rescue within the prior 12 months unless exempt by Florida
1370 Fire Prevention Code, Section 633.202(16).

1371 (4) Each animal establishment shall have a working telephone available at all times
1372 in case of an emergency. The name of the establishment's veterinarian and the
1373 veterinarian's phone number shall be posted and made available to all employees and
1374 customers.

1375 (5) Every owner or manager of an animal establishment must provide for adequate
1376 rodent and insect control.

1377 (6) Each animal establishment shall have sufficient lighting to permit routine
1378 inspection and cleaning of the facility, and clear observation of the animals. Animal
1379 areas must be lighted for at least eight (8) hours a day, by either natural or artificial light,
1380 corresponding to the natural period of daylight. If only artificial light, such as
1381 fluorescent light is provided, it must provide full-spectrum illumination. Animal
1382 enclosures must be placed so as to protect animals from excessive light.

- 1383 (7) All areas of each animal establishment shall be clean, orderly and free of garbage,
1384 unused food, standing water, litter or refuse. Garbage shall be kept in garbage cans with
1385 lids and disposed of daily. (Commercial stables refer to requirements in subsection (k)).
- 1386 (8) Animal waste shall be removed by cleaning regularly throughout the work day.
1387 (Commercial stables refer to requirements in subsection (k)).
- 1388 (9) All cleaning solutions and disinfectants shall be stored and used in accordance
1389 with the manufacturer's instructions, properly labeled as to content, and shall be stored
1390 so as to not come into any contact with animals or items intended for animal
1391 consumption.
- 1392 (10) All equipment, buildings, appurtenances, plumbing, electrical wiring and
1393 electrical appliances/equipment shall be in good repair and appropriate for intended use.
- 1394 (11) Wherever animals are housed or cared for, floors, moldings, walls, shelves and
1395 work areas shall be of a nonporous material impervious to fecal matter and urine that
1396 can be easily swept, wiped, mopped and disinfected daily. Carpeting as a flooring or
1397 wall covering shall not be used wherever animals are housed or maintained.
1398 Notwithstanding the foregoing, the Division may in writing approve the use of
1399 alternative materials when the animal establishment provides a written plan for keeping
1400 all surfaces in the animal enclosure clean and properly disinfected and demonstrates
1401 compliance with such plan. (Stables refer to requirements in subsection (k)).
- 1402 (12) All aisles shall be kept clear to provide safe, free access throughout the animal
1403 establishment.
- 1404 (13) Animal establishments which fail to obtain licensed veterinary care or show proof
1405 of same, for any sick or injured animal found in the animal establishment's custody may
1406 be charged for violating section 4-23, Animal care; manner of keeping, of this chapter
1407 or Florida Statutes Ch. 828, "Cruelty to Animals." Proof of adequate, timely, veterinary
1408 care must be provided to the inspecting officer upon request.
- 1409 (14) All animals in an animal establishment must be given a humane existence, and
1410 shall at all times be maintained in accordance with section 4-23, Animal care; manner
1411 of keeping.

1412 (15) A commercial breeder's permit number shall be included in all advertisements
1413 offering a dog or cat for sale.

1414 (16) No person shall maintain unsterilized dogs over six (6) months of age or
1415 unsterilized cats over four (4) months of age together without first obtaining an
1416 appropriate breeding permit from the Division.

1417 (h) Minimum operational standards for kennels, training establishments, commercial
1418 breeders, pet dealers and excess animal habitats (EAH).

1419 (1) Record keeping—Kennels, training establishments, commercial breeders and
1420 excess animal habitats.

1421 a. Kennels, training establishments, commercial breeders and excess animal habitats
1422 shall keep records on all animals currently bred, born, boarded, housed and/or being
1423 trained. These records shall be maintained on each animal individually.

1424 b. The information in these records shall include but not be limited to rabies
1425 vaccination, all other inoculations and prescription or medical treatment administered.
1426 In addition, kennels shall be required to obtain the owner's name, address, emergency
1427 telephone number, proof of owner's identification, and name and telephone number of
1428 owner's veterinarian. Excess animal habitats shall also include records indicating where
1429 the animal was obtained. The above information shall be available to the inspecting
1430 officer upon request.

1431 c. A medical release must be obtained from the owner or his designee, for each
1432 animal and shall become part of the animal's record so that emergency treatment can be
1433 given if the animal shows signs of illness or is injured while in the care and custody of
1434 the kennel.

1435 d. Commercial breeders shall comply with section 4-24, Dogs and cats offered for
1436 sale; health requirements, and shall maintain a separate file for each dog and cat
1437 containing all Official Certificate of Veterinary Inspection's (OCVI) and medical
1438 records for each individual dog and cat. Such records shall be kept on file at all times
1439 on the premises and available to the inspecting officer upon request. Such records shall
1440 be maintained for a period of two (2) years after an animal is sold or otherwise disposed
1441 of.

1442 e. All dogs housed at a kennel or training establishment for training purposes shall
1443 have a training contract. The training contract shall state that the dog is housed
1444 specifically for training. The dog shall be housed in an enclosure appropriate for its
1445 breed and size to stand holding tail fully erect or sit erect, walk several steps, lie down
1446 at full body length, stretch out and turn around freely. The contract shall include notice
1447 that the dog will be interacting with other pets in training classes. The contract shall be
1448 signed by the dog's owner.

1449 f. Commercial breeders shall maintain records of each litter of puppies and kittens
1450 born. Such records shall include the date of birth, number of puppies or kittens in the
1451 litter, and license tag number of the parents.

1452 g. On a monthly basis, commercial breeders shall provide the Division with the
1453 name, address, and telephone number of the new owner of any puppy or kitten placed
1454 or a notice that no animal was sold during the month.

1455 (2) Animal housing requirements—Kennels, training establishments and excess
1456 animal habitats.

1457 a. For kennels and training establishments, dogs must be separated by a wall at least
1458 four (4) feet high or one (1) foot higher than the top of each dog's head (excluding the
1459 ears), when the dog is standing on all four (4) feet. Notwithstanding the foregoing, the
1460 Division may in writing approve a plan to separate the dogs without walls.

1461 b. Animals shall be confined and not allowed to roam freely on the premises, except
1462 with the written approval of the owner of the animal.

1463 c. Animals housed in kennels shall be separated in the following manner:

- 1464 1. Dogs from cats.
- 1465 2. Unsterilized males from females.
- 1466 3. Nursing mothers with their young from all others.
- 1467 4. Boarding dogs from registered guard dogs.

1468 By special request of the owner, as noted in the record, animals from the same household
1469 may be boarded together and may be allowed to interact with other animals during
1470 supervised play periods. Appropriate resources (e.g. food, water, bedding, etc.) must be

1471 provided to minimize competition or resource guarding and ensure access by all
1472 cohoused animals.

1473 d. Animals having a known or suspected communicable animal-to-human or animal-
1474 to-animal disease shall be maintained in an isolated location where they cannot directly
1475 or indirectly come into contact with any other animals or the public.

1476 e. Applicable County and State health regulations must be followed when caring for
1477 any animal harboring an animal-to-human disease.

1478 f. Kennel operators and training establishments boarding dogs over night shall
1479 comply with the following requirements:

1480 1. Notify the Division regarding all dogs maintained at their kennel for
1481 longer than three (3) months.

1482 2. For any dog kenneled for longer than three (3) months, the kennel operator
1483 shall arrange for a professional behaviorist or trainer to visit the dog once every
1484 three (3) months for the purpose of evaluation, therapeutic or obedience training.

1485 3. For any dog kenneled for longer than three (3) months, the kennel operator
1486 shall have a veterinarian examine the dog prior to the fourth month of confinement
1487 and every ninety (90) days thereafter. Dogs not maintained on a heartworm
1488 preventative program shall be given an occult heartworm test and started on
1489 preventative or treated for same.

1490 4. Each day a minimum of sixty (60) minutes of play, interaction, grooming
1491 and/or training shall be provided to each dog.

1492 (3) Physical facility requirements—Kennels, training establishments, commercial breeders,
1493 pet dealers and excess animal habitats.

1494 a. Floors and walls of all animal enclosures shall be made of nonporous material
1495 impervious to fecal matter and urine that can be easily disinfected. The floors shall slope
1496 toward the drains or troughs. Notwithstanding the foregoing, the Division may in
1497 writing approve the use of alternative materials when the animal establishment provides
1498 a written plan for keeping all surfaces in the animal enclosure clean and properly
1499 disinfected and demonstrates compliance with such plan.

- 1500 b. The premise shall have drainage and plumbing adequate to handle the heavy load
1501 of daily cleaning.
- 1502 c. Indoor/outdoor housing facilities. Indoor and outdoor housing facilities shall be
1503 maintained in accordance with section 4-23, Animal care; manner of keeping.
- 1504 d. Animal enclosures.
- 1505 1. General requirements.
- 1506 A. Animal enclosures must be designed and constructed of suitable
1507 materials so they are structurally sound. The animal enclosures must be kept
1508 in good repair.
- 1509 B. Animal enclosures must be constructed and maintained so they:
- 1510 i. Have no sharp points or edges which could injure the dogs and
1511 cats;
- 1512 ii. Protect the dogs and cats from injury;
- 1513 iii. Keep predators and unauthorized individuals from accessing the
1514 enclosure;
- 1515 iv. Enable the dogs and cats to remain dry and clean;
- 1516 v. Provide shelter and protection from extreme temperatures and
1517 weather conditions that may be uncomfortable or hazardous to the
1518 dogs and cats;
- 1519 vi. Are shaded to shelter all the dogs and cats housed in the animal
1520 enclosure;
- 1521 vii. Provide the dogs and cats with easy and convenient access to clean
1522 food and water;
- 1523 viii. Enable all surfaces in contact with the dogs and cats to be readily
1524 cleaned and disinfected; and
- 1525 ix. Have floors which are constructed in a manner that protects the
1526 dogs' and cats' appendages from injury and that will not allow the
1527 dogs' and cats' appendages to pass through any openings in the
1528 floor.

- 1529 x. Provide a separation or distance between living space and toileting
1530 space.
- 1531 C. Airline type containers normally used for shipping and transporting animals
1532 shall not be used to house animals for more than 1 hour, except under the
1533 guidance or a veterinarian for medical treatment.
- 1534 D. Space requirements for dogs:
- 1535 i. Indoor/outdoor enclosures for extra-large dogs over seventy-five
1536 (75) pounds shall be at least thirty-two (32) square feet, per dog.
- 1537 ii. Indoor/outdoor dog enclosures for large dogs fifty-one (51) pounds
1538 to seventy-five (75) pounds shall be at least twenty-four (24)
1539 square feet, per dog.
- 1540 iii. Indoor/outdoor dog enclosures for medium dogs thirty-six (36) to
1541 fifty (50) pounds shall be at least twenty (20) square feet, per dog.
- 1542 iv. Indoor/outdoor dog enclosures for small dogs twenty-one (21) to
1543 thirty-five (35) pounds shall be at least twelve (12) square feet, per
1544 dog.
- 1545 v. Indoor/outdoor dog enclosures for dogs eleven (11) to twenty (20)
1546 pounds shall be at least eight (8) square feet, per dog.
- 1547 vi. Indoor/outdoor dog enclosures for dogs ten (10) pounds and under
1548 shall be at least six (6) square feet, per dog.
- 1549 vii. The interior height of an indoor/outdoor dog enclosure must be at
1550 least one (1) foot higher than the highest point of the body
1551 (normally the ears) of the dog in the enclosure when it is in a
1552 normal standing position.
- 1553 E. Space requirements for cats.
- 1554 i. Each cat that is housed in any animal enclosure must be provided
1555 minimum space as follows:
- 1556 (a) A minimum of 11 square feet for a cage confined cat or queen with
1557 a nursing litter;

- 1558 (b) A minimum of 18 square feet per cat for cats housed in a free roam
1559 enclosure; and
- 1560 ii. Compatibility.
- 1561 (a) All cats housed in the same animal enclosure must be compatible
1562 and have the same owner.
- 1563 (b) Queens in heat may not be housed in the same animal enclosure
1564 with any mature males unless an appropriate breeding permit has
1565 been obtained.
- 1566 (c) Queens with litters may not be housed in the same animal
1567 enclosure with other cats.
- 1568 (d) Kittens under four (4) months of age may not be housed in the
1569 same animal enclosure with adult cats other than their mother.
- 1570 (e) Cats with a vicious or aggressive disposition must be housed
1571 separately.
- 1572 iii. Cat litter.
- 1573 (a) In all animal enclosures, a receptacle containing sufficient clean
1574 litter must be provided to contain excreta and body wastes.
- 1575 (b) Litter pans shall be cleaned and changed daily or more often when
1576 necessary.
- 1577 iv. Resting surfaces (perches).
- 1578 (a) Each animal enclosure housing cats shall contain a solid resting
1579 surface or surfaces that, in the aggregate, are large enough to hold
1580 all the occupants of the animal enclosure at the same time
1581 comfortably.
- 1582 (b) The resting surfaces must be elevated, impervious to moisture and
1583 able to be easily disinfected, or easily replaced when soiled or
1584 worn.
- 1585 (c) The resting surfaces shall not be considered part of the minimum
1586 floor space.

1587 (4) Food and water requirements: Dogs and cats—Kennels, commercial breeders, pet
1588 dealers and excess animal habitats.

1589 a. Food shall be stored in rodent, pest and moisture proof containers with lids.
1590 Containers shall be clearly and properly labeled as to contents.

1591 b. Fresh water shall be available to all animals at all times and shall be maintained
1592 in a container in such a manner that animals cannot turn the container over.

1593 c. Food and water shall be fresh, appropriate and free from contamination.

1594 (5) Cleaning procedures for kennels, training establishments, commercial breeders, pet
1595 dealers and excess animal habitats.

1596 a. All dog enclosures including floors, walls and doors shall be cleaned, disinfected
1597 and dried daily. Cat enclosures should be spot cleaned daily and disinfected completely
1598 once the cat leaves the enclosure.

1599 b. Dogs and cats shall not be directly exposed to water or disinfectant and shall be
1600 removed from animal enclosures during cleaning procedures.

1601 c. Drains and walkways adjacent to all animal enclosures shall be hosed and
1602 disinfected daily.

1603 d. All areas containing animal waste shall be cleaned throughout the day and such
1604 waste shall be properly disposed of so as not to cause a nuisance.

1605 e. Food dishes and water bowls shall be cleaned and disinfected daily.

1606 f. Appropriate cleaning methods shall be used to ensure that fumes from excreta and urine
1607 do not adversely affect the lungs of animals or humans.

1608 (6) Roadside sales. It shall be unlawful to advertise, display for commercial purposes,
1609 attempt to sell or sell any dog or cat on any roadside or public right-of-way.

1610 (i) Minimum operational standards for pet shops and pet dealers.

1611 (1) General requirements for pet shops and pet dealers. For the purpose of this section, the
1612 word dog means a dog of any age and the word cat means a cat of any age.

1613 a. For each dog and cat transported into the County from outside of the State of
1614 Florida for sale, the tests, vaccines, and anthelmintics required by this chapter must be
1615 administered by or under the direction of a veterinarian, licensed by the state of origin

1616 and accredited by the United States Department of Agriculture, who issues the Official
1617 Certificate of Veterinary Inspection (OCVI). The tests, vaccines, and anthelmintics must
1618 be administered no more than thirty (30) days and no less than fourteen (14) days before
1619 the dog or cat's entry into the State of Florida. An OCVI certifying compliance with this
1620 chapter must accompany each dog and cat transported into the State of Florida for sale.

1621 b. Each OCVI shall contain records for only one (1) dog or cat.

1622 c. No dog or cat imported into the State of Florida for sale shall be offered for sale
1623 without an OCVI issued by a veterinarian licensed in the state of origin.

1624 d. The following tests, vaccines, and anthelmintics must be administered to each dog
1625 before the dog is offered for sale in the County, unless a licensed, accredited veterinarian
1626 certifies on the OCVI that to inoculate or deworm the dog is not in the best medical
1627 interest of the dog, in which case the vaccine or anthelmintic may not be administered
1628 to that particular dog:

1629 1. Canine distemper.

1630 2. Leptospirosis.

1631 3. Bordetella (by intranasal or other licensed mucosal).

1632 4. Parainfluenza.

1633 5. Hepatitis/Canine Adenovirus type 2.

1634 6. Canine parvovirus.

1635 7. Rabies, provided the dog is over three (3) months of age and the
1636 inoculation is administered by a licensed veterinarian.

1637 8. Roundworms.

1638 9. Hookworms.

1639 If the dog is under four (4) months of age, the tests, vaccines, and anthelmintics required
1640 by this chapter must be administered no more than twenty-one (21) days before sale
1641 within the County. If the dog is four (4) months of age or older, the tests, vaccines, and
1642 anthelmintics required by this chapter must be administered at or after three (3) months
1643 of age, but no more than one (1) year before sale within the County.

