

ORDINANCE NO. 20____ - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 4 OF THE PALM BEACH COUNTY CODE (ORDINANCE 98-22, AS AMENDED BY ORDINANCE NO. 2003-27 AND ORDINANCE 2005-44) PERTAINING TO ANIMAL CARE AND CONTROL; AMENDING SECTION 4-2 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); AMENDING SECTION 4-10 OF THE PALM BEACH COUNTY CODE (RABIES VACCINATIONS); AMENDING SECTION 4-11 OF THE PALM BEACH COUNTY CODE (DOG AND CAT RABIES/LICENSE TAGS); AMENDING SECTION 4-26 OF THE PALM BEACH COUNTY CODE (ANIMAL AGENICES); PROVIDING FOR MANDATORY SPAY AND NEUTER PROGRAM FOR DOGS AND CATS; PROVIDING FOR HOBBY BREEDER PERMITS; 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 CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature in Chapter 69-1432, Laws of Florida, granted to Palm Beach County the responsibility for animal control in Palm Beach County; and

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to adopt ordinances to protect the health, safety, and welfare of the citizens and animals of Palm Beach County; and

WHEREAS, pursuant to its authority, the Board of County Commissioners has enacted Palm Beach County Animal Care and Control Ordinance 98-22, as amended; and

WHEREAS, the Board of County Commissioners has determined that the 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; and

WHEREAS, in the year 2007, the Palm Beach County Division of Animal Care and Control sheltered nearly 28,000 animals and euthanized 18,248 animals, most of which were adoptable but were not adopted; and

WHEREAS, the Board of County Commissioners of Palm Beach County hereby declares it to be the public policy of Palm Beach County that every feasible means of reducing the number of unwanted dogs, cats, puppies, and kittens be encouraged; and

1 **WHEREAS**, it is now necessary to amend the Palm Beach County Animal Care and
2 Control Ordinance in order to implement a comprehensive licensing and permitting program
3 designed to reduce pet overpopulation and to amend the sections pertaining to rabies
4 vaccinations, rabies/license tags, redemption and adoption, and animal agencies.

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

7 **Part 1.** Chapter 4, Section 2 of the Palm Beach County Code entitled *Definitions* is
8 hereby amended by adding the following definitions and amending the existing definitions as
9 follows:

10 *Adult dog* or cat shall mean any dog or cat that is six (6) ~~four (4)~~ months of age or older
11 for the purpose of the rabies vaccinations/tags

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

13 *Animal* shall mean any living vertebrate other than human beings. ~~every living dumb~~
14 ~~creature both domestic and wild.~~

15 *Advertising* shall mean any statement (excluding real property leasehold arrangements)
16 made in connection with the solicitation of an animal service, animal business, and/or the sale
17 of an animal and includes without limitation, statements and representations made in a
18 newspaper or other publication, on radio or television, or contained in any notice, handbill,
19 business card, sign, catalog, billboard, brochure, poster or letter.

20 *Breeding* shall mean sexual intercourse or artificial insemination, the result of which
21 may be offspring.

22 *Commercial breeder* shall mean any place of business at which dogs or cats are kept for
23 sale, breeding, boarding or training ~~or any person who engages in the breeding of more than~~
24 two litters, or 20 dogs or cats, per year, whichever is greater, whether or not such animals are
25 made available for sale, adoption or other placement.

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

28 *Guide dog or service animal* shall mean: any guide dog, signal dog, or other animal
29 individually trained and being utilized to do work or perform tasks for the benefit of an
30 individual with a disability, including but not limited to guiding an individual with impaired
31 vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal
32 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).

Harborer “or” caregiver shall mean any person who ~~or entity, that provides which performs acts of providing~~ care, shelter, protection, ~~restraint,~~ refuge, food or nourishment to an animal, ~~in such a manner as to control an animal's activities.~~

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 or the sale of no more than two (2) litters of or nineteen (19) dogs or cats during a consecutive twelve month period, whether or not such animals are made available for sale, adoption, or other placement. .

