Subject: Conduct a Public Hearing on February 1, 2023, at 10:00 a.m. to consider an amendment to Hillsborough County Code of Ordinances, Part A, Chapter 6, Article II (Ordinance 00-26, as amended), pertaining to Animal Control, banning the retail sale of rabbits from commercial establishments and certain public places and providing for certain agricultural and other exemptions, and penalties.

Department Name: County Attorney’s Office
Contact Person: Jennifer Mott
Contact Phone: 813-307-3145

Staff's Recommended Board Motion:
Conduct a Public Hearing on February 1, 2023, at 10:00 a.m. to consider an amendment to Hillsborough County Code of Ordinances, Part A, Chapter 6, Article II (Ordinance 00-26, as amended), pertaining to Animal Control, banning the retail sale of rabbits from commercial establishments and certain public places and providing for certain agricultural and other exemptions, and penalties. There is no significant financial impact to the County, and any directly related expenses can be absorbed within departments' currently approved operating budgets.

Financial Impact Statement:
There is no significant financial impact to the County, and any directly related expenses can be absorbed within departments' currently approved operating budgets.

Background:
On December 7, 2022, following a report outlining rabbit regulations in other jurisdictions, the Board directed the County Attorney's Office to bring back a draft ordinance, modeled after the Pasco County Ordinance, that would prohibit the retail sale of rabbits and provide for certain agricultural-related and other exemptions, and penalties. Consistent with the Animal Control Ordinance and Florida Law, any violation of this proposed ordinance will be a civil infraction punishable by a maximum civil penalty, not to exceed $500. The amount of any penalties will be established by BOCC resolution, which staff will present in a separate agenda item for the Board's consideration following approval of the proposed draft Ordinance. Per the Board's request, the agricultural community and Dr. Betsy Coville, Veterinarian, were consulted and are satisfied with the proposed draft. Additionally, pet retailers and potential stakeholders were noticed regarding the possible changes to the legislation and encouraged to participate in the process.
With the assistance of the Director of Pet Resources, Scott Trebatoski, the agricultural community, Dr. Coville, and other interested persons, the County Attorney's Office drafted the proposed Ordinance amendment. During the BOCC meeting on January 19, 2023, the Board approved the draft Ordinance and authorized advertising and setting the Public Hearing for February 1, 2023, at 10:00 a.m. to consider enactment of same.

This is a Public Hearing to consider regulation of rabbit sales. All legal notice requirements have been met.

List Attachments:
Proposed Final Draft Ordinance - Prohibition on the Retail Sale of Rabbits
ORDINANCE NO. ________

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, AMENDING HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES, PART A, CHAPTER 6, ARTICLE II, AS PERTAINING TO ANIMAL CONTROL; PROVIDING FOR THE REGULATION OF RABBIT RETAIL SALES IN THE COUNTY, UP TO AND INCLUDING A BAN ON THE RETAIL SALE OF RABBITS BY COMMERCIAL ESTABLISHMENTS AND IN PUBLIC PLACES; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING OF ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the impulse purchase of rabbits around the Easter holiday results in a large number of rabbits being surrendered or released to the wild following Easter; and

WHEREAS, retail pet stores are the primary source of impulse rabbit purchases by potential owners who, for the most part, lack the adequate education on the care and responsibility required to own a pet rabbit; and

WHEREAS, rabbits are not an easy animal to have as a pet or to care for, especially for pet owners who are inexperienced and not well informed about rabbits; and

WHEREAS, pet rabbits purchased from a retail pet store account for nearly 80% of the rabbits surrendered to animal rescue organizations and shelters; and

WHEREAS, the problem of unwanted pet rabbits has placed a burden on shelters and rescues for more than three decades since the space available to house rabbits is far less than the number of rabbits people want to surrender; and

WHEREAS, this creates a significant burden for these organizations, resulting in the increased abandonment by owners of pet rabbits outdoors into the wild where these rabbits cannot fend for themselves, easily become prey, and may have negative impacts on the native rabbit population; and

WHEREAS, prohibiting the retail sale of rabbits will reduce the availability of rabbits for impulse purchase, thereby alleviating the current burdens on animal rescue organizations and shelters and on the quality of life for rabbits; and

WHEREAS, the Florida Constitution and Chapter 125, Florida Statutes, grant the Board of County Commissioner (BOCC) broad home rule authority to adopt ordinances to provide for the common good of its citizens; and
WHEREAS, Section 828.27, Florida Statutes, grants the BOCC the authority to control and to prevent the cruelty of animals, including enacting ordinances relating to the regulation of rabbit sales; and

WHEREAS, the BOCC has determined that it is in the best interest of the citizens of Hillsborough County to enact an ordinance that provides for the regulation of rabbits and that such an ordinance is reasonable, necessary, and would protect the health, safety and welfare of both the citizens of and rabbits in Hillsborough County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS _____ DAY OF ______, 2023, AS FOLLOWS:

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

   Commercial Establishment shall mean a business which is open to the public and that engages in retail sales.