1644 e. The following tests, vaccines, and anthelmintics must be administered to each cat before
1645 the cat is offered for sale in the County, unless the licensed, accredited veterinarian
1646 certifies on the OCVI that to inoculate or deworm the cat is not in the best medical
1647 interest of the cat, in which case the vaccine or anthelmintic may not be administered to
1648 that particular cat:

- 1649 1. Panleukopenia.
- 1650 2. Feline viral rhinotracheitis.
- 1651 3. Calici virus.
- 1652 4. Rabies, if the cat is over three (3) months of age and the inoculation is
1653 administered by a licensed veterinarian.
- 1654 5. Hookworms.
- 1655 6. Roundworms.

1656 If the cat is under four (4) months of age, the tests, vaccines, and anthelmintics required
1657 by this section must be administered no more than twenty-one (21) days before sale
1658 within the State. If the cat is four (4) months of age or older, the tests, vaccines, and
1659 anthelmintics required by this section must be administered at or after three (3) months
1660 of age, but no more than one (1) year before sale within the State.

1661 f. Every dog and cat offered for sale by a pet shop or pet dealer must be accompanied by
1662 a current OCVI (paper or electronic) at all times while being offered for sale within the
1663 County. The examining veterinarian must retain one (1) copy of the OCVI on file for at
1664 least one (1) year after the date of examination.

1665 g. Each dog and cat in the possession of a pet shop or pet dealer shall be examined by a
1666 veterinarian licensed to practice in Florida no more than thirty (30) days before the sale
1667 within the County. The examination must include, but not be limited to, an evaluation
1668 for possible congenital defects and contagious diseases and a fecal test to determine if
1669 the dog or cat is free of internal parasites, including hookworms, roundworms,
1670 tapeworms, and whipworms. If the examination warrants, the dog or cat must be treated
1671 with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog
1672 or cat must be given a broad spectrum anthelmintic. At the conclusion of the
1673 examination, the veterinarian shall complete an OCVI including all medical findings,

1674 which shall remain current for a period of thirty (30) days. Each dog and cat in the
1675 possession of a pet shop or pet dealer shall be re-examined by a veterinarian every thirty
1676 (30) days and the pet shop or pet dealer shall ensure that a current OCVI is completed
1677 by the examining veterinarian.

1678 h. Each dog over six (6) months of age must be tested by a veterinarian for heartworms
1679 before being offered for sale and the results of the tests must be listed on the OCVI.

1680 i. Each cat must be tested by a veterinarian for feline leukemia before being offered for
1681 sale and the results of the tests must be listed on the OCVI.

1682 j. Each dog and cat obtained by the pet shop or pet dealer for the purpose of sale shall be
1683 examined by a veterinarian licensed in Florida within two (2) business days of the day
1684 the pet shop or pet dealer obtains the dog or cat.

1685 k. No pet shop or pet dealer shall possess, offer for sale, sell, transport, or arrange for the
1686 transportation of any dog or cat that is less than eight (8) weeks of age.

1687 l. No pet shop or pet dealer shall import a dog into the United States in violation of 7
1688 U.S.C. 2148, Importation of live dogs.

1689 m. Except as provided in section 4-22(i)(10), it shall be unlawful for any pet shop or pet
1690 dealer to display, offer for sale, deliver, barter, give away, transfer or sell any dog or cat
1691 from any source that does not hold a valid license issued by the United States
1692 Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq., or successor provision
1693 of law as of the date such pet shop or pet dealer received such dog or cat. Pet shops or
1694 pet dealers shall only obtain dogs and cats from:

1695 1. A breeder holding an active class A license issued by the United States
1696 Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations
1697 promulgated thereunder.

1698 2. A dealer holding an active class B license issued by the United States Department
1699 of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and regulations promulgated
1700 thereunder, and if the class B license holder is not the breeder, obtained the dog or cat
1701 from a breeder who is licensed by the United State Department of Agriculture.

1702 3. A transporter holding an active license as a carrier or intermediate handler issued
1703 by the United States Department of Agriculture pursuant to 7 U.S.C. § 2131 et seq. and

1704 regulations promulgated thereunder and who obtained the dog or cat from a breeder who
1705 is licensed by the USDA.

1706 4. A humane society, private nonprofit animal organization, or animal rescue
1707 organization.

1708 n. It shall be unlawful for any pet shop or pet dealer to obtain a dog or cat from any source,
1709 including but not limited to a breeder or dealer, if the source or, an owner, operator or
1710 employee of the source:

1711 1. Has been convicted of, had adjudication withheld on, or plead nolo contendere to
1712 a crime of animal cruelty or abuse, sexual activities involving animals, child abuse, or
1713 domestic violence under any Federal, State or local law.

1714 2. Has had a final judgment entered against it/him/her based upon a finding of animal
1715 neglect or mistreatment pursuant to Florida Statutes § 828.073 or comparable statute.

1716 3. Has been permanently enjoined from breeding, selling, handling, transporting or
1717 dealing in dogs or cats by any court.

1718 4. Whose license/permit issued by any local government, State, or Federal
1719 government to breed, sell, handle, transport or otherwise deal in dogs or cats is
1720 suspended or revoked.

1721 5. That has received a finally determined citation for any "direct" noncompliance
1722 violation as indicated on any United States Department of Agriculture inspection report
1723 at any time during the prior three (3) years.

1724 6. That has received a finally determined citation for failure to provide a United
1725 States Department of Agriculture inspector access to property, animals or records as
1726 required by 9 CFR § 2.126, unless a subsequent inspection has been performed at which
1727 no direct or indirect violations were found by the inspector.

1728 7. That has received three (3) or more finally determined noncompliance citations
1729 for violations other than "direct" noncompliance or a violation of 9 CFR § 2.126 at any
1730 time during the prior three (3) years.

1731 8. That has received a finally determined repeat noncompliance citation at any time
1732 during the prior three (3) years.

1733 9. That has received a finally determined cease and desist order pursuant to 7 U.S.C.
1734 § 2149 at any time during the prior three (3) years.

1735 o. An OCVI must:

1736 1. Be signed on the date of examination by the examining veterinarian who is
1737 licensed by the state of origin and accredited by the United States Department of
1738 Agriculture and must include the veterinarian's license number.

1739 2. Show the date of birth, sex, breed, color, EAID number, and health record of the
1740 dog or cat examined.

1741 3. Contain the printed or typed names and addresses of the person or business from
1742 whom the dog or cat was obtained, the consignor or seller, the consignee or purchaser,
1743 and the examining veterinarian.

1744 4. For each dog or cat, list all tests performed, the results of all tests performed, all
1745 vaccines and deworming medications administered, including the manufacturer,
1746 vaccine, type, lot number, expiration date, and the dates of administration thereof.

1747 5. State that the examining veterinarian warrants that, to the best of his or her
1748 knowledge, the dog or cat has no sign of contagious or infectious diseases and has no
1749 evidence of internal or external parasites.

1750 6. State whether the examining veterinarian has detected any physical abnormalities
1751 or congenital defects in the dog or cat including but not limited to a heart murmur, an
1752 umbilical hernia, entropion, an inguinal hernia, patellar luxation and cryptorchidism.

1753 7. Be completed in a legible manner.

1754 An OCVI that does not meet the above-cited requirements shall not comply with this chapter.

1755 The pet shop or pet dealer shall ensure that the OCVI is properly completed with all
1756 relevant information.

1757 p. It shall be a violation of this chapter to falsify any information provided in any OCVI.

1758 q. All dogs and cats offered for sale and copies of OCVI's held by a pet shop, pet dealer or
1759 veterinarian are subject to inspection by any agent of the Division, the Department of
1760 Agriculture and Consumer Services, any agent of the United States Department of
1761 Agriculture, any law enforcement officer, or any agent appointed under Florida Statutes
1762 § 828.03.

- 1763 r. All dogs and cats offered for sale by a pet shop or pet dealer shall be implanted with an
1764 electronic animal identification device (EAID).
- 1765 (2) Records.
- 1766 a. Each pet shop and pet dealer shall maintain the following written records on each dog
1767 and cat offered for sale for a period of not less than two (2) years after disposition of
1768 each dog and cat:
- 1769 1. The name, address, USDA license number and state and local license number, if
1770 applicable, of every breeder, dealer, intermediate handler and carrier that has owned,
1771 possessed or handled the dog or cat.
- 1772 2. The date the dog or cat was born and the date the pet shop or pet dealer received
1773 the dog or cat.
- 1774 3. The breed, sex, color, and identifying marks of the dog or cat. If the breed is
1775 unknown or mixed, the record shall so indicate.
- 1776 4. If the dog or cat is being sold as capable of registration, the names and registration
1777 numbers of the sire and dam and litter number.
- 1778 5. A copy of each OCVI that has been completed for the dog or cat up to the point
1779 of sale.
- 1780 6. A complete record of any medical treatment or medication provided to or
1781 recommended for each dog or cat by a veterinarian and any medical diagnosis made by
1782 a veterinarian concerning each dog or cat up to the point of sale. If such information is
1783 contained in an OCVI, the OCVI shall be sufficient; if not, the pet shop or pet dealer
1784 shall obtain a copy of each dog or cat's medical records from the veterinarian.
- 1785 7. A record of any known disease, illness, or congenital or hereditary condition that
1786 adversely affects the health of the dog or cat at the time of sale or is likely to adversely
1787 affect the health of the dog or cat in the future.
- 1788 b. For a period of two (2) years from the disposition of each dog and cat, the pet shop or
1789 pet dealer shall maintain records specifying the date and nature of disposition of each
1790 dog and cat and the name, address, and phone number of the purchaser and owner (if
1791 different than the purchaser) of each dog or cat.

- 1792 c. By the fifteenth day of the month, each pet shop and pet dealer shall provide the Division
1793 with the following records for each dog and cat sold, disposed of or that died during the
1794 previous month:
- 1795 1. A copy of each OCVI that has been completed for such dog or cat;
 - 1796 2. The name, physical address (no P.O. boxes), USDA license number and state and
1797 local license number, if applicable, of every breeder, dealer, intermediate handler and
1798 carrier that has owned, possessed or handled the dog or cat.
 - 1799 3. The date each dog and cat was obtained;
 - 1800 4. The date each dog and cat was sold, died, or was otherwise disposed of by the pet
1801 shop or pet dealer; and
 - 1802 5. The name, physical address (no P.O. boxes), and telephone number of the
1803 purchaser and owner (if different from the purchaser) of each dog and cat sold during
1804 that month, including the EAID number, breed, color, sex, and age of each dog and cat.
- 1805 d. If any dog or cat dies while in the possession of a pet shop or pet dealer, the pet shop or
1806 pet dealer shall maintain a record of the date of death and known or suspected cause of
1807 death. Any dog or cat that dies while being treated by a veterinarian or person at the
1808 request of the pet shop or pet dealer shall be considered in the possession of the pet shop
1809 or pet dealer at the time of death. The veterinarian shall specify the date of and known
1810 or suspected cause of death on the dog or cat's OCVI. Within fifteen (15) days following
1811 the death of a dog or cat, the pet shop or pet dealer shall provide the Division with
1812 records reflecting the date and cause of the dog or cat's death. The pet shop or pet dealer
1813 shall maintain a copy of such record for a period of two (2) years from the date of the
1814 dog or cat's death.
- 1815 e. Each pet shop and pet dealer shall maintain on the premises all records required by this
1816 chapter and shall make such records available to the Division upon request.
- 1817 f. The failure to maintain complete records on each dog and cat as required by this chapter
1818 shall constitute a separate violation as to each record missing or incomplete.
- 1819 (3) Notices and disclosures to purchasers.
- 1820 a. Each pet shop and pet dealer shall post conspicuously on the cage or enclosure of each
1821 dog and cat offered for sale a written notice in twelve-point or greater type identifying

1822 the breed, sex, date of birth of each dog and cat, any illness found by the veterinarian
1823 during the most recent examination, and the name, address, USDA license number and
1824 state and local license number, if applicable, of every breeder, dealer, intermediate
1825 handler and carrier that has owned, possessed or handled the dog or cat.

1826 b. Each pet shop and pet dealer shall post conspicuously in close proximity to the cages or
1827 enclosures where dogs and cats are offered for sale a notice in at least fifty-point type
1828 containing the following:

1829 "Notice to consumers: Before purchasing a dog or cat you may request information
1830 concerning each dog or cat's health, medical history, and the source from which the dog
1831 or cat was obtained. Upon your request, the pet shop or pet dealer is required to show
1832 you these records before you purchase a dog or cat and to give you a copy of these
1833 records when you purchase a dog or cat."

1834 c. At the time of sale, each pet shop and pet dealer shall provide the purchaser with a
1835 written notice in twelve-point or greater type stating:

1836 Pursuant to the Palm Beach County Animal Care and Control Ordinance, every owner
1837 of a dog or cat is required to obtain a license tag for each dog and cat from the Palm
1838 Beach County Division of Animal Care and Control ("Division") or an authorized
1839 veterinarian. The license tag must be renewed every year, and proof of an up to date
1840 rabies vaccination is required to obtain or renew a license tag.

1841 The Palm Beach County Board of County Commissioners has determined that the
1842 unintended or uncontrolled breeding of dogs and cats leads to pet overpopulation at
1843 great expense to the community and that every feasible means of reducing the number
1844 of unwanted dogs and cats should be encouraged. The Board of County Commissioners
1845 has also determined that spaying and neutering every dog and cat is one of the best ways
1846 to must be spayed or neutered by the time the dog is six (6) months old and every cat
1847 must be spayed or neutered by the time the cat is four (4) months old, unless certain
1848 exceptions apply.

1849 Every owner must obtain an annual unaltered license tag from the Division or a
1850 veterinarian for each dog over the age of six (6) months and every cat over the age of
1851 four (4) months that is not spayed or neutered. A dog or cat with an unaltered license

1852 tag cannot be bred unless an appropriate breeding permit is first obtained from the
1853 Division.

1854 No person shall breed any dog or cat in Palm Beach County without first obtaining a
1855 breeding permit.

1856 Contact the Division at (561) 233-1200 or www.pbcgov.com/publicsafety/animalcare/
1857 with questions about regulations pertaining to your new dog or cat.

1858 The Division shall have the authority to establish an alternative written disclosure form
1859 that includes the essential elements of the written notice provided herein.

1860 d. At the time of sale, each pet shop and pet dealer shall deliver to the purchaser of each
1861 dog and cat a written disclosure(s) containing all of the information required in section
1862 4-22(i)(2)a.1. through 7. The pet shop and pet dealer shall provide all of the above-cited
1863 written disclosures containing all of the information required in section 4-22(i)(2)a.1.
1864 through 7., to the prospective purchaser of each dog or cat for review prior to the
1865 purchase upon request. The pet shop or pet dealer shall maintain a copy of the above-
1866 cited written disclosures for a period of two (2) years from the date of sale of each dog
1867 and cat and shall make such copies available to the Division upon request.

1868 (4) Warranties for dogs and cats.

1869 a. A dog or cat that is purchased from a pet shop or pet dealer shall be considered
1870 unfit for purchase if any of the following apply:

1871 1. Within fourteen (14) days following the sale of a dog or cat by a pet shop or pet
1872 dealer a licensed veterinarian of the purchaser's choosing certifies that, at the time of the
1873 sale, the dog or cat was unfit for purchase due to illness or disease, the presence of
1874 symptoms of a contagious or infectious disease, or the presence of internal or external
1875 parasites, excluding fleas and ticks.

1876 2. Within one (1) year following the sale of a dog or cat, a licensed veterinarian of
1877 the purchaser's choosing certifies such dog or cat to be unfit for purchase due to a
1878 congenital or hereditary disorder that adversely affects the health of the dog or cat.

1879 3. Within one (1) year following the sale of a dog or cat, the breed, sex, or health of
1880 such dog or cat is found to have been misrepresented to the purchaser.

1881 b. If a dog or cat is unfit for purchase for any of the above-cited reasons, the pet shop
1882 or pet dealer shall afford the purchaser the right to choose one (1) of the following
1883 options:

1884 1. The right to return the dog or cat and receive a refund of the purchase price,
1885 including the sales tax, and reimbursement for reasonable veterinary costs directly
1886 related to the veterinarian's examination and certification that the dog or cat is unfit for
1887 purchase pursuant to this chapter and directly related to necessary emergency services
1888 and treatment undertaken to relieve suffering;

1889 2. The right to return the dog or cat and receive an exchange dog or cat of the
1890 purchaser's choice of equivalent value, and reimbursement for reasonable veterinary
1891 costs directly related to the veterinarian's examination and certification that the dog or
1892 cat is unfit for purchase pursuant to this section and directly related to necessary
1893 emergency services and treatment undertaken to relieve suffering; or

1894 3. The right to retain the dog or cat and receive reimbursement for reasonable
1895 veterinary costs for necessary services and treatment related to the attempt to cure or
1896 curing of the dog or cat.

1897 Reimbursement for veterinary costs may not exceed the purchase price of the dog or
1898 cat. The cost of veterinary services is reasonable if comparable to the cost of similar
1899 services rendered by other licensed veterinarians in proximity to the treating
1900 veterinarian and the services rendered are appropriate for the certification by the
1901 veterinarian.