~~breeds and/or raises , on his/her property, purebred dogs or cats capable of registration with a national or international dog or cat registry. Individuals must demonstrate commitment to responsible animal husbandry practices, refrain from the purposeful breeding of animals with genetic faults, and demonstrate knowledge of the species of animal they own and/or breed.~~

~~(1) Such commitment must include:~~

~~a. Agreement to take back at any time for any reason, any animal which he/she has either bred, sold or placed.~~

~~b. Agreement to spay and neuter prior to sale, or sell with a written spay/neuter agreement, those animals deemed by the breeder to be genetically unsuitable for breeding purposes.~~

~~c. Agreement to provide with each animal sold an official certificate of veterinary inspection as required by Florida Statutes, Ch. 828. Such certificate will also include verification of all required age appropriate vaccines and anthelmintics.~~

~~d. No convictions for animal cruelty or animal fighting under Florida Statutes, Ch. 828.~~

~~(2) Such commitment may also include:~~

~~a. Verifiable current membership in a local, regional or national animal club.~~

~~b. Verifiable participation in a minimum of five (5) animal performance events per calendar year, sponsored by an animal club or a national or international registry organization.~~

~~c. Verifiable assistance with the division as breed representatives. Such assistance may include:~~

~~1. Assistance in the rescue and/or placement of purebred dogs or cats which have come under the custody of the division.~~

~~2. Assistance in the identification of purebred dogs or cats that have come under the custody of the division, or assistance in the education of division personnel in breed recognition.~~

1 ~~The hobby breeder shall not engage in the sale to the public, during a consecutive twelve-~~
2 ~~month period, of more than two (2) litters or twenty (20) dogs or cats, whichever is greater, and~~
3 ~~will not be included in the definition of a kennel/cattery or pet shop. Any person who breeds~~
4 ~~and/or raises on his/her property during a consecutive twelve month period more than two (2)~~
5 ~~litters or twenty (20) dogs or cats, whichever is greater, and engages in the sale of such animals,~~
6 ~~will be included in the definition of a kennel/cattery and bound by the sections of this chapter~~
7 ~~pertaining thereto.~~

8 *Kennel/cattery* shall mean any place of business at which dogs or cats are kept for sale,
9 breeding, boarding or training or any person who engages in the breeding of more than two
10 litters, or 20 dogs or cats, per year, whichever is greater, whether or not such animals are made
11 available for sale, adoption or other placement.

12 *Owner* shall mean any person, firm, corporation, organization ~~who owns keeps, harbors~~
13 ~~or controls an animal and includes a harborer/caregiver~~ humane society, public or private
14 nonprofit organization, harborer, or caregiver who owns, keeps, harbors, possesses, or has
15 control or custody of an animal. If the person purporting to own an animal is a minor as defined
16 by the Florida Statutes, the minor's parent(s) or legal guardian shall be deemed the owner of
17 such animal for the purposes of this Ordinance.

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

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

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

27 *Unaltered* shall mean an animal that has not been spayed or neutered.

28
29 **Part 2.** Chapter 4, Section 10 of the Palm Beach County Code entitled *Rabies Vaccinations* is
30 hereby amended as follows:

31 (a) Every person who is the owner of any dog or cat shall have such animal vaccinated against
32 rabies with a vaccine approved by the United States Department of Agriculture by ~~three (3)~~

~~months of age, but no later than four (4)~~ six (6) months of age. 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.

Part 3. Chapter 4, Section 11 of the Palm Beach County Code entitled *Dog and Cat Rabies/License Tag* is hereby amended as follows:

(a) *Adult dogs and cats.*

(6) Every person who owns an adult 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 ~~the a~~ dog or cat becomes is six (6) months of age; ~~or Within thirty (30) calendar days after becoming an adult; or~~

~~b. Within thirty (30) calendar days after a juvenile tag expires; or~~

~~b. e. Within thirty (30) calendar days of acquiring a dog or cat; or~~

~~c. d. Within thirty (30) calendar days after a dog or cat enters entering the jurisdiction covered by this Ordinance. of this chapter.~~

~~(b) Juvenile dogs and cats.—~~

~~(1) Every person or entity that is the owner of a juvenile dog or cat shall secure a juvenile license tag from the division, an authorized veterinarian/clinic or an authorized representative. The division shall provide suitable juvenile tags for sale through an authorized veterinarian/clinic or authorized representatives.~~

