



Interoffice Memorandum

AGENDA ITEM

April 23, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Yolanda G. Martinez, EdPhD., PhD., Director
Health Services Department 

SUBJECT: Retail Pet Stores in Orange County
Work Session – May 11, 2021

On May 11, 2021, the Board will hold a work session addressing retail pet stores in Orange County. Several counties and municipalities have adopted ordinances prohibiting the sale of dogs and cats. The policy approach is aimed at reducing the demand for dogs and cats sourced from commercial breeders.

Staff will provide a presentation covering an overview of current ordinances adopted by counties in the state and present two draft ordinances, one requiring a full ban of retail sales of dogs and cats, and one grandfathering existing pet stores.

The purpose of the presentation is to seek Board direction on which ordinance they want developed and brought back for public hearing.

YGM/sb

Attachments

Cc: Danny Banks, Deputy County Administrator
John Goodrich, Deputy Director, Health Services Department
Diane Summers, Manager, Animal Services Division

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ORDINANCE NO. 2021-

**AN ORDINANCE RELATING TO ANIMAL SERVICES IN
ORANGE COUNTY, FLORIDA; ENACTING SECTION 5-53
OF THE ORANGE COUNTY CODE OF ORDINANCES
ENTITLED "RETAIL SALE OF DOGS AND CATS"; AND
PROVIDING AN EFFECTIVE DATE.**

10 **WHEREAS**, Article VIII, section (1)(f) of the Florida Constitution and chapter 125,
Florida Statutes, grant the Orange County Board of County Commissioners ("BCC") broad home
rule authority to adopt ordinances to provide for the common good; and

12 **WHEREAS**, section 828.27, Florida Statutes authorizes a county to enact an ordinance
related to animal control or cruelty; and

14 **WHEREAS**, there has been growing concern throughout Florida and the country involving
the sale of dogs and cats from pet stores; and

16 **WHEREAS**, most dogs and cats sold in pet stores come from large-scale, commercial
breeding facilities where the health and welfare of the animals is disregarded in order to maximize
18 profits; and

20 **WHEREAS**, Current federal and state regulations do not adequately address the animal
welfare and consumer protection problems that the sale of dogs and cats in pet stores pose; and

22 **WHEREAS**, the BCC deems the prohibition of the retail sale of dogs and cats in Orange
County to be in the best interest of the health, safety and welfare of its residents and citizens and
the public at large.

24 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
COUNTY, FLORIDA:

26 ***Section 1: Enactment of New Section 5-53, Retail Sale of Dogs and Cats.*** New Section
5-53 is hereby enacted to read as follows:

28 CHAPTER 5. ANIMALS

30 Article II. ANIMAL SERVICES

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Sec. 5-53. – Retail Sale of Dogs and Cats by Pet Stores

(a) Definitions. When used in this section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

1. *Animal Rescue Organization* shall mean a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs or cats into permanent homes and that does not breed animals nor obtain animals in exchange for payment or compensation from any person that breeds or brokers animals.
2. *Animal Shelter* shall mean the local animal control authority, public animal shelter, or private animal shelter maintained by or under contract with the county or municipality, devoted to the rescue, care, and adoption of stray or abandoned or unwanted animals; or any brick and mortar animal shelter whose primary mission is to find permanent homes or recues for sterilized, unwanted and homeless pets.
3. *Cat* means any member of the species *Catus felis*.
4. *Certificate of source* means a document which includes the following information about the dog or cat involved in any retail sale:
 - a. The name address, telephone number and email address of any breeder, wholesaler, and transporter;
 - b. breed;
 - c. color;
 - d. age

e. approximate weight; and

56 f. signatures of the breeder, wholesaler and transporter.

58 5. *Dog* means any member of the species *Canis Lupus Familiaris*, or any genetic hybridization thereof, not under the jurisdiction of the Fish and Wildlife Conservation Commission.

60 6. *Pet store* means a retail establishment where animals are kept, sold or offered for sale on the premises. An animal shelter or animal rescue organization shall not be considered a pet store for the purposes of this Section.