1902 c. The refund or exchange required by this chapter shall be made by the pet shop or
1903 pet dealer not later than ten (10) business days following receipt of a signed veterinary
1904 certification as required in this chapter. The purchaser must notify the pet shop or pet
1905 dealer within a reasonable time after the veterinarian's determination that the animal is
1906 unfit and must provide the pet shop or pet dealer with a copy of the written certification
1907 of unfitness.

1908 d. A dog or cat may not be determined unfit for sale on account of an injury sustained
1909 or illness contracted after the purchaser takes possession of the dog or cat. A veterinary
1910 finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit
1911 for sale unless the dog or cat is clinically ill because of that condition.

- 1912 e. If a pet shop or pet dealer wishes to contest a demand for veterinary expenses,
1913 refund, or exchange made by a purchaser under this section, the pet shop or pet dealer
1914 may require the purchaser to produce the dog or cat at a mutually agreed upon time and
1915 place for examination by a licensed veterinarian designated by the pet shop or pet dealer.
1916 Upon such examination, if the purchaser and the pet shop or pet dealer are unable to
1917 reach an agreement that constitutes one (1) of the options set forth in this chapter within
1918 ten (10) business days following examination by the pet shop or pet dealer's designated
1919 veterinarian, the purchaser may initiate an action in a court of competent jurisdiction to
1920 recover or obtain reimbursement of veterinary expenses, refund, or exchange.
- 1921 f. No pet shop or pet dealer shall require or attempt to require a purchaser to sign a
1922 contract or agreement to waive any of the rights provided by this chapter. Any contract
1923 or agreement in which a purchaser agrees to waive any rights provided under this
1924 chapter shall be null and void and unenforceable.
- 1925 g. This chapter does not in any way limit the rights or remedies that are otherwise
1926 available to a purchaser under any other law.
- 1927 h. Each pet shop and pet dealer shall provide the purchaser of a dog or cat at the time
1928 of sale with the written notice required by Florida Statutes § 828.29(12), which shall be
1929 provided in twelve-point or greater type.
- 1930 i. No pet shop or pet dealer shall require the purchaser of a dog or cat to use the pet
1931 shop's veterinarian in order to receive a refund or exchange required by this chapter.
- 1932 j. If a purchaser requests a refund or requests to return or exchange a dog or cat
1933 pursuant to this chapter, each pet shop and pet dealer shall maintain all records related
1934 to the purchaser's request for a period of two (2) years from receipt of such records and
1935 shall deliver a copy of the purchaser's request to the Division within seven (7) days of
1936 receipt.
- 1937 (5) Animal housing requirements—Pet shops and pet dealers. All animal housing shall
1938 comply with the Association of Shelter Veterinarians “Guidelines for Standards of Care
1939 in Animal Shelters”, as amended, and the following:
- 1940 a. Animals having a known or suspected communicable animal-to-human or
1941 animal-to-animal disease shall be maintained in individual cages in an

- 1942 isolated location where they cannot directly or indirectly come into contact
1943 with other animals or the public.
- 1944 b. Animals with diseases that can be airborne must be isolated in an area with
1945 independent ventilation.
- 1946 c. Any animal that cannot stand on its own or that has a life threatening
1947 disease must be hospitalized, housed under the direct care of a veterinary
1948 hospital/clinic or humanely euthanized.
- 1949 d. State and County health regulations must be followed when caring for any
1950 animal harboring an animal-to-human disease.

1951 (6) Animal care—Pet shops and pet dealers.

- 1952 a. Each animal shall be examined daily for signs of illness or injury. Any suspected
1953 illness or injury shall be reported to the owner or manager of the establishment
1954 immediately. Any sick animal shall be immediately isolated from other animals. All
1955 bedding material and feces in a sick animal's cage shall be removed and disinfected or
1956 discarded. Display areas, holding crates, cages or animal enclosures, trays and feeding
1957 equipment used by a sick animal shall be disinfected immediately.
- 1958 b. Failure to obtain adequate, timely care from a licensed veterinarian for any
1959 diseased or injured animal found in the custody of any establishment shall be a violation
1960 of this chapter and/or Florida Statutes Ch. 828, "Cruelty to Animals". Proof of adequate
1961 and timely veterinary care must be provided to the Division upon request.
- 1962 c. All animals that show signs or symptoms of injury, contagious or infectious
1963 disease shall be seen by a veterinarian within twenty-four (24) hours and at least one (1)
1964 other time prior to being sold to certify that they are free from illness or injury.
- 1965 d. All animals other than dogs and cats (i.e., rabbits, gerbils, hamsters, guinea pigs,
1966 all other rodents, birds, and reptiles) shall be cared for pursuant to general guidelines
1967 and accepted animal husbandry standards for each species.

1968 (7) Physical facility requirements—Pet shops.

- 1969 a. All animals shall be contained in appropriate animal enclosures and shall not be
1970 permitted to be at large in the facility.

- 1971 b. All cages and animal enclosures shall be constructed in such a way that they can
1972 be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall
1973 be made of non-porous material, impervious to fecal matter and urine, which can be
1974 easily disinfected.
- 1975 c. Heating, cooling and temperature.
- 1976 1. Indoor housing facilities for animals must be sufficiently heated and
1977 cooled when necessary to protect the animals from cold and hot temperatures and
1978 to provide for their health, comfort and well-being.
- 1979 2. When animals are present, the ambient temperature in the facility must not
1980 fall below fifty (50) degrees F (ten (10) degrees C) for animals not acclimated to
1981 lower temperatures. Such animals would include short-haired breeds, sick, aged,
1982 young, infirm dogs and cats, and small domestic animals.
- 1983 3. The ambient temperature must not fall below fifty (50) degrees F (ten (10)
1984 degrees C) or must not rise above eighty-five (85) degrees F (thirty-five (35)
1985 degrees C) at any time.
- 1986 d. Ventilation.
- 1987 1. Indoor housing facilities for animals must be sufficiently ventilated at all
1988 times when animals are present to provide for their health, comfort and well-
1989 being, and to minimize odors, drafts, ammonia levels and moisture condensation.
- 1990 2. Air, preferably fresh air, must be provided through windows, vents, fans
1991 (exterior) or air-conditioning.
- 1992 3. Auxiliary ventilation or air-conditioning must be provided when the
1993 ambient temperature is eighty-five (85) degrees F (thirty (30) degrees C) or
1994 higher.
- 1995 e. Cages/animal enclosures.
- 1996 1. Animal enclosures must be designed and constructed of suitable materials
1997 so they are structurally sound. Animal enclosures must be maintained in good
1998 repair.
- 1999 2. Animal enclosures must be constructed and maintained so that they:
- 2000 A. Have no sharp points or edges that could injure animals;

- 2001 B. Protect animals from injury;
- 2002 C. Keep predators and unauthorized individuals from accessing the
- 2003 enclosure(s);
- 2004 D. Provide animals with easy and convenient access to clean food and
- 2005 water;
- 2006 E. Enable all surfaces in contact with animals to be readily cleaned
- 2007 and disinfected.
- 2008 F. Have floors which are constructed in a manner that protects the
- 2009 animals' appendages from injury, and that if of mesh or slatted construction, will
- 2010 not allow the animals' appendages to pass through any openings in the floor.
- 2011 3. Space requirements for dogs.
- 2012 A. The guideline for minimum size for an animal enclosure for a dog
- 2013 ten (10) pounds and under shall be three and one half (3.5) square feet.
- 2014 B. The guideline for minimum size for an animal enclosure for a dog
- 2015 from eleven (11) to twenty (20) pounds shall be six (6) square feet.
- 2016 C. The guideline for minimum size for an animal enclosure for a dog
- 2017 from twenty-one (21) to thirty-five (35) pounds shall be eight (8) square feet.
- 2018 D. The guideline for minimum size for an animal enclosure for a dog
- 2019 from thirty-six (36) to fifty (50) pounds shall be twenty (20) square feet.
- 2020 E. The guideline for minimum size for an animal enclosure for a dog
- 2021 over fifty (50) pounds shall be twenty-four (24) square feet.
- 2022 F. The interior height of each animal enclosure for a dog must be at
- 2023 least six (6) inches higher than the highest point of the body (normally the ears)
- 2024 of the dog in the enclosure when it is in a normal standing position.
- 2025 G. All dogs over thirty-five (35) pounds shall be required to be
- 2026 exercised on a leash three (3) times per day for a minimum of ten (10) minutes
- 2027 per exercise period.
- 2028 4. Space and other requirements for cats.

- 2029 A. Each cat that is housed in any animal enclosure must be provided
2030 minimum vertical space and floor space as follows:
- 2031 i. Each animal enclosure housing cats must be at least twenty-two
2032 (22) inches in interior height.
- 2033 ii. Cats up to and including nine (9) pounds must be provided with at
2034 least three (3) square feet.
- 2035 iii. Cats over nine (9) pounds must be provided with at least four (4)
2036 square feet.
- 2037 B. Compatibility.
- 2038 i. All cats housed in the same animal enclosure must be compatible, as
2039 determined by observation.
- 2040 ii. Kittens under four (4) months of age may not be housed in the
2041 same animal enclosure with adult cats.
- 2042 C. Litter.
- 2043 i. In all cat enclosures, a receptacle containing sufficient clean litter must be
2044 provided to collect excreta and body wastes.
- 2045 ii. Litter pans shall be cleaned and changed daily or more often if
2046 necessary.
- 2047 D. Resting surfaces.
- 2048 i. Each animal enclosure housing cats should contain a solid resting surface
2049 or surfaces that, in the aggregate, are large enough to hold all the occupants
2050 of the animal enclosure at the same time comfortably.
- 2051 ii. The resting surfaces must be elevated, impervious to moisture and
2052 able to be easily cleaned and disinfected, or easily replaced when soiled or
2053 worn.
- 2054 iii. The resting surfaces shall not be considered part of the minimum
2055 floor space.
- 2056 (8) Food and water requirements—Pet shops.

- 2057 a. Food shall be stored in rodent, pest and moisture proof containers with lids.
2058 Containers shall be clearly and properly labeled as to contents.
- 2059 b. Fresh water shall be available to all animals at all times and shall be maintained
2060 in a container in such a manner that animals cannot turn container over.
- 2061 c. Food and water shall be fresh, appropriate and free from contamination.
- 2062 (9) Cleaning procedures—Pet shops.
- 2063 a. Animals (other than water dependent species) shall not be directly exposed to
2064 water or disinfectant and shall be removed from animal enclosures during cleaning
2065 procedures. Water dependent species shall not be directly exposed to disinfectant and
2066 shall be removed from tanks during cleaning procedures.
- 2067 b. The entire cage of each dog including top, sides, floor, grate, wall and door shall
2068 be cleaned with soap and disinfected, rinsed and dried daily. Cat cages should be spot
2069 cleaned daily with a deep disinfection once the cat leaves the enclosure.
- 2070 c. Drains and walkways adjacent to all cages and animal enclosures shall be cleaned
2071 with soap and disinfected daily.
- 2072 d. Runs and cages shall be spot cleaned as necessary to remove animal excrement
2073 throughout the day.
- 2074 e. Food dishes and water bowls/containers shall be cleaned and disinfected daily.
- 2075 f. Appropriate cleaning procedures shall be used to ensure that fumes from excreta and
2076 urine do not adversely affect the lungs of animals or humans.
- 2077 (10) Exemption for humane societies, private nonprofit animal organizations animal rescue
2078 organizations and shelters.
- 2079 a. A pet shop that allows a humane society, private nonprofit animal organization,
2080 animal rescue organization or shelter to use the pet shop's premises for the purpose of
2081 making animals available for adoption shall be exempt from the provisions of
2082 subsections (i)(1)(2)(3) and (4) with respect to such animals, provided the pet shop does
2083 not have an ownership interest in such animals and the provisions of section 4-25 are
2084 followed. In addition, the pet shop shall post conspicuously on the cage or enclosure of
2085 each dog and cat offered for adoption a written notice in twelve-point or greater type
2086 identifying the humane society, private nonprofit animal organization, animal rescue

2087 organization or shelter from which the dog or cat may be adopted, the breed, the sex,
2088 the age, the relevant information known about the dog or cat and that the dog or cat must
2089 be sterilized prior to adoption.

2090 b. A pet shop may adopt animals from a humane society, private nonprofit animal
2091 organization, animal rescue organization or shelter for the purpose of adopting those
2092 animals out through the pet shop. With regard to any animal adopted from a humane
2093 society, private nonprofit animal organization, animal rescue organization or shelter for
2094 the purpose of adoption through the pet shop, the pet shop shall comply with all
2095 requirements found in section 4-25(a)(2)—(10) and (d). In addition, the pet shop shall
2096 post conspicuously on the cage or enclosure of each dog and cat offered for adoption a
2097 written notice in twelve-point or greater type identifying the humane society, private
2098 nonprofit animal organization, animal rescue organization or shelter from which the dog
2099 or cat was obtained, the breed, the sex, the age, the relevant information known about
2100 the dog or cat and that the dog or cat must be sterilized prior to adoption.

2101 (j) Minimum operational standards for grooming parlors and mobile grooming units.

2102 (1) Record keeping—Groomers.

2103 a. All grooming parlors and mobile grooming units shall maintain a record of all
2104 animals currently on premises or being groomed.

2105 b. A medical emergency release form must be obtained from the owner of each
2106 animal so that emergency treatment can be given if an animal shows signs of illness or
2107 is injured while in the care and custody of the grooming parlor/unit.

2108 c. The information on this medical release form shall include, but not be limited to:
2109 the owner's name, address, emergency telephone number, owner's veterinarian and
2110 veterinarian's telephone number. This information shall be provided to the inspecting
2111 officer upon request.

2112 (2) Physical facility requirements—Groomers.

2113 a. All animals shall be contained in appropriate animal enclosures and shall not be
2114 permitted to be at large in the facility.

2115 b. All cages and animal enclosures shall be constructed in such a way that they can
2116 be maintained in a clean, dry and sanitary manner. All cages and animal enclosures shall

2117 be made of non-porous material, impervious to fecal matter and urine, which can be
2118 easily disinfected.

2119 c. Heating, cooling and temperature.

2120 1. Indoor facilities for dogs and cats must be sufficiently heated and cooled
2121 when necessary to protect the dogs and cats from cold and hot temperatures and to
2122 provide for their health, comfort and well-being.

2123 2. When dogs and cats are present, the ambient temperature in the facility
2124 must not fall below fifty (50) degrees F (ten (10) degrees C) for dogs and cats not
2125 acclimated to lower temperatures and for those breeds that cannot tolerate lower
2126 temperatures without stress or discomfort (such as short-haired breeds).

2127 3. The ambient temperature must not fall below fifty (50) degrees F (ten (10)
2128 degrees C) and must not rise above eighty-five (85) degrees F (thirty (30) degrees C) at
2129 any time.

2130 d. Ventilation.

2131 1. Indoor facilities for dogs and cats must be sufficiently ventilated at all
2132 times when dogs and cats are present to provide for their health, comfort and well-being,
2133 and to minimize odors, drafts, ammonia levels and moisture condensation.

2134 2. Air, preferably fresh air, must be provided through windows, vents, fans
2135 or air-conditioning.

2136 3. Auxiliary ventilation or air-conditioning must be provided when the
2137 ambient temperature is eighty-five (85) degrees F (twenty-nine and one-half (29.5)
2138 degrees C) or higher.

2139 4. Proper ventilation shall insure ensure that the fumes from urine do not
2140 adversely affect the lungs of the animals or humans.

2141 e. Cages/animal enclosures.

2142 1. Animal enclosures must be designed and constructed of suitable materials
2143 so they are structurally sound. Animal enclosures must be maintained in good repair.

2144 2. Animal enclosures must be constructed and maintained so that they:

2145 A. Have no sharp points or edges that could injure dogs and cats;

- 2146 B. Protect dogs and cats from injury;
- 2147 C. Keep predators and unauthorized individuals from accessing the
2148 enclosure;
- 2149 D. Provide dogs and cats with easy and convenient access to clean
2150 water as needed;
- 2151 E. Enable all surfaces in contact with dogs and cats to be readily
2152 cleaned and disinfected.
- 2153 F. Have floors which are constructed in a manner that protects the
2154 dogs' and cats' appendages from injury, and that if of mesh or
2155 slatted construction, will not allow the dogs' and cats' appendages
2156 to pass through any openings in the floor.
- 2157 3. Animal enclosures for dogs and cats which are housed for less than twelve (12)
2158 hours must provide sufficient space for each dog and cat, appropriate to its species,
2159 breed and size to stand erect, lie down in a comfortable, normal position, stretch out,
2160 and to turn about freely.
- 2161 4. In order to house animals for more than twelve (12) hours, a kennel permit must
2162 be obtained from the Division.
- 2163 (3) Animal care—Groomers.
- 2164 a. Each cage and animal enclosure including top, sides, floor, grate and door shall
2165 be cleaned with soap and disinfected, rinsed and dried after each animal occupant.
- 2166 b. Clippers, combs, brushes and any other equipment shall be disinfected after each
2167 animal grooming.
- 2168 c. Clean, separate drying towels shall be used for each individual animal groomed.
- 2169 d. Every grooming facility must use tepid warm water for the purpose of washing
2170 dogs and cats. Cold water is not acceptable.
- 2171 e. Grooming bathtubs shall be cleaned with soap and disinfected and rinsed after
2172 each animal grooming. Grooming bathtubs shall be maintained free of mold and
2173 mildew.