~~(2) Every person or entity that obtains a juvenile license tag shall have the dog or cat vaccinated against rabies by three (3) months of age, but no later than four (4) months of age. The juvenile tag shall expire fourteen (14) months from the date of issuance if the owner obtains a rabies vaccination before the animal becomes an adult. Failure to obtain a rabies vaccination before four (4) months of age will void the juvenile tag after the dog or cat is an adult. In such cases, the owner must obtain an adult license. After the fourteen month period, all owners of dogs and cats with juvenile license tags must comply with the adult license tag requirements.~~

~~(3) No person shall be issued a juvenile tag for any animal over four (4) months of age.~~

1 ~~(4) Failure to secure and purchase a new adult tag within thirty (30) calendar days after the~~
2 ~~juvenile tag expires will result in a late penalty. The board is hereby authorized to establish by~~
3 ~~resolution the cost for the late penalty.~~

4 ~~(5) All authorized veterinarians/clinics and authorized representatives shall have county~~
5 ~~juvenile license tags available for purchase by dog and cat owners or their agents.~~

6 ***

7 (e) *General license tag requirements for adult ~~and juvenile~~ dogs and cats.*

8 ***

9 (2) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be
10 reported in writing to the Division by the original ~~or~~ and new owner within thirty (30) calendar
11 days after ownership changes.

12
13 **Part 4.** Chapter 4, Section 12 of the Palm Beach County Code entitled *Redemption and*
14 *adoption* is hereby amended as follows:

15 (a) All animals ~~which~~ that have been impounded and are not so injured or diseased as to
16 appear useless ~~and~~ or in a suffering condition, or have been medically evaluated and
17 determined to be contagious, shall be held for redemption by the owner for a minimum of five

18 (5) business days that the division is open for public access. The Division shall be required to
19 attempt to contact the owner of any animal impounded wearing a tag, exhibiting a recognizable
20 tattoo or implanted with an electronic animal identification device (EAID). Those animals not
21 claimed within five (5) business days (that the division is open for public access) by the owner
22 shall become the property of the county and may be placed for adoption or disposed of in a
23 humane manner.

24 ***

25 (c) Impounded animals shall be released to the owner when the following conditions have been
26 satisfied:

27 ***

28 (3) *Electronic animal identification device (EAID).* No dog or cat ~~that has completed rabies~~
29 ~~quarantine~~ shall be released to the owner or released for adoption unless it has been implanted
30 with an electronic animal identification device (EAID) at the owner's expense.

31 (4) *Fees and costs.* The owner of an impounded animal shall pay all impoundment fees, daily
32 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.

(d) The division shall have the authority of final approval for the adoption and 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:

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

Part 5. Chapter 4, Section 26 of the Palm Beach County Code entitled *Animal Agencies* is hereby amended as follows:

(a) *Humane society requirements.*

(6) Shall assure that animals kept longer than twenty-four (24) hours are maintained in animal enclosures ~~which~~ that are consistent with subsection 4-23(h).

(8) Shall comply with section 4-24, Animal care; manner of keeping.

(9) Shall provide for the sterilization of all adopted dogs and cats. Every dog or 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. ~~or the dog or cat is not yet sexually mature.~~ A dog or cat may be temporarily released to a potential adoptor if the adoptor agrees in writing to sterilize the dog or cat as soon as deemed safe by a veterinarian licensed to practice in the State of Florida. An adoption shall not be deemed final until the dog or cat is sterilized, unless a veterinarian licensed to practice in the State of Florida certifies in writing that, due to the severity or nature of the medical condition, it is not and will never be safe to sterilize the dog or cat.

(b) *Private nonprofit animal organization requirements.*

1 ***

2 (3) Shall provide dogs and cats released to owners or new adopters with:

3 ***

4 (4) Shall provide for the sterilization of all adopted dogs and cats. Every dog or cat shall
5 Animals will be sterilized prior to release, unless a veterinarian licensed to practice in the State
6 of Florida certifies in writing that the dog or cat has a medical condition that would be
7 substantially aggravated by such procedure or would likely cause the dog or cat's death or the
8 dog or cat is not yet sexually mature. A dog or cat may be temporarily released to a potential
9 adopter if the adoptor agrees in writing to sterilize the dog or cat as soon as deemed safe by a
10 veterinarian licensed to practice in the State of Florida. An adoption shall not be deemed final
11 until the dog or cat is sterilized, unless a veterinarian licensed to practice in the State of Florida
12 certifies in writing that, due to the severity or nature of the medical condition, it is not and will
13 never be safe to sterilize the dog or cat. or no later than thirty (30) days after the agency
14 receives the animal, except for those that are a surgical risk as determined by a veterinarian.