64 7. *Retail sale* shall mean to sell (whether or not consideration for the animal, and/or animal services takes place at the same time and/or location), offer for sale, auction, barter, display for sale, adopt, rehome, exchange (for compensation or otherwise), give away, trade, deliver, lease, rent, include as part of a package deal, advertise to do any of the aforementioned, or otherwise dispose of dogs and/or cats to a person/s in a pet store or in association with a pet store.

72 (b) *Sale of Dogs or Cats Prohibited*. It shall be a violation of this section for a pet store to engage in the retail sale of a dog or cat.

74 (c) *Adoptions*. Nothing in this section shall prevent a pet store from providing space and appropriate shelter, food or care for animals owned by any animal rescue organization or animal shelter as defined in subsection (a) to display dogs or cats for adoption.

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78 1. A pet store that provides space for the adoption of cats or dogs shall post,
in a conspicuous location on the cage or enclosure of each such animal, a
80 sign stating the name of the animal rescue organization or animal shelter
which owns the dog or cat offered for adoption.

82 2. The pet store may collect an adoption fee to be turned over to the animal
rescue organization or animal shelter.

84 3. It shall be a violation of this section for a pet store to have any ownership
interest in any dogs or cats displayed for adoption.

(d) *Amortization period.* Any existing pet store that is lawfully operating on or
86 before (insert BCC hearing date) shall be permitted to continue the retail sale
of dogs or cats until (one year from BCC hearing date).

88 1. As a condition of continued operation during the amortization period, a
pet store shall not increase or enlarge its floor space.

90 2. An existing pet store shall provide proof of its retail sales existing as of
(date of BCC hearing) to the Division manager through sales receipts,
92 franchise agreements, leases or other documentation readily
authenticated as true and accurate documents. Proof of its retail sales
94 existing as (date of BCC hearing) shall be provided to the Division
Manager within thirty (30) days of (BCC hearing date). Failure to
96 provide required documentation will result in the loss of nonconforming
status.

98 3. Any existing pet store that voluntarily abandons the retail sale for a
period of more than thirty (30) days, or ceases retail sale as a result of
100 destruction by fire or other peril shall lose its nonconforming status.

102 4. Certificate of Source. During the amortization period, a pet store shall
post and maintain in a conspicuous place, a certificate of source of each
dog or cat offered for sale or transfer and shall provide a copy of such
104 certificate to the purchaser or transferee of any dog or cat sold or
transferred. The failure to maintain complete records on each dog and
106 cat as required by this section shall constitute a separate violation as to
each record missing or incomplete. Falsification of records by
108 grandfathered pet stores is hereby deemed unlawful and subject to the
penalties under this section.

110 (e) *Applicability.* All provisions of this Ordinance shall be applicable throughout
the incorporated and unincorporated areas of Orange County.

112 (f) *Enforcement.* Provisions of this section may be enforced by any person having
the authority to enforce county ordinances. Any pet store found to be in
114 violation of the provisions of this section may be subject to any applicable
enforcement mechanism available to Orange County, including but not limited
116 to prosecution in the same manner as a misdemeanor as provided in Section
125.69, Florida Statutes. It shall be a violation of this section to fail to comply
118 with any of the requirements or restrictions contained in this section.

(g) *Penalties.* Each dog or cat sold or offered for sale made in violation of this section shall constitute a separate violation. Each day a pet store is in violation of this section shall constitute a separate offense.

- a. Consistent with Florida Law, any violation of this Ordinance is a civil infraction punishable by a maximum civil penalty not to exceed \$500.00. A violation of this section shall be classified as a Category II offense as described in this Article. The amount of any penalties shall be established in the Animal Services Resolution.
- b. The county may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this section.
- c. Imposition of a penalty for a violation does not excuse the violation nor does it imply permission for the violation to continue. All pet shops found to be in violation will be required to correct or remedy such violation immediately.