- 2174 f. Clippers, dryers, combs, brushes and any other grooming equipment shall be
2175 maintained in good repair so that they are appropriate for the intended safe use per the
2176 manufacturers' or suppliers' instructions.
- 2177 g. No animal having a known or suspected communicable or infectious disease, shall
2178 be accepted for grooming care by a grooming business.
- 2179 h. No animal is to be housed overnight at any grooming parlor/unit unless the
2180 premise is also permitted as a kennel.
- 2181 (k) Minimum operational standards for commercial stables. The following standards shall
2182 apply, except where pre-empted by State Law.
- 2183 (1) Record keeping requirements—Commercial stables.
- 2184 a. Commercial stables shall keep a reference file on all animals. These files shall be
2185 maintained on each animal individually. The information in these files shall include but
2186 not be limited to vaccination records, medical treatment administered at the facility,
2187 owner's name, address, emergency telephone number, proof of owner's identification,
2188 and name and telephone number of owner's veterinarian.
- 2189 b. A medical release must be obtained from the owner or his designee, for each
2190 animal and shall become part of the animal's record so that emergency treatment may
2191 be given if the animal shows signs of illness or injury while in the care and custody of
2192 the commercial stable.
- 2193 c. A copy of a current (within the previous twelve (12) months) negative Coggins
2194 test (equine infectious anemia) shall be on record for each equine (except nursing foals)
2195 boarded or kept at a commercial stable. No equine shall be accepted for board unless a
2196 current (within the past twelve (12) months) negative Coggins test record is produced
2197 by the owner.
- 2198 d. All records shall be made available to the inspecting officer upon request.
- 2199 (2) Physical facility requirements—Commercial stables.
- 2200 a. Barn.
- 2201 1. All barns shall be well ventilated so as to have free flow of air or forced
2202 ventilation.

- 2203 2. All feed and tack rooms shall be kept clean and orderly, clear of litter and
2204 refuse. Aisles shall be kept clear to provide free exit of stabled animals.
- 2205 3. All barns or structures shall be in good repair with no water leaks. The
2206 floor of all stalls shall be free of standing water. There shall be sufficient drainage on
2207 the property to prevent accumulation of persistent standing water in paddock areas.
- 2208 4. Manure which has been removed from stalls and paddocks shall be
2209 maintained at least seventy-five (75) feet from the nearest animal stall. Manure shall be
2210 situated so as to assure that there shall be no run-off into canals or retention ponds.
- 2211 5. Fly abatement measures must be taken as a deterrent to flies.
- 2212 b. Pasturing.
- 2213 1. Every owner or manager of any commercial stable shall make daily
2214 observation of all animals housed or boarded on the property.
- 2215 2. Adequate water containers shall be available in all pasture areas sufficient
2216 to supplement all equine during dry periods when retention ponds lack sufficient clean
2217 water. Stagnant water with floating algae is unacceptable for drinking.
- 2218 3. Separate feed buckets for each equine shall be used when feeding. When
2219 a feed trough or bunker is used, there shall be two (2) linear feet per head or a two (2)
2220 foot feed box for each animal.
- 2221 4. Every commercial stable shall have sufficient drainage in order to provide
2222 sufficient dry land for all animals pastured and to prevent accumulation of persistent
2223 standing water over the entire pasture.
- 2224 5. As necessary, all pasture areas shall be dragged to spread and remove
2225 manure. Pasture rotation is recommended if sufficient pasture area is available.
- 2226 c. Exercise area.
- 2227 1. A designated safe exercise area, which is a minimum of two thousand five
2228 hundred (2,500) square feet, shall be provided for all equine.
- 2229 2. This exercise area shall be appropriately fenced.
- 2230 3. Equine shall be provided appropriate exercise as recognized by accepted
2231 animal husbandry practices.

- 2232 d. Paddock area.
- 2233 1. Paddock areas are not required.
- 2234 2. If an optional paddock area is provided, the area provided shall be a
- 2235 minimum of one hundred (100) square feet up to a maximum of two thousand five
- 2236 hundred (2,500) square feet.
- 2237 (3) Food and water supplies—Commercial stables.
- 2238 a. Opened food bags shall be stored in rodent, pest and moisture resistant containers
- 2239 with lids and properly labeled as to content.
- 2240 b. Unopened food bags shall be stored off the ground and kept clean and dry.
- 2241 c. Stored hay shall be kept clean and dry.
- 2242 d. Fresh water, free of algae, shall be available to all animals at all times.
- 2243 e. Hay provided to equine must be distributed to prevent contamination from
- 2244 manure, urine and stagnant water.
- 2245 (4) Animal housing requirements—Commercial stables.
- 2246 a. Any animal having a known or contagious disease or suspected of having a
- 2247 contagious disease, shall be contained in an area away from other animals. This area
- 2248 shall be clearly and visibly posted with signage stating: "CONTAINS QUARANTINED
- 2249 ANIMALS."
- 2250 b. The owner or manager of any commercial stable that has an animal with a known
- 2251 or suspected contagious or infectious disease must seek immediate veterinary care for
- 2252 that animal and follow veterinary instructions.
- 2253 c. Stalls which are used to house animals shall be large enough to allow the animal
- 2254 to stand in an erect position, turn without touching the sides or move about without
- 2255 restriction.
- 2256 d. All animals must be securely confined and not permitted to run at large.
- 2257 e. All fences must be secure and safe to prevent injury (i.e., no broken rails, exposed
- 2258 nails, etc.; barbed (where permitted) or any other kind of wire must be taut and
- 2259 sufficiently marked to be visible to livestock).
- 2260 (5) Cleaning procedures—Commercial stables.

- 2261 a. Stalls and paddocks shall be cleaned daily. Manure, urine soaked hay, shavings,
2262 straw or bedding must be removed daily and replaced with clean dry hay, shavings,
2263 straw or bedding.
- 2264 b. All stalls and paddock areas shall be free of safety hazards (i.e., nails, wire, rocks,
2265 wood, other debris or loose fencing upon which animals may become injured).
- 2266 c. All water containers, buckets, troughs and the like, shall be maintained in such a
2267 manner as to be kept free of floating algae.
- 2268 d. All owners or managers of any commercial stable shall check for and remove any
2269 poisonous plants growing in or near where horses are being housed or boarded.
- 2270 e. All chemicals, pesticides, cleaning solutions and disinfectants shall be stored in
2271 accordance with manufacturers' instructions, properly labeled as to content and away
2272 from contact with animals.

2273

2274 **Section 23. Animal care; manner of keeping.**

- 2275 (a) It shall be unlawful for any person keeping an animal to fail to provide for that animal:
- 2276 (1) Clean, sanitary, safe and humane conditions;
- 2277 (2) Sufficient quantities of appropriate food daily;
- 2278 (3) Proper air ventilation and circulation;
- 2279 (4) Adequate quantities of visibly clean and fresh water available at all times;
- 2280 (5) Medical attention and/or necessary veterinary care when an animal is sick,
2281 diseased or injured. Upon request by the Division, written proof of veterinary care must
2282 be provided; and
- 2283 (6) Adequate protection from the cold and heat to prevent stress, discomfort, or harm.
- 2284 (b) It shall be unlawful for any person keeping an animal to fail to provide shelter for that
2285 animal.
- 2286 (1) Shelter for dogs, cats and small domestic animals must:
- 2287 a. Provide adequate protection from the cold and heat. When the outdoor
2288 temperature falls below forty-five (45) degrees Fahrenheit, all cats, small domestic
2289 animals and those dogs that cannot tolerate such temperatures without stress or

2290 discomfort (i.e., short-haired breeds, sick, aged, young or infirm), must be moved
2291 indoors or provided adequate heating to maintain temperature above forty-five (45)
2292 degrees Fahrenheit range. When the outdoor temperature rises above eighty-five (85)
2293 degrees Fahrenheit all dogs, cats, and small domestic animals must be provided air
2294 conditioning, a fan, or another cooling source to maintain the temperature in the shelter
2295 at or below eight-five (85) degrees Fahrenheit;

2296 b. Provide protection from the direct rays of the sun and the direct effect of wind and
2297 rain;

2298 c. Provide a wind break and rain break;

2299 d. Contain clean, dry, bedding material;

2300 e. Provide protection from the elements at all times;

2301 f. Provide sufficient space for each animal to comfortably stand up, sit down, lie
2302 down, and turn around in the shelter. If the shelter is used for more than one (1) animal
2303 at the same time, it must provide enough space for each animal to comfortably stand up,
2304 sit down, lie down and turn around simultaneously;

2305 g. Provide a solid roof;

2306 h. Be structurally sound, kept in good repair, and must protect animals from injury,
2307 contain the animals securely, and restrict other animals from entering;

2308 i. Be free of any accumulation of trash, waste, material, junk, weeds, and other
2309 discarded materials; and

2310 j. Be cleaned regularly to remove animal waste to provide a clean and sanitary living
2311 environment.

2312 (2) Shelter for equine, bovine, ovine and porcine normally maintained in outdoor
2313 areas must:

2314 a. Provide protection from the direct rays of the sun and the direct effect of wind and
2315 rain;

2316 b. Provide a solid roof or tree cover sufficient to provide dry shelter at all times for
2317 the entire group of animals;

2318 c. Provide protection from the elements at all times; and

- 2319 d. Provide space for each animal to comfortably stand up, sit down, lie down and
2320 turn around in the shelter. If the shelter is used for more than one (1) animal at the same
2321 time, it must provide enough space for each animal to comfortably stand up, sit down,
2322 lie down and turn around simultaneously.
- 2323 (c) It shall be unlawful for any person maintaining equine or ovine to fail to keep the
2324 animal's hooves trimmed so as to prevent lameness, discomfort, or deformities.
- 2325 (d) No person shall tether an animal to a stationary or inanimate object as a means of
2326 confinement or restraint unless such person is with the animal and the animal is at all
2327 times visible to such person. Notwithstanding the foregoing, tethering an animal to a
2328 vehicle or trailer is prohibited. Choke or prong type collars shall not be used on an
2329 animal while such animal is tethered. As used in this chapter, tether means to restrain
2330 an animal by tying the animal to any object or structure, including without limitation a
2331 house, tree, fence, post, garage, or shed, by any means, including without limitation a
2332 chain, rope, cord, leash, or running line. Tethering shall not include using a leash or lead
2333 to walk an animal. Notwithstanding the foregoing, an animal may be tethered while
2334 actively participating in or attending an organized show, field trial, agility event, herding
2335 contest or other similar exposition or event, of a limited duration, that involves the
2336 judging or evaluation of animals.
- 2337 (e) Any dog maintained outdoors for all or part of the day in a fenced yard or other
2338 type of enclosure shall be provided a minimum of eighty (80) square feet of open space.
2339 An additional forty (40) square feet shall be required for each additional dog kept in the
2340 same enclosed area. Each dog shall be provided sufficient shelter within the enclosed
2341 area. Any enclosed area where a dog is confined shall be kept free of objects that may
2342 injure the dog and shall be cleaned regularly to remove feces. Dogs shall not be
2343 maintained outdoors during periods of extreme weather including but not limited to
2344 hurricanes, tropical storms, and tornados.
- 2345 (f) Animals must be given appropriate daily exercise.
- 2346 (g) No humane slaughter of animals as defined in Florida Statutes, §§ 828.22 and/or
2347 828.23 shall be done within earshot or view of the public.
- 2348 (h) It shall be unlawful for any person to tease or molest any animal.
- 2349 (i) It shall be unlawful for any person to:

2350 (1) Leave an animal in any unattended motor vehicle;

2351 (2) Transport an animal in any motor vehicle without adequate ventilation or
2352 in unsanitary conditions; or

2353 (3) Subject or cause an animal to be subjected to extreme temperatures that
2354 adversely affect the animal's health or safety.

2355 (j) It shall be unlawful to transport any animal on a public road in any vehicle unless
2356 the animal is safely and humanely restrained (at a minimum by a harness with double
2357 tethering for dogs) so that the animal is unable to jump or fall out of the vehicle and, if
2358 the animal is inside of a crate, the crate must be secured to prevent movement. When
2359 animals are transported in a pickup truck with a metal bed, the animals shall be provided
2360 protection from the metal bed.

2361 (k) Animals shall not be allowed on any median or in any roadway, highway or street
2362 intersection for any purpose other than crossing same.

2363 (l) Commercial trappers are prohibited from trapping domestic animals except for
2364 the purpose of TNVR or to retrieve loose owned animals for the purpose of return to
2365 owner. Any animal trapped by a commercial trapper shall be trapped, handled, and
2366 transported in a humane manner. When trapping such animal a commercial trapper shall
2367 comply with Section 4-23(m)(1)-(5) and (7)-(9). A commercial trapper shall not kill any
2368 domestic animal that he/she traps.

2369 (m) Any person trapping a domestic animal shall adhere to the following
2370 requirements:

2371 (1) Use a humane trap;

2372 (2) Provide protection from the direct rays of the sun and direct effect of wind, rain
2373 and irrigation/sprinkler system;

2374 (3) Provide fresh water in the trap;

2375 (4) All trapped dogs and cats, other than community cats addressed in subsection (5)
2376 below, shall be immediately returned to their rightful owner or to a governmentally
2377 operated animal shelter or humane society in the County. Notwithstanding the
2378 foregoing, lactating/nursing cats for which no owner can be located shall be
2379 immediately released at the location where the cat was trapped. For any dog or cat

2380 brought to an animal shelter or humane society, the person who trapped the dog or cat
2381 shall provide the address or exact location where the dog or cat was trapped;

2382 (5) All community cats that are trapped shall be immediately released at the location
2383 where the cat was trapped unless trapped for the purpose of revaccination, medical care
2384 or to address a public health or safety concern as determined by the Division;

2385 (6) No trapped animal shall be killed in any manner other than a method approved in
2386 the American Veterinary Medical Association Guidelines on Euthanasia, as may be
2387 amended from time to time;

2388 (7) Trapping shall occur no earlier than two (2) hours before sunset and no later than
2389 two (2) hours after sunrise, and trapped animals shall be removed from any trap within
2390 that period, except when trapped by the Division for TNVR or emergency purposes;

2391 (8) Each trap shall include the name, address and telephone number of the person
2392 setting the trap on the trap in letters of no less than one-quarter ($\frac{1}{4}$) inch in height; and

2393 (9) Any animal trapped shall be trapped handled and transported in a humane manner.

2394 (n) To the extent not inconsistent with this chapter the following portions of the Florida
2395 Statutes, in their current form and as subsequently amended, are hereby adopted and
2396 incorporated by reference except as to penalty, shall be part of this section as if they
2397 were set out in full and shall be punishable as civil infractions:

2398 (1) Section 828.058, Florida Statutes;

2399 (2) Section 828.065, Florida Statutes;

2400 (3) Section 828.08, Florida Statutes;

2401 (4) Section 828.12, Florida Statutes;

2402 (5) Section 828.121, Florida Statutes;

2403 (6) Section 828.122, Florida Statutes;

2404 (7) Section 828.123, Florida Statutes;

2405 (8) Section 828.1231, Florida Statutes;

2406 (9) Section 828.125, Florida Statutes;

2407 (10) Section 828.13, Florida Statutes;

- 2408 (11) Section 828.14, Florida Statutes;
- 2409 (12) Section 828.16, Florida Statutes;
- 2410 (13) Section 828.161, Florida Statutes;
- 2411 (14) Section 828.22, Florida Statutes;
- 2412 (15) Section 828.23, Florida Statutes;
- 2413 (16) Section 828.24, Florida Statutes; and
- 2414 (17) Section 828.252, Florida Statutes.

2415

2416 **Section 24. Dogs and cats offered for sale; health requirements.**

2417 (a) It shall be unlawful for any person to offer for sale or sell any dog, cat, puppy or kitten

2418 without first obtaining an official certificate of veterinary inspection pursuant to Florida

2419 Statutes, § 828.29, as amended. Dogs, cats, puppies or kittens offered for sale must be

2420 at least eight (8) weeks old, free of internal and external parasites, and have proper

2421 inoculations as described below.

2422 (b) The official certificate of veterinary inspection shall document that the following

2423 inoculations, tests and treatments have been administered:

2424 (1) Dogs/puppies.

2425 a. Inoculated against: canine distemper, leptospirosis, parainfluenza,

2426 hepatitis/canine adenovirus type 2, canine parvovirus, and bordetella. A rabies

2427 inoculation must be provided for any dog three (3) months of age or older.

2428 b. Diagnostic tests to detect the following internal parasites: hookworms,

2429 roundworms, whipworms, tapeworms, coccidia and giardia. Heartworm detection must

2430 occur for dogs six (6) months of age or older. Appropriate treatment for all positive

2431 findings must be documented.

2432 (2) Cats/kittens.

2433 a. Inoculated against: panleukopenia, feline viral rhino tracheitis, calici virus and

2434 rabies (provided the cat is over three (3) months of age).