15 ***

16 (c) All animal agencies (county and municipal animal control agencies, humane societies and
17 private nonprofit animal organizations) that which accept animals from any member of the
18 public will be required to have such person sign an agency statement detailing the reclaim,
19 adoption and euthanasia policies.

20 ***

21
22 Part 6. Chapter 4, Section 28 of the Palm Beach County Code entitled *Animal Care and*
23 *Control Hearing Board* is renumbered and Section 28, entitled *Mandatory Spay and Neuter*
24 *Program for Dogs and Cats* hereby created as follows:
25

26 (a) Purpose.

27 The board has determined that the uncontrolled breeding of dogs and cats within the county
28 leads to many dogs, cats, puppies, and kittens being unwanted, becoming strays, suffering
29 privation and death, being impounded and euthanized at great expense to the community, and
30 constituting a public nuisance and public health hazard. It is, therefore, declared to be the
31 public policy of Palm Beach County that every feasible means of reducing the number of
32 unwanted dogs, cats, puppies, and kittens be encouraged.

33 (b) Mandatory spaying, neutering of dogs and cats.

1 (1) No person may own, keep, or harbor a dog or cat six (6) months of age or older that has not
2 been spayed or neutered unless such person holds an unaltered license tag for each unaltered
3 dog or cat, unless the dog or cat is otherwise exempt under this Ordinance.

4 (2) An owner of an unaltered dog or cat will be allowed to maintain the unaltered animal in
5 Palm Beach County if the following criteria are met:

6 a. The dog or cat is registered with a national or international club, association, or
7 registry recognized by the division; the dog or cat has competed in a show or sporting
8 competition held by such club or association within the last twelve months or is currently
9 registered to do so; and the owner presents proof that the dog or cat will be shown or will
10 compete in a show or sporting competition in the current licensing period. A dog or cat that
11 cannot be spayed or neutered due to current use as a show or competition animal as provided
12 herein shall be pay the license tag fee established by the board for unsterilized dogs or cats.

13 b. A veterinarian licensed in the State of Florida certifies in writing that a specific dog
14 or cat is medically unfit to undergo the required spay or neuter procedure because of a medical
15 condition that would be substantially aggravated by such procedure or would likely cause the
16 animal's death. The writing must state the date by which the dog or cat may be safely spayed or
17 neutered. The age of the animal shall not per se constitute medical unfitness to be spayed or
18 neutered. The division may extend the time for spaying neutering a dog or cat or may exempt
19 such animal from the spay/neuter requirement based upon the written medical recommendation
20 of a licensed veterinarian. A dog or cat that cannot be spayed or neutered due to a health
21 condition shall pay the license tag fee established by the board for unsterilized dogs or cats. As
22 soon as medical condition that prevents an animal from being spayed or neutered ceases to
23 exist, it shall be the duty of the owner of such animal to promptly comply with this section.

24 c. The dog is currently used by a law enforcement agency for law enforcement
25 purposes. A dog that cannot be spayed or neutered due to current use by a law enforcement
26 agency for law enforcement purposes as provided herein shall be pay the license tag fee
27 established by the board for police dogs.

28 d. The dog or cat is a qualified guide dog or service animal as defined in Section 2 of
29 this Ordinance or is part of a recognized guide/service animal breeding program approved by
30 the Division and is currently being bred or evaluated to produce guide/service animals. A dog
31 or cat that cannot be spayed or neutered due to current use as a qualified guide dog or service

animal as provided herein shall be pay the license tag fee established by the board for such animals.