   Direct Person to Person Private Sales shall mean the sale or exchange (whether or not exchange of 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, transfer, deliver, lease, rent, include as part of a package deal, advertise to do any of the aforementioned, or otherwise dispose of rabbits between private persons, not made in connection with or in association/affiliation to any pet retail store or any other commercial establishment.

   Fanciers Association shall mean individuals or groups of individuals who breed, display and sell purebred Rabbits in order to maintain and further the purebred lines of Rabbits.

   Pet Retail Store shall mean any retail establishment, open to the public, that sells or transfers, or offers for sale or transfer, dogs and/or cats and/or rabbits regardless of the age of the dog or cat or rabbit or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment. An animal shelter or rescue organization shall not be considered a pet retail store under this Ordinance.

   Rabbit shall mean members of the classification, Oryctolagus Cuniculus.

   Retail Sale shall mean to sell (whether or not exchange of 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, transfer, 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 and/or rabbits to a person/s in a pet retail store or in association with a pet retail store.
2. A new Section to Part A, Chapter 6, Article II of the Hillsborough County Code of Laws and Ordinances is hereby added to read as follows:

PROHIBITION ON RETAIL SALE OF RABBITS.

A. Prohibitions:

1. Ban on Rabbit Sales by Commercial Retail Establishments - There shall be no Retail Sale of Rabbits by any Commercial Establishment, including a Pet Retail Store.

2. Ban on Rabbit Retail Sales in Public Places - There shall be no Retail Sale of Rabbits on any public thoroughfare, public common areas, or other places of public accommodations, flea markets, festivities, yard sales, medians, parks, recreation areas, outdoor markets, parking lots, parades, concerts, festivals, or other similar activities/venues or places of public accommodation, regardless of whether such access is authorized by the owner.

B. Exemptions.

The following shall be exempt from the prohibition on the Retail Sale of Rabbits:

1. Animal Shelters and Animal Rescue Adoption Organizations. Rabbits shall be microchipped and sterilized prior to retail sale/adoption.

2. Local Breeders.

3. Bona Fide agricultural industry sales, such as feed stores or other similar retail establishments involved primarily in agricultural sales, and agricultural activities, including for consumption and education, as protected under Florida law.

4. Future Farmers of America (FFA) and Florida 4-H activities involving agricultural education and other related programs, events, or activities, including, but not limited to state or county fair exhibitions, and any Direct Person to Person Private Sales of Rabbits resulting therefrom.

5. Rabbit fanciers and Rabbit Breeder Association Shows and any sales resulting therefrom.

6. Direct Person to Person Private Sales.

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

PENALTIES.

A. It shall be a violation of this Ordinance to fail to comply with any of the requirements
or restrictions contained herein.

B. Consistent with the Animal Control Ordinance and Florida Law, any violation of this Ordinance is a civil infraction punishable by a maximum civil penalty not to exceed $500.00 and the amount of any penalties will be established by BOCC Resolution.

C. Nothing contained herein shall prevent the County from taking such 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, including, but not limited to, pursuit of injunctive and/or declaratory relief and/or enjoinment, or other equitable relief in a court of competent jurisdiction, or initiating an action to recover any and all damages that may result from a violation of, or refusal to comply with, any part of this Ordinance.

D. Each day of a continuing violation shall constitute a separate and distinct violation. A separate and distinct offense occurs per Rabbit.

4. **Severability.**

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

5. **Inclusion in the Code of Laws and Ordinances.**

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

6. **Applicability.**

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

7. **Filing of Ordinance and Effective Date.**

In accordance with the provisions of Section 125.66, Florida Statutes, as may be amended, governing ordinances, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after the enactment of this Ordinance. This Ordinance shall take effect upon adoption.
STATE OF FLORIDA )
COUNTY OF HILLSBOROUGH )

I, CINDY STUART, Clerk of the Circuit Court and Ex Officio Clerk of the Board of
County Commissioners of Hillsborough County, Florida, do hereby certify that the above and
foregoing is a true and correct copy of the Ordinance adopted by the Board of County
Commissioners at its regular meeting of ______________, 2023, as the same appears on record in
Minute Book __________, of the Public records of Hillsborough county, Florida.

WITNESS my hand and official seal this ____ day of____, 2023.

CINDY STUART
CLERK OF THE CIRCUIT COURT

BY: ___________________________
Deputy Clerk

Approved by County Attorney
As to Form and Legal Sufficiency:

BY: ________________
Jennifer Mott, Assistant County Attorney