2435 b. Diagnostic tests to detect the following internal parasites: hookworms,

2436 roundworms, tapeworms and coccidia. Appropriate treatment for all positive findings

2437 must be documented. Each cat must be feline leukemia tested prior to being offered for
2438 sale, and the results given to the potential purchaser.

2439 (c) The veterinarian shall date the official certificate of veterinary inspection upon the
2440 actual examination and administration of the inoculations and/or treatments. The sale of
2441 all dogs and cats must take place no more than thirty (30) days after the official
2442 certificate of veterinary inspection has been issued. If a dog or cat is not sold within
2443 thirty (30) days of the issuance of the official certificate of veterinary inspection, then a
2444 new examination and inspection certificate must be obtained.

2445 (d) The Division, municipal animal control agencies, and humane societies/rescues shall be
2446 exempt from the provisions of this section.

2447 **Section 25. Animal agencies.**

2448 (a) Stray Hold Partners shall enter into an agreement with the County agreeing to abide by
2449 all requirements of this Chapter. All Stray Hold Partners shall:

2450 (1) Hold stray animals in accordance with section 4-12, Redemption and adoption.
2451 Animals not redeemed in accordance with section 4-12 shall become the property of the
2452 Stray Hold Partner holding the animal. In the event there is a dispute with a possible
2453 owner during the stray holding period, the animal shall be turned over to Animal Care
2454 and Control. For private nonprofit animal organizations and animal rescue
2455 organizations, if an owner comes forward during the stray hold period, they may choose
2456 to bring the animal back to the Division for redemption or redeem directly back to the
2457 owner.

2458 (2) For a period of two (2) years from the date of impoundment of each animal, keep
2459 records of the impoundment and disposition of each animal received and record dates,
2460 names and addresses of persons from whom each animal was obtained and to whom
2461 each animal is released. All such records must be made available to the Division for
2462 inspection and copying upon request.

2463 (3) Provide dogs and cats released to owners with a rabies inoculation and
2464 instructions on acquiring a County rabies/license tag.

2465 (4) Provide dogs and cats released to new adopters with:

2466 a. A rabies inoculation and instructions on acquiring a County rabies tag.

- 2467 b. An electronic animal identification device (EAID).
- 2468 (5) Reasonably assure that adopted dogs are not to be used as commercial guard dogs,
2469 bait dogs, or used for dog fighting.
- 2470 (6) Assure that animals kept longer than twenty-four (24) hours are maintained in
2471 animal enclosures that are consistent with subsection 4-22(h).
- 2472 (7) Contact appropriate agencies for the identification of any animals found with
2473 tattoos, tags or electronic animal identification devices (EAID).
- 2474 (8) Comply with section 4-23, Animal care; manner of keeping.
- 2475 (9) Provision shall be made for the sterilization of all dogs and cats sold or released
2476 for adoption by either:
- 2477 a. Providing sterilization by a licensed veterinarian before relinquishing custody or
2478 the animal; or
- 2479 b. Entering into a written agreement with the adopter guaranteeing that sterilization
2480 will be performed within 30 days or prior to sexual maturity. The humane society,
2481 private nonprofit animal organization, or animal rescue organization shall require
2482 sufficient deposit from the adopter, which deposit shall be refundable upon presentation
2483 of written evidence by the veterinarian performing the sterilization that the animal has
2484 been sterilized. Upon the request of a licensed veterinarian, and for valid reason, the
2485 time limit within which the animal must be sterilized may be extended.
- 2486 (b) Non-Stray Hold Partners must follow the same requirements as the general public,
2487 section 4-8 Keeping/Adopting Stray Animals.
- 2488 (c) All humane societies, private nonprofit animal organizations, and animal rescue
2489 organizations that accept animals from any member of the public will be required to
2490 have such person sign a written statement detailing the reclaim, adoption and euthanasia
2491 policies.
- 2492 (d) All humane societies, private nonprofit animal organizations, and animal rescue
2493 organizations must be transparent with potential adopters and/or with other
2494 organizations that are considering accepting the transfer of an animal into their own
2495 program. All known dangerous propensities, such as any bite history, any history of
2496 animal attacks and/or any history of aggressive incidents, as well as any known medical

2497 conditions, must be disclosed to prospective adopters, fosters and/or to the next
2498 organization taking possession of the animal.

2499 (e) All humane societies, private nonprofit animal organizations and animal rescue
2500 organizations that house or shelter animals within a facility open to the public are subject
2501 to annual inspection by the Division.

2502 (f) No humane society, private nonprofit animal organization or animal rescue organization
2503 shall provide compensation directly or indirectly to any breeder, pet dealer, pet auction,
2504 or other source in exchange for a cat or dog.

2505 (g) No humane society, private nonprofit animal organization, or animal rescue
2506 organization shall make animals available for adoption or resale in Palm Beach County
2507 if that animal was purchased from a pet auction or commercial breeder within the prior
2508 six (6) months.

2509 (h) No humane society, private nonprofit animal organization, or animal rescue
2510 organization shall market an animal as having been “Rescued” or “Saved” if that animal
2511 was purchased from a breeder, pet dealer, pet auction, or other source.

2512 (i) No humane society, private nonprofit animal organization, or animal rescue
2513 organization shall import or accept any animal originating from any location outside the
2514 state of Florida without obtaining a valid Official Certificate of Veterinary Inspection
2515 for that animal. Such document must certify the animal is free of contagious disease and
2516 be signed by a state licensed veterinarian from the state of origin within 7 days prior to
2517 the date of importation. Such records must be maintained for a minimum of 2 years and
2518 must be made available to the Division upon request.

2519 **Section 26. Aggressive dogs and dangerous dogs.**

2520 (a) Classification of dogs as aggressive and dangerous.

2521 (1) The Division shall investigate reported incidents involving any dog that may be
2522 aggressive or dangerous and shall, if possible, interview the owner and require a sworn
2523 affidavit from any person, animal control officer, or enforcement officer desiring to have
2524 a dog classified as aggressive or dangerous.

2525 (2) In the event that any animal control officer has sufficient cause to believe that a
2526 dog is aggressive or dangerous and that the owner is unable or unwilling to humanely,

2527 safely and securely confine the dog, the officer may impound the dog pending the
2528 investigation and any appeal if deemed necessary to protect the public. Notwithstanding
2529 the foregoing, a dog that is the subject of a dangerous dog investigation and that has
2530 killed a human being or has bitten a human being and left a bite mark that scores 5 or
2531 higher on the Dunbar bite scale must be immediately confiscated by the Division; placed
2532 in quarantine, if necessary, for the proper length of time; impounded; and held. The dog
2533 must be held pending the outcome of the investigation and any hearings or appeals
2534 related to the dangerous dog classification or any penalty imposed under this chapter. If
2535 the dog is to be destroyed, the dog may not be destroyed while an appeal is pending.

2536 (3) The owner shall be responsible for payment of all boarding costs and other fees
2537 required for the Division to care for any dog impounded at the shelter pending the
2538 outcome of the investigation and resolution of any hearing or appeal.

2539 (4) An owner's refusal to surrender a dog for impoundment pending the investigation
2540 shall constitute a violation of this chapter.

2541 (5) At the discretion of the Division, a dog that is the subject of a an aggressive or
2542 dangerous dog investigation, other than those dogs that are required to be confiscated
2543 by the Division in accordance with section 4-26(a)(2), may be confined at a licensed
2544 facility approved by the Division or at the residence of the owner if the Division is given
2545 adequate assurance by the owner that the dog can be humanely, safely, and securely
2546 confined without posing a danger to the public. If the dog remains with the owner
2547 pending the outcome of a dangerous dog investigation and resolution of any appeal, the
2548 dog shall be at all times maintained in a securely fenced or enclosed area to prevent the
2549 dog from escaping or coming into contact with any person or domestic animal other
2550 than a person or domestic animal in the immediate household of the owner. If the dog
2551 remains with the owner pending the outcome of an aggressive dog investigation and
2552 resolution of any appeal, the dog shall be at all times maintained in a securely fenced or
2553 enclosed area to prevent the dog from escaping or coming into contact with any
2554 domestic animal other than a domestic animal in the immediate household of the owner.
2555 Pending resolution of an aggressive or dangerous dog appeal, the dog shall at all times
2556 wear a muzzle when it is off the owner's property and must be restrained by a substantial
2557 leash not exceeding six (6) feet in length and under the control of a competent person.

- 2558 (6) No dog that is the subject of an aggressive or dangerous dog investigation may be
2559 relocated or ownership transferred pending the outcome of an investigation or any
2560 appeal related to the determination of an aggressive or dangerous dog classification. The
2561 owner shall provide the Division with the address of where the dog will be maintained
2562 pending an investigation and any related hearings.
- 2563 (7) A dog shall not be declared dangerous if the threat, injury or damage was
2564 sustained by a person who, at the time, was unlawfully on the property or, while lawfully
2565 on the property, was tormenting, abusing, or assaulting the dog or its owner or a family
2566 member. No dog may be declared aggressive or dangerous if the dog was protecting or
2567 defending a human being within the immediate vicinity of the dog from an unjustified
2568 attack or assault.
- 2569 (8) If a dog is classified as a dangerous dog due to an incident that causes severe
2570 injury to a human being, based upon the nature and circumstances of the injury and the
2571 likelihood of a future threat to the public safety, health, and welfare, the dog may be
2572 destroyed in an expeditious and humane manner.
- 2573 (9) A dog that is moved into Palm Beach County and that has been equivalently
2574 classified as dangerous in another jurisdiction shall be subject to all of the dangerous
2575 dog requirements set forth herein. Within seven (7) days after a dog is moved into Palm
2576 Beach County, the owner shall obtain a certificate of registration for the dog from the
2577 Division.
- 2578 (10) After its investigation, the Division shall make an initial determination as to
2579 whether there is sufficient cause to classify the dog as aggressive or dangerous, and as
2580 to the appropriate penalty, if classified as Dangerous. The Division shall provide written
2581 notification of sufficient cause finding (and proposed penalty, for a dangerous dog), to
2582 the owner, by registered mail, certified hand delivery (signed receipt) or service in
2583 conformance with the provisions of chapter 48 relating to service of process. The owner
2584 shall be afforded an opportunity for a hearing before a Special Master prior to a final
2585 determination of the classification. If the owner decides to appeal the initial
2586 determination, the owner shall file a written request with the Division for a hearing
2587 before the Special Master within seven (7) calendar days from the date of receipt of the
2588 notification of the sufficient cause finding and if requested, the hearing shall be held as

2589 soon as possible, no sooner than five (5) calendar days and not more than twenty-one
2590 (21) calendar days after receipt of the request from the owner. Said written request must
2591 be accompanied by an appeal bond and any applicable fees for the care and boarding of
2592 said dog (due through the fifth day following the date of the request for hearing). The
2593 appeal bond and any other applicable fees shall be established by the Board by
2594 resolution. The appeal bond shall be remitted to the Division in the form of a money
2595 order, a certified check, a cashier's check, or a bank check payable to the County. The
2596 Division shall provide notice of the hearing to the owner by U.S. mail, electronic mail,
2597 facsimile, certified mail or certified hand delivery. If a hearing is not timely requested
2598 regarding the aggressive or dangerous dog classification or proposed penalty, the
2599 determination of the Division as to such matter is final.

2600 (11) Once a hearing date is set, failure to appear before the Special Master may, at the
2601 Special Master's discretion, result in the dismissal of the hearing with prejudice. In such
2602 instances, the determination of the Division as to such matter is final.

2603 (12) Upon an aggressive or dangerous dog classification becoming final after a hearing
2604 or by operation of law pursuant to subsection 4-26(a), the Division shall provide written
2605 notification to the owner by registered mail, certified hand delivery (signed receipt) or
2606 service in conformance with the provisions of chapter 48 relating to service of process.
2607 The owner may appeal the dangerous dog classification, or penalty, or both, to the
2608 Circuit Court of the Fifteenth Judicial Circuit Court in and for Palm Beach County,
2609 Florida. The owner may appeal the aggressive dog classification by filing a petition for
2610 writ of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County
2611 in accordance with the Florida Rules of Appellate Procedure.

2612 (13) Hunting dogs are exempt from this section when engaged in any legal hunt or
2613 training procedure. Dogs engaged in training or exhibiting in legal sports such as
2614 obedience trials, conformation shows, field trials, hunting/retrieving trials, and herding
2615 trials are exempt from this section when engaged in any legal procedures. However,
2616 such dogs at all other times in all other respects are subject to this chapter. Dogs that
2617 have been classified as dangerous may not be used for hunting purposes.

2618 (b) Aggressive dog mandates and responsibilities. Within fourteen (14) days after a dog has
2619 been classified as aggressive or an aggressive dog classification is upheld on appeal, the

2620 aggressive dog shall be implanted with an approved electronic animal identification
2621 device (EAID) at the owner's sole expense and the aggressive dog shall be
2622 spayed/neutered unless a licensed veterinarian has examined the dog and certified in
2623 writing, that at such time spaying/neutering the classified dog will endanger its health
2624 because of infirmity, disability, illness or other medical consideration. However, the dog
2625 will be spayed/neutered as soon as its health permits. If there is a disagreement
2626 concerning the health status for sterilizing an aggressive dog, the Division may have the
2627 animal care and control staff/contract veterinarian examine the dog to determine its
2628 eligibility for sterilization.

2629 (1) Responsibilities for owner. An aggressive dog shall at all times wear a muzzle
2630 when it is off the owner's property and must be restrained by a substantial chain or leash
2631 not exceeding six (6) feet in length and under the control of a competent person. The
2632 muzzle must be made in a manner that will not cause injury to the dog or interfere with
2633 its vision or respiration but must prevent it from biting any person or domestic animal.
2634 Dogs that have been classified as aggressive shall not be brought to a dog park, public
2635 park or public beach that allows dogs.

2636 (c) The Director or designee may, in his or her discretion, enter into a written consent
2637 agreement with the owner of a dog sought to be classified as aggressive providing for a
2638 one-year probationary period prior to an aggressive dog classification becoming final.
2639 The consent agreement shall provide written assurance of voluntary compliance with all
2640 applicable provisions of this chapter. The consent agreement may in addition provide
2641 for remedial or corrective action, including but not limited to, evidence of successful
2642 completion of a course of dog training. Except as expressly provided for in the consent
2643 agreement, the consent agreement shall not be deemed to impose any limitation on the
2644 County's ability to enforce any provisions of this Chapter. Violation of the consent
2645 agreement shall be a violation of this Chapter, may lead to termination of the consent
2646 agreement, and may result in an aggressive or, if warranted, dangerous dog
2647 classification.

2648 (d) Dangerous dog mandates and responsibilities.

2649 (1) Mandates for owner. Except for any dog that is required to be destroyed pursuant
2650 to section 4-26(a)(8), within seven (7) days after a dog has been classified as dangerous

2651 or a dangerous dog classification is upheld on appeal, an owner of a dangerous dog shall
2652 obtain a certificate of registration for the dog from the Division and renew the certificate
2653 annually. The fee shall be established by the Board by Resolution. The certificate of
2654 registration may only be issued to the owner upon sufficient evidence of compliance
2655 with all of the following:

- 2656 a. A certificate of rabies vaccination.
- 2657 b. A proper enclosure to confine the dangerous dog and the posting of the premises
2658 with a clearly visible warning sign at all entry points which informs both children and
2659 adults of the presence of a dangerous dog on the property.
- 2660 c. The dog shall be implanted with an approved electronic animal identification
2661 device (EAID) at the owner's sole expense.
- 2662 d. The owner of a dangerous dog shall provide the Division with two (2) color
2663 photographs of the dog, (front view and side view) that clearly identifies the classified
2664 dog. Each photograph shall be at least three (3) inches by three (3) inches.
- 2665 e. A dangerous dog must be spayed/neutered unless a licensed veterinarian has
2666 examined the dog and certified in writing, that at such time spaying/neutering the
2667 classified dog would endanger its health because of infirmity, disability, illness or other
2668 medical consideration. However, the dog must be spayed/neutered as soon as its health
2669 permits. If there is a disagreement concerning the health status for sterilizing a
2670 dangerous dog, the Division may have the animal care and control staff/contract
2671 veterinarian examine the dog to determine its eligibility for sterilization.
- 2672 f. Liability insurance coverage in an amount of at least \$100,000 to cover damages
2673 resulting from an attack by the dangerous dog causing bodily injury to a person and
2674 provide proof of the required liability insurance coverage to the Division.

2675 (2) Responsibilities for owner.

- 2676 a. The owner shall immediately notify the Division when a dangerous dog:
 - 2677 1. Is loose, unconfined or lost/stolen;
 - 2678 2. Has bitten a human being or attacked another domestic animal;
 - 2679 3. Is sold, given away, or dies; or
 - 2680 4. Is moved to another address.

2681 b. Prior to a dangerous dog being sold or given away, the owner shall provide the
2682 name, address and phone number of the new owner to the Division. The new owner
2683 shall execute a document to be supplied by the Division, acknowledging that the owner
2684 is aware of the dangerous dog classification, and that the owner must comply with the
2685 requirements of this section. The new owner must comply with all of the requirements
2686 of this chapter. If the animal is moved out of the County to another jurisdiction within
2687 the State, the owner is required to abide by Florida Statutes Ch. 767. The animal control
2688 authority at the new location must be notified by the owner of a dog classified as
2689 dangerous, that the dog is in its jurisdiction.