(3) A dog or cat that meets the following criteria shall be exempt from the unaltered license tag requirements provided in this Section:

a. A dog or cat temporarily harbored within this jurisdiction for less than thirty (30) days within any one calendar year. The burden of proving such temporary harboring shall be upon the person harboring the animal

b. The dog or cat being harbored by a pound, shelter, humane society, or similar organization, whether public or private, whose principal purpose is securing the adoption of dogs or cats or offering sanctuary of dogs or cats, provided that the dog or cat is spayed or neutered prior to being placed for adoption or transfer by such organization.

c. A feral cat in a feral cat colony registered with the Division in accordance with Section 8 of this Ordinance and maintained in compliance with all requirements provided therein. A person who registers a feral cat colony shall not have to obtain an unaltered license tag for any cat in the colony provided such cat(s) remain feral and the colony registration is renewed annually. Every cat in a feral cat colony must be spayed/neutered as provided in Section 8.

If a person owns an unaltered dog or cat that is not specifically exempted from the requirements provided herein, such person shall obtain an unaltered license tag for the dog or cat, and if such person intends to use any such unaltered dog or cat for breeding or studing purposes during the current twelve (12) month licensing period a Hobby Breeder Permit, Kennel Permit, other similar permit issued under this Ordinance is required in addition to an unaltered license tag for each dog or cat.

(c) Unaltered dog license requirements.

(1) An owner of an unaltered dog or cat six (6) months of age or older must obtain an annual unaltered license tag for the dog or cat. The division will issue an unaltered license tag or unaltered license tag with a reduced fee if the owner complies with the requirements set forth in this Section, pays the license tag fee established by the board, and signs a written statement certifying that the dog or cat will not be used for breeding or stud purposes unless an appropriate permit is first obtained from the division. The board is hereby authorized to establish by resolution a schedule of fees for all license tags, late fees for failure to timely renew, and fines for failure to comply with such requirements.

1 (2) An unaltered license tag is valid for a period of one (1) year from the date of issuance and
2 must be renewed annually.

3 (3) Every person who owns an adult unaltered dog or cat in the county shall be required to
4 secure an unaltered license tag pursuant to the following schedule:

5 a. On or before the date the dog or cat becomes is six (6) months of age; or

6 b. Within thirty (30) calendar days of acquiring a dog or cat; or

7 c. Within thirty (30) calendar days after a dog or cat enters the jurisdiction covered by
8 this Ordinance.

9 (4) The address of the owner shall be presumed to be the residence of the dog or cat. All
10 changes of address must be reported to the division within thirty (30) calendar days following
11 such change.

12 (5) Any changes of ownership of any dog or cat, be it by sale, transfer or otherwise, shall be
13 reported in writing to the division by the original and new owner within thirty (30) calendar
14 days after ownership changes.

15 (6) Any person who fails to pay an unaltered license tag fee when it is due shall, in addition to
16 paying any past due license fees, also pay a late penalty.

17 (d) Denial or revocation of unaltered dog license--Grounds and re-application.

18 (1) The division may deny or revoke an unaltered dog license tag or an unaltered license tag
19 with reduced fee for one or more of the following reasons:

20 a. The Division has received at least one complaint, verified by the complainant under
21 penalty of perjury, that the applicant or license holder has allowed a dog or cat to run loose;

22 b. The unaltered dog has been adjudicated by a court or an agency of appropriate
23 jurisdiction to be a potentially dangerous or vicious dog within the meaning of this ordinance or
24 under state law;

25 c. Any unaltered dog or cat license held by the applicant or license holder has been
26 revoked;

27 d. The division has received at least one complaint, verified by the complainant under
28 penalty of perjury, that the applicant or license holder has allowed the dog or cat to be bred or
29 used as for stud purposes without an appropriate permit to do so issued by the division; or

30 e. The applicant or license holder materially misstates or misrepresents the facts upon
31 which the unaltered license tag is issued.

32 (2) Re-application for unaltered license:

1 a. When an unaltered license is denied, the applicant may re-apply for a license upon a
2 showing that the requirements of this Section have been met.

3 b. When an unaltered license is revoked, the owner of the dog or cat may apply for a
4 new license upon a showing that the requirements of this Section have been met.

5 (3) No part of an unaltered dog license fee is refundable when a license is revoked and the
6 applicant shall pay the full fee upon re-application.

7 (4) Appeal of denial or revocation of unaltered dog license.

8 (e) Request for hearing.

9 (1) The division shall mail to the applicant or license holder a written notice that the unaltered
10 license has been denied or revoked and shall include in such notice the reasons for denial or
11 revocation.