Section 2. Effective Date. This ordinance shall take effect upon its passage and as provided by law.

ADOPTED this ___ Day of _____ 2021.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Jerry L. Demings
Orange County Mayor

DATE: _____

148 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

150 By: _____
Deputy Clerk

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ORDINANCE NO. 2021-

4 AN ORDINANCE RELATING TO ANIMAL SERVICES IN
6 OF THE ORANGE COUNTY CODE OF ORDINANCES
8 ENTITLED "RETAIL SALE OF DOGS AND CATS"; AND
PROVIDING AN EFFECTIVE DATE.

10 WHEREAS, Article VIII, section (1)(f) of the Florida Constitution and chapter 125,
12 Florida Statutes, grant the Orange County Board of County Commissioners ("BCC") broad home
rule authority to adopt ordinances to provide for the common good; and

14 WHEREAS, section 828.27, Florida Statutes authorizes a county to enact an ordinance
related to animal control or cruelty; and

16 WHEREAS, there has been growing concern throughout Florida and the country involving
the sale of dogs and cats from pet stores; and

18 WHEREAS, most dogs and cats sold in pet stores come from large-scale, commercial
breeding facilities where the health and welfare of the animals is disregarded in order to maximize
profits; and

20 WHEREAS, Current federal and state regulations do not adequately address the animal
welfare and consumer protection problems that the sale of dogs and cats in pet stores pose; and

22 WHEREAS, prohibiting new pet stores from operating while placing additional
24 requirements on existing pet stores will promote and protect the general health, safety and welfare
of the community, and protect consumers.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE
26 COUNTY, FLORIDA:

Section 1: Enactment of New Section 5-53, Retail Sale of Dogs and Cats by Pet Stores.

28 New Section 5-53 Orange County Code, is hereby enacted to read as follows:

CHAPTER 5. ANIMALS

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Article II. ANIMAL SERVICES

Sec. 5-53. – Retail Sale of Dogs and Cats by Pet Stores

34 (a) *Definitions.* When used in this section, the following terms shall have the
following meanings unless the context clearly indicates otherwise:

36 1. *Adoption fee* shall mean remuneration to recover the costs of feeding,
sheltering, and providing care for a dog or cat without profit.

38 2. *Animal rescue organization* shall mean a not-for-profit organization that has
tax-exempt status under Section 501(c)(3) of the United States Internal
40 Revenue Code, whose mission and practice is, in whole or in significant
part, the rescue and placement of dogs or cats into permanent homes and
42 that does not breed animals nor obtain animals in exchange for payment or
compensation from any person that breeds or brokers animals.

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

50 4. *Cat* shall mean any member of the species *Catus felis*.

52 5. *Certificate of source* shall mean a document which includes the following
information about the dog or cat involved in any retail sale:

a. The name address, telephone number and email address of any
54 breeder, wholesaler, and transporter;

- b. breed;
- c. color;
- d. age
- e. approximate weight; and
- f. signatures of the breeder, wholesaler and transporter.

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6. *Dog* shall mean any member of the species *Canis Lupus Familiaris*, or any genetic hybridization thereof, not under the jurisdiction of the Fish and Wildlife Conservation Commission.
7. *Existing pet store* shall mean a lawfully operating pet store in existence, on or before the effective date of this ordinance.
8. *Grandfathered pet store* shall mean an existing pet store that is registered with the Division and therefore is permitted to continue the retail sale of dogs and/cats in accordance with the rules set forth in this section.
9. *Pet store* shall mean a retail establishment where animals are kept, sold or offered for sale on the premises. An animal shelter or animal rescue organization shall not be considered a pet store for the purposes of this section.
10. *Retail sale* shall mean to sell (whether or not consideration for the animal, and/or animal services takes place at the same time and/or location), offer for sale, auction, barter, display for sale, adopt, rehome, exchange (for compensation or otherwise), give away, trade, deliver, lease, rent, include as part of a package deal, advertise to do any of the aforementioned, or

78 otherwise dispose of dogs and/or cats to a person/s in a pet store or in
association with a pet store.