2690 c. While on the owner's property, a dangerous dog must be securely confined indoors
2691 or securely confined outdoors in an enclosed and locked structure, suitable to prevent
2692 the entry of any person other than adult members of the immediate household and
2693 constructed to prevent the dog from escaping. The structure must be a minimum of
2694 eighty (80) square feet. Such structure shall have secure sides and a secure top and
2695 bottom to prevent the dog from escaping over, under or through the structure. The
2696 enclosure shall provide a humane existence for the dog and protection from the
2697 elements.

2698 d. When being transported, a dangerous dog must wear a muzzle and be safely and
2699 securely restrained within a vehicle.

2700 e. The owner shall prominently display a sign to be provided by the Division at the
2701 owner's expense, on his/her premises at all entry points warning children and adults that
2702 there is a dangerous dog on the property. The fee for this sign shall be established by
2703 the Board by resolution.

2704 f. A dangerous dog shall at all times wear a muzzle when it is not securely confined
2705 indoors or securely confined outdoors in an enclosed and locked structure on the owner's
2706 property. A dangerous dog may be off the owner's premises or out of its enclosure if it
2707 is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in
2708 length and under the control of a competent person. The muzzle must be made in a
2709 manner that will not cause injury to the dog or interfere with its vision or respiration but
2710 must prevent it from biting any person or domestic animal. Notwithstanding the
2711 foregoing, the owner may exercise the dog in a securely fenced or enclosed area that

2712 does not have a top, with a muzzle but without a leash, if the dog remains within his or
2713 her sight and only members of the immediate household or persons eighteen (18) years
2714 of age or older are allowed in the fenced yard or enclosure while the dog is present.

2715 g. A dangerous dog shall not be used as a guard dog as defined in this chapter.

2716 h. Dogs that have been classified as dangerous shall not be used for hunting
2717 purposes.

2718 i. Dogs that have been classified as dangerous shall not be brought to a dog park or
2719 public park or public beach that allows dogs.

2720 j. When any person or domestic animal other than the owner or a person or domestic
2721 animal in the immediate household of the owner visits the premises where the dangerous
2722 dog is maintained, the owner shall secure the dangerous dog in an enclosed and locked
2723 structure to prevent such person or domestic animal from coming into contact with the
2724 dangerous dog.

2725 k. Dogs that have been classified as dangerous shall not be brought to any
2726 nonresidential establishment other than a veterinary office or other facility where the
2727 dangerous dog is being treated, trained or boarded.

2728 l. Notwithstanding the foregoing, a dangerous dog may be cared for at a boarding
2729 facility or by a pet sitter if the boarding facility or pet sitter acknowledges in writing
2730 that the dog is a dangerous dog and agrees to comply with this chapter.

2731 The Division shall have the authority to make inspections to ensure that the provisions cited
2732 herein are complied with.

2733 An owner of a dangerous dog shall have the option to have said dog humanely euthanized at
2734 his/her sole expense by the Division or licensed veterinarian if the owner is unable to
2735 comply with the requirements cited herein.

2736 (3) Violations.

2737 a. The Division is responsible for investigating alleged violations of this section after
2738 a dog is classified as aggressive or dangerous. A citation may be issued to the owner of
2739 any aggressive or dangerous dog alleged to be in violation of this section. The
2740 investigating officer may issue such citation upon the receipt of one (1) sworn affidavit
2741 of complaint. This affidavit shall specify the address or location of the alleged violation,

2742 the nature, time and date(s) of the act, the name and address of the owner, if known, and
2743 a description of the dog. In the event that a third or subsequent citation is issued to the
2744 owner for violation of this section, the owner shall be required to appear in court.

2745 b. An animal care and control officer may impound a dangerous dog if the owner
2746 fails to comply with the dangerous dog mandates and responsibilities cited herein. A
2747 dangerous dog impounded under this section may be redeemed by the owner upon the
2748 owner's compliance with the dangerous dog mandates and responsibilities and payment
2749 of any boarding fees, impound fees, or other applicable fees established by the Board
2750 by resolution. If the owner does not comply with the dangerous dog mandates and
2751 responsibilities and redeem the dangerous dog within fourteen (14) days of the date the
2752 dog was impounded, the dog shall become the property of the County.

2753 (e) Attack or bite by dangerous dog or unclassified dog that causes death; confiscation;
2754 destruction.

2755 (1) If a dog that has previously been declared dangerous attacks or bites a person or
2756 a domestic animal, without provocation, the dangerous dog shall be immediately
2757 confiscated by the Division, placed in quarantine, if necessary, for the proper length of
2758 time or impounded and held ten (10) business days after the owner is given written
2759 notification by certified mail, certified hand delivery (signed receipt), or service in
2760 conformance with the provisions of chapter 48 relating to service of process and
2761 thereafter destroyed in an expeditious and humane manner.

2762 (2) If a dog that has not previously been declared dangerous attacks and causes the
2763 severe injury to or death of any human, the dog shall be immediately confiscated by the
2764 Division, placed in quarantine, if necessary, for the proper length of time or held for ten
2765 (10) business days after the owner is given written notification by registered mail,
2766 certified hand delivery (signed receipt) or service in conformance with the provisions
2767 of chapter 48 relating to service of process and thereafter destroyed in an expeditious
2768 and humane manner.

2769 (3) If a dog that has not been declared dangerous attacks and causes the death of a
2770 human, the dog shall be immediately confiscated by the Division, placed in quarantine,
2771 if necessary, for the proper length of time; impounded; or and held for ten (10) business
2772 days after the owner is given written notification by registered mail, certified hand

2773 delivery (signed receipt) or service in conformance with the provisions of chapter 48
2774 relating to service of process and thereafter destroyed in an expeditious and humane
2775 manner.

2776 (4) A dog shall not be subject to classification if the threat, injury or damage was
2777 sustained by a person who, at the time, was unlawfully on the property or, while lawfully
2778 on the property, was tormenting, abusing, or assaulting the dog or its owner or a family
2779 member. No dog may be subject to classification if the dog was protecting or defending
2780 a human being within the immediate vicinity of the dog from an unjustified attack or
2781 assault.

2782 (5) Classification process.

2783 a. The Division shall investigate any incident involving any dog that may
2784 subject the dog to classification under section 4-26(e) and shall, if possible,
2785 interview the owner and require a sworn affidavit from any person, animal control
2786 officer, or enforcement officer desiring to have a dog classified. The dog shall be
2787 impounded and held by the Division pending the outcome of the investigation and
2788 any appeal.

2789 b. The owner shall be responsible for payment of all boarding costs and other
2790 fees required for the Division to care for the dog pending the outcome of the
2791 investigation and resolution of any appeal.

2792 c. An owner's refusal to surrender a dog for impoundment pending the
2793 investigation shall constitute a violation of this chapter. No dog that is the subject
2794 of an investigation under section 4-26(e) may be relocated or ownership
2795 transferred.

2796 d. After its investigation, the Division shall make an initial determination as
2797 to whether there is sufficient cause to destroy the dog. The Division shall provide
2798 written notification of sufficient cause finding, to the owner, by registered mail,
2799 certified hand delivery (signed receipt) or service in conformance with the
2800 provisions of chapter 48 relating to service of process. The owner may request a
2801 hearing under subsection 4-26(a) during the 10 business days after such
2802 notification. The hearing shall be held no sooner than five (5) calendar days and
2803 not more than twenty-one (21) calendar days after receipt of the request from the

2804 owner. The appeal bond, and any applicable fees for the care and boarding of said
2805 dog (due through the fifth day following the date of the request for hearing) must
2806 accompany the owner's written request. The appeal bond and fees shall be
2807 established by the Board by resolution. The appeal bond shall be remitted to the
2808 Division in the form of a money order, a certified check, a cashier's check, or a
2809 bank check payable to the County. The Division shall provide notice of the
2810 hearing to the owner by U.S. mail, electronic mail, certified mail or certified hand
2811 delivery. If the owner fails to appeal within the ten (10) business days of the
2812 notification, the dog shall be destroyed in an expeditious and humane manner.

2813 e. Once a hearing date is set, failure to appear before the Special Master may,
2814 at the Special Master's discretion, result in the dismissal of the hearing with
2815 prejudice. In such instances, the process will proceed and the dog shall be
2816 destroyed in an expeditious and humane manner.

2817 (6) Notice of appeal. The owner may appeal the classification to the Circuit Court of the
2818 Fifteenth Judicial Circuit Court in and for Palm Beach County, Florida in accordance
2819 with the Florida Rules of Appellate Procedure.

2820

2821 **Section 27. Sterilization program for dogs and cats.**

2822 (a) Purpose. The Board has determined that the unintended or uncontrolled breeding of
2823 dogs and cats within the County leads to many dogs, cats, puppies, and kittens being
2824 unwanted, becoming strays, suffering privation and death, being impounded and
2825 euthanized at great expense to the community, and constituting a public nuisance and
2826 public health hazard. It is, therefore, declared to be the public policy of the County that
2827 every feasible means of reducing the number of unwanted dogs, cats, puppies, and
2828 kittens be encouraged.

2829 (b) Spaying, neutering of dogs and cats.

2830 (1) Every dog six (6) months of age or older and every cat four (4) months of age or
2831 older within the County shall be spayed or neutered, unless proof of one (1) of the
2832 following exemptions is provided to the Division:

- 2833 a. The dog or cat is registered with a national or international club,
2834 association, or registry recognized by the Division, and the owner certifies in
2835 writing to the Division that the animal is being used, trained, or considered for use
2836 in a show(s), sporting competition(s), or other similar competitive event(s) held
2837 by one (1) or more national or international clubs, associations, or registries.
- 2838 b. A veterinarian licensed in the State certifies in writing that the dog or cat
2839 is medically unfit to undergo the required spay or neuter procedure because of a
2840 medical condition, including but not limited to age, that would be substantially
2841 aggravated by such procedure or would likely cause the dog or cat's death. The
2842 writing must state the date by which the dog or cat may be safely spayed or
2843 neutered. The Division may extend the time for spaying or neutering a dog or cat
2844 or may exempt such dog or cat from the spay/neuter requirement based upon the
2845 written medical recommendation of a licensed veterinarian. For a dog or cat that
2846 is not spayed or neutered due to a health condition as provided herein, the license
2847 tag fee established by the Board for sterilized dogs or cats shall apply. As soon as
2848 the medical condition that prevents a dog or cat from being spayed or neutered
2849 ceases to exist, it shall be the duty of the owner of such dog or cat to promptly
2850 comply with this section.
- 2851 c. The dog is currently used by a law enforcement agency for law
2852 enforcement purposes.
- 2853 d. The dog is a guide dog or service animal as defined in section 4-2 of this
2854 chapter.
- 2855 e. The owner wishes to keep the dog unsterilized and certifies in writing to
2856 the Division that the dog will not be bred or used for stud purposes unless an
2857 appropriate breeder permit is first obtained from the Division. Breeding or using
2858 the dog for stud in violation of this provision shall constitute a violation of this
2859 chapter.
- 2860 f. The dog is used for breeding purposes by a licensed hobby or commercial
2861 breeder. The cat is used for breeding purposes by a licensed hobby or commercial
2862 breeder and is registered as a pedigreed cat with the Cat Fancier Association or
2863 the International Cat Association.

2864 g. The dog or cat is being harbored by a shelter, humane society, or private
2865 animal nonprofit organization, or animal rescue organization whether public or
2866 private, whose principal purpose is securing the adoption of dogs or cats or
2867 offering sanctuary for dogs or cats, provided that the dog or cat is spayed or
2868 neutered in accordance with Section 4-25, Animal agencies.

2869 h. Illegal Breeders will be required to spay or neuter their animals within 30
2870 days of notice of non-compliance.

2871 **Section 28. Hobby breeder permits.**

2872 (a) Hobby breeder permits.

2873 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud
2874 purposes without first obtaining an appropriate breeding permit issued by the Division.
2875 No person shall maintain unsterilized dogs over six (6) months of age or unsterilized
2876 cats over four (4) months of age together without first obtaining an appropriate breeding
2877 permit from the Division. No cat shall be bred unless it is a pedigreed cat registered as
2878 such with the Cat Fancier Association or the International Cat Association. No hobby
2879 breeder permit shall be issued unless the cats to be bred are pedigreed cats registered as
2880 such with the Cat Fancier Association or the International Cat Association. The cost of
2881 the permit and other related fees shall be established by the Board by resolution.

2882 (2) Any person found to be engaging in illegal breeding will not be eligible to obtain
2883 a Hobby Breeder permit for one year.

2884 (3) Hobby breeders shall:

2885 a. Not breed more than two (2) litters or more than nineteen (19) dogs, cats, puppies,
2886 or kittens during a one-year period;

2887 b. Not offer for sale, sell, trade, receive any compensation for or give away more
2888 than two (2) litters or more than nineteen (19) dogs, cats, puppies, or kittens during a
2889 one-year period;

2890 c. Keep records for the duration of the hobby breeder permit and all permit renewals
2891 as to the birth of each litter of puppies or kittens and shall make such records available
2892 for review by the Division upon request;

- 2893 d. Keep records including but not limited to records concerning rabies vaccinations,
2894 all other inoculations and any medical condition(s) of each dog, cat, puppy or kitten
2895 intended to be sold, given away, or otherwise conveyed;
- 2896 e. On a quarterly basis, the name, address, and telephone number of the new owner
2897 of any dog, cat, puppy or kitten placed or a notice that no animal was sold during the
2898 quarter shall be provided to the Division;
- 2899 f. Furnish to each new owner of a dog, cat, puppy or kitten the hobby breeder permit
2900 number so the new owner has proof and assurance that the animal was legally bred;
- 2901 g. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other
2902 compensation or free giveaway, with the exception of animals taken to an animal
2903 shelter;
- 2904 h. Recommend to each new owner that any animal sold, transferred or given away
2905 be examined by a licensed veterinarian within one (1) week of the date of transfer and
2906 notify the new owner of State requirements for rabies vaccinations;
- 2907 i. List the person's hobby breeder permit number on all advertisements and literature
2908 concerning the sale or free giveaway of any dog, cat, puppy or kitten of the hobby
2909 breeder;
- 2910 j. Adhere to minimum standards regarding the care and manner of keeping of
2911 animals as provided in section 4-23, animal care; manner of keeping; and
- 2912 k. To the extent permitted by law, allow the Division to inspect the exterior of the
2913 premises wherein an animal that is the subject of a hobby breeder permit is maintained
2914 and to view any animal that is the subject of the permit. Such inspection will be conducted
2915 at least once per year, typically at times of new permit application and as a condition of
2916 annual renewal. If a hobby breeder refuses to allow the Division to perform an
2917 inspection as provided herein, citations may be issued and the Division may apply for a
2918 warrant pursuant to Florida Statutes Ch. 933. All reports of such inspections shall be in
2919 writing and maintained by the Division.
- 2920 (4) A hobby breeder permit is valid for a period of one (1) year from the date of
2921 issuance and must be renewed annually. Renewal applications for permits shall be made
2922 at least thirty (30) days prior to expiration.

- 2923 (5) A hobby breeder permit is not transferable, assignable, or refundable.
- 2924 (6) Each person owning an animal intended to be used for breeding or studing shall
2925 obtain a hobby breeder permit prior to using any dog or cat for breeding or stud
2926 purposes. A hobby breeder must obtain an unaltered license tag for each unaltered dog
2927 or cat covered under the hobby breeder permit.
- 2928 (7) Only one hobby breeder permit shall be issued per parcel of land.
- 2929 (b) Obtaining a hobby breeder permit.
- 2930 (1) A person seeking a hobby breeder permit shall apply to the Division on a form
2931 approved by the Division.
- 2932 (2) The permit application shall include but is not limited to the following
2933 information:
- 2934 a. The name, address and telephone number of the applicant;
- 2935 b. A statement as to whether the applicant has ever been convicted of the offense of
2936 cruelty to animals or had a final judgment entered against the applicant under F.S. §
2937 828.073, or any other statute prohibiting animal neglect or mistreatment;
- 2938 c. A description (species, breed, sex, age, coloration) of each animal under the
2939 permit; and
- 2940 d. A description of the activity for which the permit is requested.
- 2941 (3) If the applicant withholds or falsifies any information on the application, no
2942 permit shall be issued and any permit previously issued based on false or withheld
2943 information shall be revoked.
- 2944 (4) No person who has previously been convicted of, had adjudication withheld on,
2945 or plead nolo contendere to a crime of animal cruelty or abuse, sexual activities
2946 involving animals, child abuse, or domestic violence or who has had a final judgment
2947 entered against him/her pursuant to Florida Statutes 828.073 or comparable statute, shall
2948 be issued a hobby breeder permit.
- 2949 (c) Permit procedures.

2950 (1) The permit applicant shall complete an application, supply all information
2951 requested by the Division, and pay the applicable permit fee established by the Board
2952 by resolution.