12 (2) Any person who has been denied an unaltered license has had an unaltered license revoked
13 may request a hearing before a special master to appeal the denial or revocation. A written
14 notice of appeal and appropriate nonrefundable filing fee must be filed with the division within
15 ten (10) days of the notice of adverse action. The board is hereby authorized to establish the
16 amount of the filing fee by resolution.

17 (3) The appeal must be heard by a special master within thirty (30) calendar days after the
18 owner has submitted a notice of appeal. The appeal may be delayed by the division beyond the
19 thirty (30) calendar days if the division experiences extenuating circumstances beyond its
20 control.

21 (4) The hearing before the special master will be informal and the rules of evidence will not
22 be strictly observed. All testimony before the special master shall be under oath and shall be
23 recorded. The formal rules of evidence shall not apply, but fundamental due process shall be
24 observed and shall govern the proceedings. Upon determination of the special master,
25 irrelevant, immaterial, unduly repetitions evidence may be excluded, but all other evidence of a
26 type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall
27 be admissible, whether or not such evidence would be admissible in a trial in the courts of the
28 State of Florida. Any part of the evidence may be received in written form. The special master
29 may inquire of or question any witness present at the hearing. The applicant/permit holder,
30 his/her attorney, animal care officer(s), or the attorney representing the division shall be
31 permitted to inquire of any witness present at the hearing. The special master may consider
32 testimony presented by the applicant/permit holder, animal care officer(s), or any other witness.

1 (5) The denial or revocation of an unaltered license shall be upheld or reversed by the special
2 master.

3 (6) All decision by the special master shall be the final administrative decision.

4 (7) The special master shall provide the parties with written notice of his/her final
5 administrative decision.

6 (8) If a dog or cat is moved pending the appeal of the division's decision to deny or revoke a
7 license, the owner or custodian must provide the division with information as to the dog's
8 whereabouts, including the current owner or custodian's name, address, and telephone number.

9 (f) Owner requirements following notice of adverse action and/or appeal process.

10 (1) If the notice of adverse action of denial or revocation of an unaltered license is not
11 appealed or if upon appeal the adverse action is upheld by the special master, the owner shall
12 come into compliance with this Ordinance, within ten (10) days after the notice of adverse
13 action or the appeal hearing. The applicant/permit holder may then file a petition for writ of
14 certiorari in the Palm Beach County Circuit Court.

15 (g) Counterfeiting or destroying a license tag.

16 It shall be a violation of this Ordinance to counterfeit a license tag, to maliciously destroy a
17 license tag or to fraudulently obtain a license tag.

18 (h) Forfeiture.

19 Any puppy or kitten born to an unaltered dog or cat that is not the subject of a Hobby Breeding
20 permit, Kennel permit, or other applicable permit shall be forfeited to the division, unless an
21 appropriate permit is immediately obtained.

22
23 **Part 7.** Chapter 4, Section 29 of the Palm Beach County Code entitled *Interference with*
24 *Enforcement* is renumbered and Section 29 entitled *Hobby Breeder Permits* is hereby created as
25 follows:

26 (a) Hobby breeding permits.

27 (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes
28 without first obtaining an appropriate breeding permit issued by the division. The cost of the
29 permit and other related fees shall be established by the board by resolution.

30 (2) Encouraging the breeding of dogs or cats within the County is prohibited except when
31 expressly permitted by the issuance of a current breeding permit ("permit"), as provided herein.

32 (3) Hobby breeders shall:

1 a. Not breed more than two litters or more than nineteen (19) dogs, cats, puppies, or
2 kittens during a consecutive twelve month period;

3 b. Not offer for sale, sell, trade, receive any compensation for or give away more than
4 two litters or more than nineteen (19) dogs, cats, puppies, or kittens during a consecutive
5 twelve month period;

6 c. Keep records for the duration of the permit and all permit renewals as to the birth of
7 each litter of dog, cat, puppy or kitten and shall make such records available for review by the
8 division upon request;

9 d. Keep records including but not limited to records concerning rabies vaccinations, all
10 other inoculations and any medical conditions of a dog, cat, puppy or kitten intended to be sold,
11 given away, or otherwise conveyed;

12 e. On the occasion of sale or placement of an animal within the County, the name,
13 address, and telephone number of its new owner/guardian shall be provided to the division;

