

BCC Mtg. Date: June 22, 2021

EFFECTIVE DATE: June 24, 2021

**ORDINANCE NO. 2021-27**

**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, CATS, RABBITS BY  
PET STORES PROHIBITED”; AND PROVIDING AN  
EFFECTIVE DATE.**

**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

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

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

**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

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

**WHEREAS**, the BCC deems the prohibition of the retail sale of dogs, cats, and rabbits 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.

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

***Section 1: Enactment of New Section 5-53, Retail Sale of Dogs, Cats, Rabbits by Pet  
Stores Prohibited.*** New Section 5-53 is hereby enacted to read as follows:

**CHAPTER 5. ANIMALS**

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**Article II. ANIMAL SERVICES**

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**Sec. 5-53. – Retail Sale of Dogs, Cats, Rabbits by Pet Stores Prohibited**

(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 *Felis Catus*.

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

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.

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.

7. *Rabbit* means any member of the species *Oryctolagus Cuniculus*.

8. *Retail sale* shall mean to sell (whether or not consideration for the animal, and/or animal services is exchanged at the same time and/or location), offer for sale, auction, barter, display for sale, 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.

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

(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, cats, and/or rabbits for adoption.

1. A pet store that provides space for the adoption dogs, cats, and/or rabbits 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 which owns the dog, cat, and/ or rabbit offered for adoption.

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

(d) *Amortization period*. Any existing pet store that is lawfully operating on or before June 22, 2021, shall be permitted to continue the retail sale of dogs, cats, and/or rabbits until June 22, 2022.

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

2. An existing pet store shall provide proof of its retail sales existing as of June 22, 2021 to the Division manager through sales receipts, franchise agreements, leases or other documentation readily authenticated as true and accurate documents. Proof of its retail sales existing as June 22, 2021 shall be provided to the Division Manager within thirty (30) days after June 22, 2021. Failure to provide required documentation will result in the loss of nonconforming status.

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 destruction by fire or other peril shall lose its nonconforming status.

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, cat, or rabbit offered for sale or transfer and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat sold or transferred. The failure to maintain complete records on each dog, cat, or rabbit as required by this section shall constitute a separate violation as to each record missing or incomplete. Falsification of records by pet stores is hereby deemed unlawful and subject to the penalties under this section.

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

(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 violation of the provisions of this section may be subject to any applicable enforcement mechanism available to Orange County, including but not limited 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 with any of the requirements or restrictions contained in this section.

(g) *Penalties.* Each dog, cat, or rabbit 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 22<sup>nd</sup> day of June, 2021.**



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Jerry L. Demings*  
for Jerry L. Demings  
Orange County Mayor

DATE: June 28, 2021

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

By: *Katie Smith*  
Deputy Clerk