2953 (2) Permit applications shall be valid for thirty (30) days in order for applicants to
2954 make corrections to meet minimum compliance specifications.

2955 (d) Violations.

2956 (1) Failure to apply for a permit prior to operating as a hobby breeder shall constitute
2957 a violation.

2958 (2) Failure to reapply for a permit at least thirty (30) days before expiration of the
2959 existing permit shall constitute a violation.

2960 (3) Refusal to allow an animal control officer to inspect an animal or the premises as
2961 provided in section 4-28(a)(2)k. shall constitute a violation.

2962 (4) It shall be a violation of this chapter to counterfeit a hobby breeder permit or
2963 official certificate of veterinary inspection or to maliciously destroy a hobby breeder
2964 permit.

2965 (5) It shall be a violation of this section to advertise, display, attempt to sell or sell
2966 any dog or cat on any roadside or public right-of-way.

2967 (e) Permit denial, revocation, and suspension.

2968 (1) By notice of adverse action, the Division may deny, revoke or suspend any permit
2969 if it is determined that:

2970 a. There has been a material misstatement or misrepresentation in the permit
2971 application;

2972 b. The applicant/permit holder has been cited for at least three (3) violations of this
2973 chapter within a two-year period, each resulting in the imposition of a fine;

2974 c. The permit holder/applicant has outstanding and unsatisfied civil penalties
2975 imposed due to a violation of this chapter;

2976 d. The applicant/permit holder, his/her agent or a member of the household has been
2977 convicted of, had adjudication withheld on, or plead nolo contendere to a crime of
2978 animal cruelty or abuse, sexual activities involving animals, child abuse, or domestic

2979 violence or has had a final judgment entered against him/her pursuant to Florida Statutes
2980 828.073 or comparable statute; or

2981 e. An animal under the care and responsibility of an applicant/permit holder has been
2982 found to be in need of immediate veterinary care that, if not treated, would result in
2983 suffering, pain or death.

2984 (2) No permit fee shall be refunded for a permit that is revoked or suspended. For a
2985 permit that is denied after review, the permit fee shall be refunded as provided by the
2986 Board by resolution.

2987 (f) Appeal process.

2988 (1) Any applicant or permit holder who has been denied a permit or whose permit has
2989 been revoked or suspended may appeal this action to a Special Master within the ten-
2990 day period after the Division originates the adverse action. A written notice of appeal
2991 and appeal bond must be filed with the Division within ten (10) days of the notice of
2992 adverse action. The Board of County Commissioners is hereby authorized to establish
2993 the amount of the appeal bond by resolution. The appeal bond shall be remitted to the
2994 Division in the form of a money order, a certified check, a cashier's check, or a bank
2995 check payable to the County.

2996 (2) The appeal will be heard by a Special Master within thirty (30) calendar days after
2997 the applicant or permit holder has submitted a notice of appeal. The initial hearing on
2998 the appeal may be continued by the Division, the Special Master, or the applicant or
2999 permit holder beyond the thirty (30) calendar days for good cause shown.

3000 (3) Unless otherwise provided herein, the hearing before the Special Master shall be
3001 governed as provided in section 4-329, Animal care and control Special Master hearing.

3002 (4) The denial, revocation or suspension of the permit shall be upheld or reversed by
3003 the Special Master.

3004 (5) All decisions by the Special Master shall be final and reviewable by writ of
3005 certiorari to the County Circuit Court.

3006 (6) The Special Master shall provide the applicant or permit holder with written
3007 notice of his/her decision.

3008 (g) Owner requirements following notice of adverse action and/or appeal process.

- 3009 (1) If the notice of adverse action of denial, revocation or suspension of a hobby
3010 breeder permit is not appealed, the applicant or permit holder shall come into
3011 compliance with this chapter within ten (10) days after the notice of adverse action.
- 3012 (2) Any person whose permit has been revoked may not reapply for a period of one
3013 (1) year. Each reapplication for a permit shall be accompanied by a fee to be established
3014 by the Board by resolution.
- 3015 (h) Fee waiver. The Division shall waive the annual hobby breeder permit fee for any
3016 person/applicant who applies for a hobby breeder permit on or before August 1, 2008.
3017 For persons/applicants who apply for a hobby breeder permit during this period, the
3018 Division shall also annually waive the fee for two (2) unaltered dog or cat license tags.
3019 The fee waiver shall remain in effect for a hobby breeder so long as the hobby breeder
3020 remains in compliance with this chapter and F.S. ch. 828.

3021

3022 **Section 29. Special Master hearings.**

- 3023 (a) The Board of County Commissioners shall appoint Special Masters who shall make
3024 decisions relating to any hearings that have been initiated as provided in this chapter.
3025 The Board shall appoint as many Special Masters as deemed necessary.
- 3026 1. Special Masters shall at minimum: (a) be a graduate of a law school accredited by
3027 the American Bar Association; (b) demonstrate knowledge of local government
3028 regulations and procedures; (c) be a member in good standing with the Florida Bar; and
3029 (d) meet other such qualifications that may be established by resolution of the
3030 Commission.
- 3031 2. Special Masters shall enter into an agreement with the Board setting forth the
3032 terms and conditions of their service.
- 3033 3. Code Enforcement Special Masters selected in accordance with Article 2 of the
3034 Palm Beach County Unified Land Development Code may serve ex officio as Special
3035 Masters.
- 3036 4. The County Manager shall have authority to remove individual Special Masters
3037 with or without cause.

3038

- 3039 (b) Each case before the Special Master shall be presented by the county.
- 3040 (c) Upon request of the Division, or at such other times as may be necessary, a hearing
3041 before a Special Master may be convened. A record shall be kept of all Special Master
3042 hearings and all hearings shall be open to the public.
- 3043 (d) At the hearing, the burden of proof shall be upon the Division to show by a
3044 preponderance of the evidence that a violation of this chapter has occurred.
- 3045 (e) All testimony shall be under oath and shall be recorded.
- 3046 (f) The formal rules of evidence shall not apply but fundamental due process shall be
3047 observed and shall govern the proceedings. Upon determination of the Special Master,
3048 irrelevant, immaterial or unduly repetitious evidence may be excluded, but all other
3049 evidence of a type commonly relied upon by reasonably prudent persons in the conduct
3050 of their affairs shall be admissible, whether or not such evidence would be admissible
3051 in a trial in the courts of the State of Florida. Any part of the evidence may be received
3052 in written form.
- 3053 (g) The Special Master may inquire of or question any witness present at the hearing. The
3054 alleged violator, his/her attorney, the Division or attorney representing the Division
3055 shall be permitted to inquire of or question any witness present at the hearing. The
3056 Special Master may consider testimony presented by the Division, the alleged violator,
3057 or any other witnesses.
- 3058 (h) At the conclusion of the hearing, the Special Master shall orally render his or her
3059 decision based on evidence entered into the record. The decision shall then be
3060 transmitted to the alleged violator in the form of a written order including findings of
3061 fact, and conclusions of law consistent with the record. All decisions of the Special
3062 Master shall be final. Unless otherwise provided in this chapter, the order may include
3063 a notice that it must be complied with by a specified date.
- 3064 (i) An aggrieved party, including the local governing body, may appeal a final
3065 administrative order of the Special Master concerning a dangerous dog classification
3066 under Section 4-26 or a violation of this chapter by filing an appeal in the circuit court.
3067 Such an appeal shall not be a hearing de novo but shall be limited to appellate review
3068 of the record created before the Special Master. An appeal shall be filed within 30 days
3069 of the execution of the order to be appealed. Special Master orders involving a denial,

3070 revocation, or suspension any permit issued under this chapter or an aggressive dog
3071 classification issued under section 4-26 by may be appealed by filing a petition for writ
3072 of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County or in
3073 accordance with any other procedure allowed by law. PBC may assess a reasonable
3074 charge for the preparation of the record to be paid by the petitioner in accordance with
3075 F.S. § 119.07.

3076 (j) The Special Master shall have the power to:

3077 (1) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be
3078 served by a sheriff or other authorized persons consistent with Rule 1.410(d), Florida
3079 Rules of Civil Procedure upon request by the Special Master.

3080 (2) Subpoena records and other documentary materials.

3081 (3) Take testimony under oath.

3082 (4) Issue orders having the full force and effect of law to command whatever steps
3083 are necessary to bring a violation into compliance.

3084 (5) Issue orders requiring an owner to reimburse the County for any costs incurred to
3085 care for an animal.

3086 (k) If the County prevails in any hearing before the Special Master, the alleged violator's
3087 appeal bond (if required) shall be forfeited, in whole or in part, to the County to the
3088 extent necessary to cover the cost of the Special Master. If the alleged violator prevails
3089 in any hearing before the Special Master, the appeal bond shall be returned to the alleged
3090 violator.

3091 (l) Upon the finding of a violation, the Special Master may impose the maximum fine
3092 provided for in section 4-31. If the violation has been corrected prior to the hearing, the
3093 Special Master may impose a fine less than the maximum fine provided for in section
3094 4-31.

3095 (m) Upon the finding of a violation or ruling in favor of the County, the Special Master may
3096 order the violator/respondent to pay the County for the costs and expenses involved in
3097 the case.

3098 (n) A certified copy of an order imposing a fine, or a fine plus costs, may be recorded in
3099 the public records and thereafter shall constitute a lien upon any real or personal

3100 property owned by the violator. Upon petition to the circuit court, such order shall be
3101 enforceable in the same manner as a court judgment by the sheriffs of this state,
3102 including execution and levy against the personal property of the violator, but such order
3103 shall not be deemed to be a court judgment except for enforcement purposes. A fine
3104 imposed pursuant to this part shall continue to accrue until the violator comes into
3105 compliance or until judgment is rendered in a suit filed pursuant to this section,
3106 whichever occurs first. A lien arising from a fine imposed pursuant to this section runs
3107 in favor of the local governing body, and the local governing body may execute a
3108 satisfaction or release of lien entered pursuant to this section. After 3 months from the
3109 filing of any such lien which remains unpaid, the Special Master may authorize the local
3110 governing body attorney to foreclose on the lien or to sue to recover a money judgment
3111 for the amount of the lien plus accrued interest. No lien created pursuant to the
3112 provisions of this part may be foreclosed on real property, which is a homestead under
3113 s. 4, Art. X of the State Constitution. The money judgment provisions of this section
3114 shall not apply to real property or personal property which is covered under s. 4(a), Art.
3115 X of the State Constitution.

3116 **Section 30. Interference with enforcement.**

- 3117 (a) It shall be unlawful for any person to knowingly hinder, resist or oppose any officer or
3118 employee of the Division in the performance of his/her duties.
- 3119 (b) It shall be unlawful for any person to knowingly interfere with or damage any humane
3120 animal trap owned by the Division or to molest or release any animal caught therein.
- 3121 (c) No animal that is the subject of a manner of keeping, animal cruelty, dangerous/vicious
3122 dog or animal bite investigation may be relocated or ownership transferred pending the
3123 outcome of the investigation.
- 3124 (d) It shall be unlawful for any person to refuse to present an animal to an officer for
3125 examination when that animal is the subject of an investigation.
- 3126 (e) It shall be unlawful to provide an animal compliance officer with false information or
3127 to take any action that would compromise an investigation.
- 3128 (f) It shall be unlawful to impersonate any Division personnel and/or forge, alter, mutilate,
3129 or use the County's official logo, seal, or any other official insignia in any form without
3130 the prior written consent of the County.

3131 (g) It shall be unlawful to falsify information about any animal in an attempt to defraud,
3132 mislead, or interfere with an investigation.

3133 **Section 31. Enforcement; penalties.**

3134 (a) Any violation of this chapter is a civil infraction and may be enforced as provided in
3135 Section 828.27, Florida Statutes.

3136 (b) Any person who has committed an act in violation of this chapter shall may receive a
3137 citation from the Division by an animal control officer or law enforcement officer who
3138 has probable cause to believe that the person has committed a civil infraction in violation
3139 of this chapter. The citation form shall include, but not be limited to the following:

- 3140 1. The date and time of issuance.
- 3141 2. The name and address of the person.
- 3142 3. The date and time the civil infraction was committed.
- 3143 4. A brief statement of facts constituting probable cause.
- 3144 5. The ordinance violated.
- 3145 6. The name of the officer.
- 3146 7. The procedure for the person to follow in order to pay the civil penalty, to contest
3147 the citation, or to appear at the mandatory hearing for certain aggravated violations.
- 3148 8. The applicable civil penalty if the person elects to contest the citation.
- 3149 9. The maximum civil penalty if the person elects not to contest the citation.
- 3150 10. For Special Master Proceedings, notice that failure to pay the civil penalty or to
3151 request a hearing within ten (10) days, after receipt of the citation, exclusive of
3152 weekends and legal holidays, shall constitute a waiver of the alleged violator's right to
3153 a hearing and may result in the entry of an order against the violator and the imposition
3154 of a civil penalty not to exceed \$2,500 for a first violation, \$5,000 for a second violation,
3155 and \$7,500 for a third or subsequent violation.
- 3156 11. For county court proceedings, notice that if the person fails to pay the civil penalty
3157 within the time allowed, or fails to appear in court to contest the citation, the person
3158 shall be deemed to have waived his or her right to contest the citation and that, in such

3159 case, judgment may be entered against the person for an amount up to the maximum
3160 civil penalty.

3161 (c) The Special Master and County Court shall have jurisdiction over all violations of this
3162 chapter.

3163 (d) For citations processed through county court, the County Clerk shall accept designated
3164 fines and issue receipts therefore.

3165 (e) Violation of any provision of this chapter shall be punishable by a fine not to exceed
3166 five hundred dollars (\$500.00), unless otherwise provided by law. A person who
3167 violates Section 767.12, Florida Statutes, commits a noncriminal infraction, punishable
3168 by a fine not to exceed one thousand dollars (\$1,000) per violation. A person who
3169 violates Section 828.27(1)(g)(2)(b), Florida Statutes, commits a noncriminal infraction,
3170 punishable by a fine not to exceed two thousand five hundred dollars (\$2,500) for a first
3171 violation, five thousand (\$5,000) for a second violation, and seven thousand five
3172 hundred dollars (\$7,500) for a third or subsequent violation per violation. Any person
3173 who has violated any provision of this chapter or a statute incorporated herein by
3174 reference shall be fined an amount as established by the Board of County
3175 Commissioners by resolution.

3176 (f) The act for which the citation is issued shall cease upon receipt of the citation, unless
3177 otherwise specified therein.

3178 (g) Payment shall be made as directed within the citation. If the person cited pays the civil
3179 penalty, he or she waives the right to a hearing on whether the violation was committed.

3180 (h) Pursuant to Florida Statutes, §§ 938.01 and 938.19, mandatory costs shall be assessed
3181 against every person found in violation of this chapter. Pursuant to Florida Statute §
3182 828.27, a five dollar (\$5.00) surcharge shall be assessed against every person found in
3183 violation of this chapter.

3184 (i) Any person who fails to make payment within the specified period shall be deemed to
3185 have waived his/her right to pay the uncontested civil penalty as set forth in the citation.

3186 (j) Any person who elects to appear before the court to contest the citation shall be deemed
3187 to have waived his/her right to pay the uncontested civil penalty as set forth in the
3188 citation. The court, after a hearing, shall make a determination as to whether a violation

3189 has occurred and may impose a civil penalty not to exceed five hundred dollars
3190 (\$500.00) plus court costs. Notwithstanding the foregoing, a person who violates
3191 Section 767.12, Florida Statutes, commits a noncriminal infraction, punishable by a fine
3192 not to exceed one thousand dollars (\$1,000) per violation or violates Section
3193 828.27(1)(g)(2)(b), Florida Statutes, commits a noncriminal infraction, punishable by a
3194 fine not to exceed two thousand five hundred (\$2,500) for a first violation, five thousand
3195 (\$5,000) for a second violation, and seven thousand five hundred (\$7,500) for a third or
3196 subsequent violation, plus court costs.

3197 (k) If a person fails to pay the civil penalty, or fails to appear in court to contest the citation,
3198 he or she shall be deemed to have waived his right to contest the citation; and in such
3199 case, a default judgment may be entered and the judge shall impose a fine at that time.
3200 An order to show cause may be issued.

3201 (l) Any person who willfully refuses to sign and accept a citation issued by an officer shall
3202 be guilty of a misdemeanor of the second degree, punishable as provided by Florida
3203 Statutes, §§ 775.082 or 775.083.

3204 (m) The Division may require mandatory Special Master or court appearances for certain
3205 aggravated violations of this chapter resulting in the unprovoked biting, attacking or
3206 wounding of a domestic animal; violations resulting in the destruction or loss of
3207 personal property; or violations resulting in the issuance of a third or subsequent citation
3208 to a person. The citation shall clearly inform the person of the mandatory court
3209 appearance. The Division shall maintain records to prove the number of citations issued
3210 to the person. Persons required to appear before a Special Master or in court do not have
3211 the option of paying the fine instead of appearing in court.