14 f. Furnish to each buyer, new owner, or guardian of an animal the Hobby Breeder
15 permit number of the Hobby Breeder in order that the new owner/guardian has proof and
16 assurance that the animal was legally bred;

17 g. Not offer a puppy or kitten under the age of eight weeks for sale, trade, other
18 compensation or free giveaway, with the exception of animals taken to an animal shelter;

19 h. Recommend that any animal sold, transferred or given away be examined by a
20 licensed veterinarian within one week of the date of transfer and notify the new owner of state
21 requirements for rabies vaccinations; and

22 i. List the person's hobby breeder permit number on all public notices advertising the
23 sale or free giveaway of any dog, cat, puppy or kitten.

24 j. Adhere to minimum standards regarding the care and manner of keeping of animals
25 as provided in Section 24 – ANIMAL CARE; MANNER OF KEEPING.

26 k. Allow the division to inspect the structure or premises wherein an animal that is the
27 subject of a Hobby Breeding permit is maintained or harbored and to view any animals that is
28 the subject of the permit. All reports of such inspections shall be in writing and maintained by
29 the division.

30 (4) A Hobby Breeder permit shall be valid for a period of one year from the date of issuance,
31 unless otherwise stated or revoked. The date the initial Hobby Breeder permit is issued shall be

the anniversary date for the purposes of permit expiration and renewal. Renewal applications for permits shall be made within thirty (30) days prior to expiration.

(5) A Hobby Breeder permit is not transferable, assignable, or refundable.

(6) Each person owning an animal intended to be used for breeding or studing shall be required to have a Hobby Breeder permit prior to using any dog or cat for breeding or stud purposes. A Hobby Breeder permit is required in addition to an unaltered license tag for each unaltered dog, cat, puppy, or kitten.

(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 section 828.073, Florida Statutes, 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 previously convicted of cruelty to animals shall be issued a Hobby Breeder permit.

(c) Permit Procedures.

(1) Prior to issuance of a permit, the division shall, as it deems necessary, perform an inspection of the premises where Hobby Breeding activities will take place or where any dog or cat that is the subject of a Hobby Breeding permit will be maintained.

(2) 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.

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

(d) Violations.

1 (1) Failure to apply for a permit prior to operating as a Hobby Breeder shall constitute a
2 violation.

3 (2) Failure to reapply for a permit within thirty (30) days of expiration of the existing permit
4 shall constitute a violation.

5 (3) Refusal to allow an animal control officer to inspect an animal or the premises that is the
6 subject of a Hobby Breeder permit shall constitute a violation.

7 (4) The purposeful breeding of a dog or cat with a known genetic fault that has been identified
8 by a licensed veterinarian shall constitute a violation.

9 (5) It shall be a violation of this Ordinance to counterfeit a Hobby Breeding permit or official
10 certificate of veterinary inspection or to maliciously destroy a Hobby Breeding permit.

11 (e) *Permit denial, revocation, and suspension.*

12 (1) By notice of adverse action, the division may deny, revoke or suspend any permit if it is
13 determined that:

14 a. There has been a material misstatement or misrepresentation in the permit
15 application;

16 b. The applicant/permit holder has been cited for at least three (3) violations of this
17 Ordinance within a two-year period, each resulting in the imposition of a fine;

18 c. The applicant/permit holder has failed to pay a fine or to request a hearing in county
19 court to answer the charges of a citation within ninety (90) days of issuance of the violation;

20 d. The applicant/permit holder or any of his/her agents have been convicted of a
21 violation of law involving cruelty to animals; or

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

25 (f) *Appeal process.*

26 (1) Any applicant or permit holder who has been denied a permit or whose permit has been
27 revoked or suspended may appeal this action to a special master within the ten-day period after
28 the division originates the adverse action. A written notice of appeal and appropriate
29 nonrefundable filing fee must be filed with the division within ten (10) days of the notice of
30 adverse action, unless a different timeframe is established by the special master. The board of
31 county commissioners is hereby authorized to establish the amount of the filing fee by
32 resolution.

1 (2) The appeal must be heard by a special master within thirty (30) calendar days after the
2 applicant or permit holder has submitted a notice of appeal. The appeal may be delayed by the
3 division beyond the thirty (30) calendar days if the division experiences extenuating
4 circumstances beyond its control.