80 (b) *Sale of Dogs or Cats Prohibited.* It shall be a violation of this section for a pet
store to engage in the retail sale of a dog or cat.

82 (c) *Adoptions.* Nothing in this section shall prevent a pet store from providing space
and appropriate shelter, food or care for animals owned by any animal rescue
84 organization or animal shelter as defined in subsection (a) to display dogs or
cats for adoption.

86 1. A pet store that provides space for the adoption of cats or dogs shall post,
in a conspicuous location on the cage or enclosure of each such animal, a
sign stating the name of the animal rescue organization or animal shelter
88 which owns the dog or cat offered for adoption.

90 2. The pet store may collect an adoption fee to be turned over to the animal
rescue organization or animal shelter.

92 3. It shall be a violation of this section for a pet store to have any ownership
interest in any dog or cat displayed for adoption.

94 (d) *Grandfathered Pet Stores.* It shall be a violation of this section for a pet store
that does not have the grandfather privilege to engage in the retail sale of a dog
or cat. Existing pet stores shall be permitted to continue the retail sale of dogs
96 and/or cats in Orange County, provided that the store is registered with the
Division as a grandfathered pet store and is at all times in full compliance with
98 any and all existing and future retail sale regulations adopted by the county for

pet stores and provided they are in compliance with the applicable provisions
of this section and the additional restrictions set forth below.

1. Existing pet stores shall be required to register for the grandfather
privilege, by complying with the registration requirements set forth by
the Division, within thirty (30) days of the effective date of this section.

a. An existing pet store shall provide proof of its retail sales
existing as of (date of BCC hearing) to the Division through
sales receipts, franchise agreements, leases or other
documentation readily authenticated as true and accurate
documents. Proof of its retail sales existing as (date of BCC
hearing) shall be provided to the Division Manager within
thirty (30) days of (BCC hearing date).

b. At the time of registration, existing pet stores shall inform the
Division of all dogs and/or cats that are available for retail sale
and were acquired, before the effective date of the ordinance,
from breeders who do not meet the buying standards below.
Those dogs and/or cats may be sold by the existing pet store,
however, after the effective date of this section, all dogs and/or
cats that will be available for retail sale by the existing pet store
must be acquired from breeders who meet the buying
standards.

120 c. An owner of a grandfathered store who opens additional
121 locations after the adoption of this Ordinance shall not be
122 entitled to the grandfathered privilege for those stores.

123 2. Grandfathered pet stores shall only purchase dogs and/or cats that are
124 intended to be sold to potential purchasers from breeders:

- 125 a. Approved and licensed by the USDA; and
- 126 b. That have not received any direct violations from the USDA in
127 the past five (5) years; and
- 128 c. That have not received any state law violations, such as those set
129 forth in Section 828.29, Florida Statutes, pertaining to
130 vaccinations and veterinarian inspection certificates, in the past
131 five (5) years.

132 3. Grandfathered pet stores shall have the following information readily
133 available for all potential purchasers, the Division and the State:

- 134 a. The name of the United States Department of Agriculture
135 (USDA) breeding facility where the dog or cat was bred; and
- 136 b. The license number of the USDA breeding facility; and
- 137 c. The city and state of the dog or cat breeding origin;
- 138 d. Specific contact information for the breeder of the dog or cat
139 shall be made available by the pet store to its potential
140 purchasers and is required to be provided to the Division.
- 141 e. A sign, with lettering at least three inches tall, shall be placed in
142 clear view at all points of sale inside the grandfathered pet store,

stating the information required above is available for review by
all potential purchasers, the Division, and the state upon request.

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4. Grandfathered pet stores shall be inspected by the Division on an
annual basis to ensure compliance with this section and any other
applicable provisions of this Article.

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5. 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.

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6. A sign, with lettering at least three inches tall, shall be placed in clear
view at all points of sale inside the grandfathered pet store, stating that
any complaints regarding the illness or death of a dog or cat, sold or
offered for sale by the pet store, may be reported to the Orange County
Animal Services Division. The sign shall include the appropriate
Division phone number and website.