3212 (n) The following process applies when citations are issued pursuant to the jurisdiction of
3213 the Special Master:

3214 1. Whenever, based upon personal investigation and in accordance with the policies
3215 and procedures established by the division, the animal control officer has reasonable
3216 and probable grounds to believe that a person has committed a violation of this chapter,
3217 the officer may issue a citation to the violator.

3218 2. The act for which the citation is issued shall cease upon receipt of the citation
3219 unless otherwise specified in the citation, and the person charged with the violation shall

3220 elect either to correct the violation and pay the civil penalty in the manner indicated on
3221 the citation or, within ten (10) days of receipt of the citation, exclusive of weekends and
3222 legal holidays, request an administrative hearing before the Special Master to appeal the
3223 issuance of the citation. If the hearing date is not set forth in the citation, a notice of
3224 hearing shall be served on the violator as provided herein. Failure of the violator to
3225 appeal the decision of the animal control officer within the timeframe as set forth herein
3226 shall constitute a waiver of the violator's right to an administrative hearing. A waiver of
3227 the right to an administrative hearing shall be deemed an admission of the violation and
3228 penalties may be imposed accordingly.

3229 3. Upon written notification by the animal control officer that a violator has not
3230 contested the citation or paid the penalty within the time allowed on the citation, or if a
3231 violation has not been corrected within the time set forth on the citation, the Special
3232 Master shall enter an order ordering the violator to pay the civil penalty set forth on the
3233 citation. A hearing shall not be necessary for the issuance of such an order. The order
3234 shall include a notice, if applicable, that fine(s) were imposed.

3235 4. Upon appeal of a citation, or at such other times as may be necessary, a hearing
3236 before the Special Master may be convened in accordance with section 4-30.

3237 5. Any person who, within ten (10) calendar days after receipt of the citation, fails to
3238 either come into compliance with the section of this chapter for which he or she is in
3239 violation or request a hearing, shall be subject to additional citations for second and
3240 subsequent violations of the same section of this chapter.

3241 (o) The violation of any provision of this chapter may also be enforced pursuant to FSS Ch.
3242 162, Local Government Code Enforcement Boards Act, and Article 10 of the Palm
3243 Beach County Unified Land Development Code, all as may be amended or recodified
3244 from time to time. A Palm Beach County Special master may impose fines as provided
3245 for in FSS 162.09(2)(d). In determining the amount of the fine, the Palm Beach County
3246 Special Master shall consider:

3247 (1) The gravity of the violation;

3248 (2) Any actions taken by the violator to correct the violation; and

3249 (3) Any previous violations committed by the violator.

- 3250 The Board of County Commissioners may by resolution adopt recommended fine
3251 amounts for consideration by a special master.
- 3252 (p) Failure to comply with any provision of this chapter shall constitute a separate and
3253 distinct violation.
- 3254 (q) Each day a violation of any provision of this chapter exists shall constitute a separate
3255 and distinct violation.
- 3256 (r) Whether a person is cited for 1st, 2nd, or 3rd offense will be based on the issuance of
3257 prior citations to anyone residing in the same residence, and/or caring for the same
3258 animals, within the prior 12 months. A person will only receive a 1st offense citation if
3259 no other resident/caretaker received a citation for the same violation within the prior 12
3260 months.
- 3261 (s) Nothing herein shall limit any other enforcement mechanism authorized by law,
3262 including, but not limited to, the right to seek injunctive or any other equitable relief.
- 3263 (t) It is the purpose of this code to provide additional, cumulative remedies. These sanctions
3264 are in addition to any criminal penalties that may be imposed by law.
- 3265 (u) Except as otherwise specified in section 4-26, proper notice of a citation or hearing is
3266 given where notice has been mailed to the violator by certified mail, return receipt
3267 requested; by hand delivery by the sheriff, other law enforcement, a certified process
3268 server, animal control officer, or other person designated by the local government body;
3269 by leaving the notice at the violator's usual place of residence with any person residing
3270 therein who is above 15 years of age and informing such person of the contents of the
3271 notice; and in the case of commercial premises, leaving the notice with the manager or
3272 other person in charge. A notice of hearing may be provided to the violator/respondent
3273 by electronic mail with delivery receipt and a confirmation by the violator/respondent
3274 of receipt.

3275

3276 **Section 32. Animal Cruelty prevention course.**

3277 The Director may approve animal cruelty prevention, an animal care education course that
3278 may be taken by persons found to be in violation of this chapter. The Director or
3279 designee, may in his or her discretion, authorize persons found in violation of this

chapter to attend an animal cruelty prevention and animal care education course selected by the Director or designee in lieu of citation(s) being processed. Failure to attend or complete a course will result in the citation(s) being processed. The course must be completed at the location, time and date specified by the Director or designee. All fees associated with taking the course are the responsibility of the violator.

The Director will delineate which type of offenders and offenses are eligible for the course.

Section 33. Community cats.

(a) The Board establishes the following community cat requirements:

(1) All community cats must be cared for on the private property of the caregiver or with permission of the property owner or property manager.

(2) All community cat caregivers shall have all un-owned free-roaming cats within their care sterilized, implanted with an EAID, vaccinated against rabies, and ear-tipped for easy identification. It shall be a violation of this chapter for any person to provide care to an un-owned, free-roaming cat without first having the cat sterilized, implanted with an EAID, vaccinated against rabies, and ear-tipped for easy identification, unless for the purpose of trapping for TNVR (which includes pre-trapping habituation to the trap, i.e. – feeding near or in the trap).

(3) All community cat caregivers are required to provide certain necessities to each community cat under his/her care on a regular/ongoing basis, including, but not limited to, proper nutrition, adequate quantities of visibly clean and fresh water and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Dumping on the ground or dispensing large quantities of food more than will be eaten by the community cats present in thirty minutes is prohibited. Feeding areas must be maintained in a clean and sanitary condition.

(4) Community cat caregivers shall make reasonable attempts to remove young kittens from the field for domestication.

(b) A person returning a community cat to field must provide the Division with the cat's EAID number and any other information upon request by the Division.

- 3309 (c) Community cats meeting the requirements of this section are exempt from the license
3310 tag requirements of section 4-11, Dog and cat rabies/license tags.
- 3311 (d) The Division has the right to remove or authorize the removal of any free-roaming cat
3312 or community cat because of immediate public health or safety concerns.
- 3313 (e) No community cat shall be released at any governmentally owned or managed park,
3314 natural area, area deemed as environmentally sensitive land or on any easement adjacent
3315 to such lands without approval from the applicable governmental entity.
- 3316 (f) Healthy community cats that have been impounded at the Division may be immediately
3317 returned to field, released to a caregiver or adopted. Notwithstanding the foregoing,
3318 whenever such cat is visibly injured or diseased and appears to be suffering and it
3319 reasonably appears that such cat cannot be expeditiously cured and returned to field,
3320 transferred to a humane society or private animal nonprofit organization or placed in
3321 foster care, then the Division, acting in good faith and upon reasonable belief, may
3322 humanely euthanize the cat upon the advice of the Division's veterinarian.
- 3323 (g) Any person who confines a community cat for any extended amount of time, other than
3324 short periods necessary for the cat to recover from a medical procedure or treatment as
3325 directed by a veterinarian, will be considered the owner of the cat. Medically directed
3326 confinement of community cats is allowed for recovery and will not affect the
3327 ownership status of the cat. However non-medically directed confinement will change
3328 the status of the cat and it will no longer be a community cat, and as such will now be
3329 subject to licensure as an owned cat.
- 3330 (h) Return to field may only be performed by the Division, an animal rescue organization,
3331 a private animal non-profit organization, or a person on behalf of the Division and/or
3332 with the permission of the Division.

3333 **Section 34. Electronic animal identification device implantation (EAID) for all cats.**

- 3334 (a) All cats four (4) months of age or older shall be implanted with an EAID, unless a
3335 veterinarian licensed in the State certifies in writing that a specific cat is medically unfit
3336 to be implanted with an EAID because of a medical condition, including but not limited
3337 to age, that would be substantially aggravated by such procedure or would likely cause
3338 the cat's death. The writing must state the date by which the cat may be safely implanted
3339 with an EAID. The Division may extend the time for implanting the cat with an EAID

3340 or may exempt such cat from the requirement based upon the written medical
3341 recommendation of a licensed veterinarian. As soon as the medical condition that
3342 prevents a cat from being implanted with an EAID ceases to exist, it shall be the duty
3343 of the owner of such cat to promptly comply with this section.

3344 (b) The owner of every cat shall keep his/her contact information associated with the EAID
3345 up to date with the Division.

3346 (c) EAIDs for community cats may be registered to a humane society, private animal
3347 nonprofit, or individual to facilitate return to field, and this in no way implies ownership
3348 of said cats.

3349 **Section 35. Incorporation of State Statutes**

3350 All laws of the State of Florida related to animal control, welfare, cruelty, and care are hereby
3351 adopted and incorporated in this chapter by reference. It is the intent of the Board that
3352 this chapter shall supplement the provisions of state law, including required procedures,
3353 and that in the event of any conflict between the terms of the chapter and state law, state
3354 law shall control. If any provision of State Law is not otherwise expressed in this
3355 chapter, and animal control officer may issue a citation or violation using this subsection
3356 and noting the Section of Florida Statute violated. Such violations shall be subject to a
3357 fine noted in Section 4-31 or as otherwise provided by law.

3358 **Section 36. Repeal of Laws in Conflict.**

3359 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
3360 repealed to the extent of such conflict.

3361 **Section 37. Providing for Savings Clause.**

3362 Notwithstanding anything to the contrary, all provisions of Palm Beach County Code
3363 Section 4-1 through 4-36, codifying Palm Beach County Ordinance No. 98-22, as amended, are
3364 specifically preserved and remain in full force and effect for the limited purpose of enforcing any
3365 alleged violations of said Code which occurred prior to its repeal or amendment.

3366 **Section 38. Severability.**

3367 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
3368 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such
3369 holding shall not affect the remainder of this Ordinance.

3370

3371 **Section 39. Inclusion in the Code of Laws and Ordinances.**

3372 The provisions of this Ordinance shall become and be made a part of the Palm Beach
3373 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
3374 such, and the word ordinance may be changed to section, article, or other appropriate word.

3375 **Section 40. Enforcement.**

3376 This Ordinance is enforceable by all means provided by law. Additionally, the County
3377 may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm
3378 Beach County.

3379 **Section 41. Penalty.**

3380 Any violation of any portion of this Ordinance shall be punishable as provided by law.

3381 **Section 42. Captions.**

3382 The captions, section headings, and section designations used in this Ordinance are for
3383 convenience only and shall have no effect on the interpretation of the provisions of this
3384 Ordinance.

3385 **Section 43. Effective Date.**

3386 The provisions of this Ordinance shall become effective upon filing with the Department
3387 of State.

3388

3389 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach
3390 County, Florida, on this the ____ day of _____, 2026.

3391

3392 **SHANNON RAMSEY-CHESSMAN, PALM BEACH COUNTY, FLORIDA, BY ITS**
3393 **CLERK AD INTERIM OF THE BOARD OF COUNTY COMMISSIONERS**
3394 **CIRCUIT COURT & COMPTROLLER,**
3395 **PALM BEACH COUNTY**

3396

3397

3398 **By: _____**
3399 **Deputy Clerk**

3400

3401

3402

3403

3404 **APPROVED AS TO FORM AND**
3405 **LEGAL SUFFICIENCY**

3406

3407

3408 **By: _____**
3409 **County Attorney**

3410

3411

By: _____
Sara Baxter, Mayor

3412 **EFFECTIVE DATE:** Filed with the Department of State on the ____ day of

3413 _____, 20____.

3414

BUSINESS IMPACT ESTIMATE

Meeting Date: 9/1/2026

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING PALM BEACH COUNTY CODE, CHAPTER 4, CODIFYING ORDINANCE 98-22, AS AMENDED BY ORDINANCES 2001-065, 2003-27, 2005-44, 2008-004, 2009-019, 2011-005, 2015-027, and 2016-045, "THE PALM BEACH COUNTY ANIMAL CARE AND CONTROL ORDINANCE"; AND ADOPTING A NEW PALM BEACH COUNTY ANIMAL CARE AND CONTROL ORDINANCE; PROVIDING FOR A SHORT TITLE; APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR FEMALES IN HEAT; PROVIDING FOR DOG AND CAT CONTROL; PROVIDING FOR ANIMALS CREATING NUISANCES; PROVIDING FOR (SCIENTIFIC EXPERIMENTATION/ANIMALS AS PRIZES; PROVIDING FOR INJURED ANIMALS, ACTION REQUIRED; PROVIDING FOR KEEPING/ADOPTING STRAY ANIMALS; PROVIDING FOR ANIMAL WASTE; AMENDING SECTION 4-10 RABIES VACCINATIONS; AMENDING SECTION 4-11 DOG AND CAT RABIES/LICENSE TAGS; PROVIDING FOR REDEMPTION AND ADOPTION; PROVIDING FOR ADOPTION FEES AND STERILIZATION REQUIREMENTS FOR DOGS AND CATS; PROVIDING FOR RECORDS; PROVIDING FOR HUMANE EDUCATION; PROVIDING FOR ANIMAL BITES AND QUARANTINING; RABIES CONTROL; PROVIDING FOR GUARD DOGS; PROVIDING FOR EVICTIONS, INCARCERATIONS, COMMUNITY SERVICE ADJUDICATIONS, AND OTHER INVOLUNTARY OCCURRENCES; EFFECT ON ANIMALS; PROVIDING FOR DISPOSAL OF BODIES OF DEAD ANIMALS; PROVIDING FOR LIVESTOCK; PROVIDING FOR NUMBER OF ANIMALS; ACREAGE RESTRICTIONS/EXCESS ANIMAL HABITAT; PROVIDING FOR KENNEL, EXCESS ANIMAL HABITAT, COMMERCIAL BREEDER, PET DEALER, PET SHOP, GROOMING PARLOR, AND COMMERCIAL STABLE PERMIT; PROVIDING FOR ANIMAL CARE; MANNER OF KEEPING; PROVIDING FOR DOGS AND CATS OFFERED FOR SALE; HEALTH REQUIREMENTS; PROVIDING FOR ANIMAL AGENCIES; PROVIDING FOR AGGRESSIVE DOGS AND DANGEROUS DOGS; PROVIDING FOR STERILIZATION PROGRAM FOR DOGS AND CATS, PROVIDING FOR HOBBY BREEDER PERMITS; PROVIDING FOR SPECIAL MASTER HEARINGS; PROVIDING FOR INTERFERENCE WITH ENFORCEMENT; PROVIDING FOR ENFORCEMENT; PENALTIES; PROVIDING FOR FIRST OFFENDERS COURSE; PROVIDING FOR COMMUNITY CATS; PROVIDING FOR ELECTRONIC ANIMAL IDENTIFICATION DEVICE IMPLANTATION (EAID) FOR ALL CATS; PROVIDING FOR INCORPORATION OF STATE STATUTES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachment 4

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

Florida Statute Ch 125 authorizes Counties to adopt ordinances and resolutions necessary for the exercise of its powers, and Ch 828 authorizes Counties to regulate and investigate “Animals: Cruelty; Sales; Animal Enterprise Protection”. The Licensing and Enforcement section of the Animal Care and Control Division regulates commercial and hobby breeders, commercial stables, mobile and stationary groomers, commercial kennels, and pet shops. The only permit fee that we are requesting an increase on is the hobby breeders, and it is proposed to go from \$150 to \$400 per year to partially cover the increased staffing costs to administer this program. Annual cost to administer Hobby Breeder program is currently approximately \$66,000. The proposed change to the Livestock section will require signs to be posted on vacant land housing livestock, with a proposed estimated cost of \$20 per sign with an estimated two signs per property. These signs will assist officers in contacting the owners of livestock found loose and allow for prompt return to the owners without the animals having to be housed at the shelter, thus reducing costs both for the owner and the County.

Section 828.27, Fla. Stat., authorizes the County to impose civil penalties in the amount of \$2,500 for a first violation, \$5,000 for a second violation, and \$7,500 for a third or subsequent violation. The proposed Ordinance allows the County to impose fines up to the maximum amount provided by statute to deter violations and encourage compliance. A proposed Fee/Fine Resolution will be brought to the BCC on September 15, 2026, which will provide for contested and uncontested fines for specific offences and fees to be charged by the Division for services rendered.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. Estimate of Direct Business Compliance Costs: \$20,360 on the assumption that 10% of the 5,085 agricultural parcels in Palm Beach County are vacant and housing livestock, and that each parcel has two entry/exit points that would need signage. It is estimated that the signs will cost a livestock owner \$40 per parcel.
- b. New Charges/Fees on Businesses Impacted: \$400 for each hobby breeder from the current \$150 per hobby breeder
- c. Estimate of Regulatory Costs: None. Although higher fines are being introduced by this Ordinance, all fines are avoidable if the Ordinance is complied with.

Good Faith Estimate of Number of Businesses Likely Impacted: 135 Hobby Breeders and 509 livestock owners.

Any Additional Information: Fees for the Hobby Breeder permit have not been increased since 2015, while staffing costs to maintain this program have gone up by over 60%.

Recent fee resolution changes by Broward County in 2025 increased their breeder permit to \$500 per year.