5 (3) The applicant or permit holder receiving the notice of adverse action shall, until final
6 disposition of the appeal, take whatever positive measures are necessary to prevent any future
7 incidents or violations from occurring.

8 (4) The hearing before the special master will be informal and the rules of evidence will not
9 be strictly observed. All testimony before the special master shall be under oath and shall be
10 recorded. The formal rules of evidence shall not apply, but fundamental due process shall be
11 observed and shall govern the proceedings. Upon determination of the special master,
12 irrelevant, immaterial, unduly repetitions evidence may be excluded, but all other evidence of a
13 type commonly relied upon by reasonable prudent persons in the conduct of their affairs shall
14 be admissible, whether or not such evidence would be admissible in a trial in the courts of the
15 State of Florida. Any part of the evidence may be received in written form. The special master
16 may inquire of or question any witness present at the hearing. The applicant/permit holder,
17 his/her attorney, animal care officer(s), or the attorney representing the division shall be
18 permitted to inquire of any witness present at the hearing. The special master may consider
19 testimony presented by the applicant/permit holder, animal care officer(s), or any other witness.

20 (5) The denial, revocation or suspension of the permit shall be upheld or reversed by the
21 special master.

22 (6) All decisions by the special master shall be final.

23 (7) The special master shall provide the applicant or permit holder with written notice of
24 his/her decision.

25 (g) Owner requirements following notice of adverse action and/or appeal process.

26 (1) If the notice of adverse action of denial, revocation or suspension of a Hobby Breeder
27 permit is not appealed or if upon appeal the adverse action is upheld by the special master, the
28 applicant or permit holder shall come into compliance with this Ordinance, within ten (10) days
29 after the notice of adverse action or the appeal hearing. The applicant/permit holder may then
30 file a petition for writ of certiorari in the Palm Beach County Circuit Court.

31 (2) Any person who has been denied a permit upon initial application may not reapply for a
32 period for thirty (30) days.

1 (3) Any person whose permit has been revoked may not reapply for a period of one (1) year.
2 Each reapplication for a permit shall be accompanied by a fee to be established by the board by
3 resolution. No part of the reapplication fee shall be refunded.

4 (h) Fee Waiver.

5 The Division shall waive the annual hobby breeder permit fee for any person/applicant who
6 applies for and obtains a hobby breeding permit on or before (date shall be within 90 days of
7 passage). For persons/applicants who apply for a hobby breeder permit during this period, the
8 division shall also annually waive the fee for two unaltered dog or cat tags. The Fee Waiver
9 shall remain in effect for the hobby-breeder so long as the hobby breeder remains in
10 compliance with Palm Beach County ordinances related to animal care, manner of keeping,
11 hobby breeding, and any other ordinances or statutes that protect the welfare of animals.

12
13 **Part 8. REPEAL OF LAWS IN CONFLICT:**

14 All local laws and ordinances in conflict with any provisions of this Ordinance are
15 hereby repealed to the extent of such conflict.

16
17 **Part 9. SAVINGS CLAUSE:**

18 Notwithstanding anything herein to the contrary, all provisions of Palm Beach County
19 Ordinance No. 98-22, as amended by Ordinances 2003-29 and 2005-44, and all licenses,
20 permits, enforcement orders and ongoing enforcement actions issued thereunder are
21 specifically preserved and remain in full force and effect.

22
23 **Part 10. SEVERABILITY:**

24 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
25 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void,
26 such holding shall not affect the remainder of this Ordinance.

27
28 **Part 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

29 The provisions of this Ordinance shall become and be made a part of the Palm Beach
30 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish
31 such, and the word "ordinance" may be changed to "section," "article," or other appropriate
32 word.

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Part 12. ENFORCEMENT:

This Ordinance is enforceable by all means provided by law. Additionally, the County may choose to enforce this Ordinance by seeking injunctive relief in the Circuit Court of Palm Beach County.

Part 13. PENALTY:

Any violation of any portion of this Ordinance shall be punishable as provided by law.

Part 14. CAPTIONS:

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Part 15. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the ____ day of _____, 20____.

SHARON R. BOCK, CLERK	PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS
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By: _____	By: _____
Deputy Clerk	***, Chair***

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____, 20____.

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DRAFT