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7. Before a dog or cat is offered for sale, the following medical standards
shall be met:

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a. Prior to the sale of any dog, a veterinarian shall provide the
below vaccines and anthelmintics against the following
diseases and internal parasites:

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i. Canine distemper

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ii. Leptospirosis

iii. Bordetella

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- iv. Parainfluenza
 - v. Hepatitis
 - vi. Canine parvovirus
 - vii. Rabies, if the dog is four (4) months of age or older and the inoculation is administered by a veterinarian.
 - viii. Roundworm
 - ix. Hookworm
- b. Each dog over six (6) months of age shall be tested for heartworm disease before being offered for sale.
- c. Before a cat is offered for sale, a veterinarian shall provide the below and anthelmintics against the following diseases and internal parasites:
- i. Panleukopenia
 - ii. Feline viral rhinotracheitis
 - iii. Calici virus
 - iv. Rabies, if the cat is four (4) months of age or older and the inoculation is administered by a veterinarian.
 - v. Hookworm
 - vi. Roundworm
- d. Each cat over eight (8) weeks of age shall also be tested for feline leukemia virus and feline immunodeficiency virus before being offered for sale.
- e. The tests, vaccines and anthelmintics required by this section shall be administered prior to the dog or cat is offered for sale, unless a veterinarian certifies on the official certification of

192 veterinary inspection that to vaccinate or deworm the dog or
194 cat is not in the best medical interest of the dog or cat. If the
veterinarian makes the required certification, the vaccine or
anthelmintic may not be administered to that particular dog or
cat.

196 f. Each dog and cat in the possession of a grandfathered pet store
shall be re-examined by a veterinarian a minimum of once
198 every thirty (30) days.

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

206 h. Each dog or cat shall be accompanied by an original current
official certificate of veterinary inspection with the
208 corresponding microchip identification for that animal at all
times while being offered for sale. The buyer shall receive the
210 original certificate. Copies of these certificates shall be held by
the grandfathered pet store and the veterinarian for a period of
212 three (3) years.

214 i. The examination of each dog and cat by a veterinarian shall
take place no more than thirty (30) days before the sale.

216 8. Each dog or cat sold by grandfathered pet stores shall have a microchip
implanted prior to sale.

218 a. The grandfathered pet store shall register the microchip with
the national registry associated with the microchip and shall
220 provide the microchip number and other identifying
information to the Division upon request.

222 b. No dog or cat need be microchipped if a licensed veterinarian,
exercising appropriate professional judgement, certifies in
writing and under oath that an animal is medically unfit for the
224 microchipping procedure because of a physical condition
which would be substantially aggravated by such procedure or
226 would likely cause the animal's death.

228 9. Grandfathered pet stores shall comply with the following record
requirements:

230 a. The pet store shall maintain records containing the following
information for each dog or cat offered for sale:

232 i. Health certificate from a Florida licensed veterinarian;
and

ii. Microchip information; and

234 iii. Sourcing and purchase information.

- 236 b. Records for each dog and/ or cat that are present in the pet
store shall be maintained, in hard copy, for immediate
inspection by potential purchasers and/or the Division.
- 238 c. A grandfathered pet store shall maintain a record of the date of
240 death and known or suspected cause of death for any dog or cat
that dies while in the possession of the grandfathered pet store.
Any dog or cat that dies while being treated by a veterinarian
242 or person at the request of the pet store, shall be considered in
the possession of the pet store at the time of death.
- 244 i. The veterinarian shall specify the date of and known or
suspected cause of death on the dog, or cat's medical
246 records.
- ii. The pet store shall maintain a copy of such record for a
248 period of two (2) years from the date of the dog or cat's
death.
- 250 d. The failure to maintain complete records on each dog and cat as
required by this section shall constitute a separate violation as to
252 each record missing or incomplete.
- e. Falsification of records by grandfathered pet stores is hereby
254 deemed unlawful and subject to the penalties under this section.

10. The occurrence of any of the following shall be reported to the
256 Division:

258 a. The death of a dog or cat in the possession of the grandfathered
pet store. Within fifteen (15) days following the death of the
260 dog or cat, the pet store shall provide the Division with records
reflecting the date and cause death of the dog or cat.

262 b. A dog testing positive for parvovirus. Any pet store
that becomes aware of a dog testing positive for parvovirus
either in the store setting or within seven (7) days following
264 purchase, shall notify the Division within forty-eight (48) hours
of notification of the test result. If the dog had contact with
266 other dogs in the store within the fourteen (14) days leading up
to the positive parvovirus test result, the pet store shall contact
268 the purchasers of any other dogs that may be exposed.

270 11. A grandfathered pet store shall lose their grandfathered status if any of
the following occur:

272 a. The sale, transfer, or assignment of the grandfathered pet store.
b. An owner of a grandfathered pet store allows any of their
274 federal, state, and/or local occupational business licenses, or
other requirement/s related to the operation of their business, to
276 lapse, making them legally ineligible to operate their business,
or voluntarily abandons their respective retail sale business
278 model, for a period of more than thirty (30) days.
c. An owner of a grandfathered pet store who has any final
280 determination or adjudication of one or more violations of any

282 federal or state administrative rule, regulation, or statute
administered or enforced by the United States Department of
284 Agriculture (USDA), the Florida Department of Agriculture and
Consumer Services, or any other county or state agency with
jurisdiction, whether administrative, civil, or criminal,
286 including, but not limited to, any consent decree, final agency
order, court order, verdict, plea of guilty or plea of nolo
288 contendere.

d. A grandfathered pet store that voluntarily abandons the retail
290 sale for a period of more than thirty (30) days, or ceases retail
sale as a result of destruction by fire or other peril.

292 (e) *Applicability.* All provisions of this Ordinance shall be applicable throughout
the incorporated and unincorporated areas of Orange County.

294 (f) *Enforcement.* Provisions of this section may be enforced by any person having
the authority to enforce county ordinances. Any pet store found to be in
296 violation of the provisions of this section may be subject to any applicable
enforcement mechanism available to Orange County, including but not limited
298 to prosecution in the same manner as a misdemeanor as provided in section
125.69, Florida Statutes. It shall be a violation of this section to fail to comply
300 with any of the requirements or restrictions contained herein.

(g) *Penalties.* Each dog or cat sold or offered for sale cat made in violation of this
302 section shall constitute a separate violation. Each day of a continuing violation
shall constitute a separate and distinct violation.

- 304 a. Consistent with Florida Law, any violation of this Ordinance is a civil
infraction punishable by a maximum civil penalty not to exceed
306 \$500.00. A violation of this section shall be classified as a Category II
offense as described in this Article. The amount of any penalties shall
308 be established in the Animal Services Resolution.
- b. A grandfathered pet store that commits a third offense, as described in
310 this Article, shall lose their grandfathered status.
- c. Nothing contained herein shall prevent the County from taking such
312 other lawful action in law and equity as may be necessary to remedy
any violation of, or refusal to comply with, any part of this Ordinance,
314 including, but not limited to, pursuit of injunctive and/or declaratory
relief and/or enjoinder, or other equitable relief in a court of
316 competent jurisdiction, or initiating an action to recover any and all
damages that may result from a violation of, or refusal to comply with,
318 any part of this Ordinance.
- d. Imposition of a penalty for a violation does not excuse the violation nor
320 does it imply permission for the violation to continue. All pet stores
found to be in violation will be required to correct or remedy such
322 violation immediately.

324 ***Section 2. Effective Date.*** This ordinance shall take effect upon its passage and as
provided by law.

326 **ADOPTED this ___ Day of _____ 2021.**

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____

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Jerry L. Demings
Orange County Mayor

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DATE: _____

336 ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
Deputy Clerk

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