



# Hillsborough County Florida Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>: A-15

Meeting Date 1/19/2023

Consent Section

Regular Section

Public Hearing

Subject: Approve Amending Hillsborough County Code of Laws and Ordinances, Part A, Chapter 6, Article II, as Pertaining to Animal Control, to Prohibit the Retail Sale of Rabbits and Authorize Advertising and Scheduling a Public Hearing for February 1, 2023.

Department Name: County Attorney's Office

Contact Person: Jennifer Mott

Contact Phone: 813-307-3145

Sign-Off Approvals

Debora Cromartie-Mincey 1/6/2023  
Managing County Attorney Date

Christine Beck 1/6/2023  
County Attorney Date

Joint Department Director Date

Kevin Brickey 1/6/2023

Jennifer Mott 1/6/2023

Management and Budget – Approved Date  
as to Financial Impact Accuracy

Assistant County Attorney Date

Staff's Recommended Board Motion:

Approve the proposed draft Ordinance amendment to Hillsborough County Code of Laws and Ordinances, Part A, Chapter 6, Article II, as pertaining to Animal Control, providing for the regulation of rabbit sales, and including: 1) a prohibition on the retail sale of rabbits by commercial establishments; 2) a ban on rabbit sales in certain public places; and 3) certain agricultural and other exemptions; and authorize advertising and scheduling a Public Hearing for February 1, 2023 at 10:00 a.m. There is no financial impact to the County to amend the ordinance except for the cost to publish the required legal notices.

Financial Impact Statement:

There is no financial impact to the County to amend the ordinance except for the cost to publish the required legal notices.

Background:

On December 7, 2022, following a report outlining rabbit regulations in other jurisdictions, the Board directed the County Attorney's Office, at the request of Commissioner Kemp, 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. The Board also requested that staff reach out to all key stakeholders, including Dr. Coville, Veterinarian, for their input. Additionally, staff was requested to send notice to all pet retailers and businesses that might be affected by any new legislation. Both the agricultural community and Dr. Coville were satisfied with the proposal as presented and a letter to pet retailers was sent on December 7, 2022 (no replies have yet been received). Generally, the proposed draft Ordinance seeks to: (1) prohibit the retail sale of rabbits by commercial establishments, (2) prohibit the sale of rabbits in certain public places, and 3) provide for certain agricultural-related and other exemptions. Consistent with the Animal Control Ordinance and Florida Law, any violation of this proposed ordinance will be a civil infraction by a maximum civil penalty, not to exceed \$500. The amount of any penalties will be established by BOCC resolution. If the proposed draft Ordinance is approved, the County Attorney's Office will advertise and schedule a public hearing for the Board to consider enacting same for February 1, 2023, at 10:00 a.m.

List Attachments:

Proposed Draft Ordinance - Prohibition on the Retail Sale of Rabbits

ORDINANCE NO. \_\_\_\_\_

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2  
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF  
4 HILLSBOROUGH COUNTY, FLORIDA, AMENDING HILLSBOROUGH  
5 COUNTY CODE OF LAWS AND ORDINANCES, PART A, CHAPTER 6,  
6 ARTICLE II, AS PERTAINING TO ANIMAL CONTROL AND RELATING  
7 TO THE REGULATION OF RABBIT SALES; PROVIDING FOR  
8 DEFINITIONS; PROVIDING FOR A PROHIBITION OF THE RETAIL  
9 SALE OF RABBITS BY COMMERCIAL ESTABLISHMENTS AND IN  
10 PUBLIC PLACES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR  
11 PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
12 INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING  
13 FOR APPLICABILITY; PROVIDING FOR FILING OF ORDINANCE;  
14 AND PROVIDING AN EFFECTIVE DATE.

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

17  
18 WHEREAS, retail pet stores are the primary source of impulse rabbit purchases by  
19 potential owners who, for the most part, lack the adequate education on the care and responsibility  
20 required to own a pet rabbit; and

21  
22 WHEREAS, rabbits are not an easy animal to have as a pet or to care for, especially for  
23 pet owners who are inexperienced and not well informed about rabbits; and

24  
25 WHEREAS, pet rabbits purchased from a retail pet store account for nearly 80% of the  
26 rabbits surrendered to animal rescue organizations and shelters; and

27  
28 WHEREAS, the problem of unwanted pet rabbits has placed a burden on shelters and  
29 rescues for more than three decades since the space available to house rabbits is far less than the  
30 number of rabbits people want to surrender; and

31  
32 WHEREAS, this creates a significant burden for these organizations, resulting in the  
33 increased abandonment by owners of pet rabbits outdoors into the wild where these rabbits cannot  
34 fend for themselves, easily become prey, and may have negative impacts on the native rabbit  
35 population; and

36  
37 WHEREAS, prohibiting the retail sale of rabbits will reduce the availability of rabbits for  
38 impulse purchase, thereby alleviating the current burdens on animal rescue organizations and  
39 shelters and on the quality of life for rabbits; and

40  
41 WHEREAS, the Florida Constitution and Chapter 125, Florida Statutes, grant the Board  
42 of County Commissioner (BOCC) broad home rule authority to adopt ordinances to provide for  
43 the common good of its citizens; and

1           **WHEREAS**, Section 828.27, Florida Statutes, grants the BOCC the authority to control  
2 and to prevent the cruelty of animals, including enacting ordinances relating to the regulation of  
3 rabbit sales; and  
4

5           **WHEREAS**, the BOCC has determined that it is in the best interest of the citizens of  
6 Hillsborough County to enact an ordinance that provides for the regulation of rabbits and that  
7 such an ordinance is reasonable, necessary, and would protect the health, safety and welfare of  
8 both the citizens of and rabbits in Hillsborough County.  
9

10           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
11 **COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, THIS \_\_\_\_ DAY OF**  
12 **\_\_\_\_\_, 2023, AS FOLLOWS:**  
13

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

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

18           ***Direct Person to Person Private Sales*** shall mean the sale or exchange (whether or not  
19 exchange of consideration for the animal, and/or animal services, takes place at the same time  
20 and/or location), offer for sale, auction, barter, display for sale, adopt, rehome, exchange (for  
21 compensation or otherwise), give away, trade, transfer, deliver, lease, rent, include as part of a  
22 package deal, advertise to do any of the aforementioned, or otherwise dispose of rabbits between  
23 private persons, not made in connection with or in association/affiliation to any pet retail store  
24 or any other commercial establishment.

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

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

32           ***Rabbit*** shall mean members of the classification, *Oryctolagus Cuniculus*.

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

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

3 **PROHIBITION ON RETAIL SALE OF RABBITS.**

4 **A. Prohibitions:**

- 5 1. Ban on Commercial Rabbit Sales by Retail Establishments - There shall be no Retail  
6 Sale of Rabbits by any Commercial Establishment, including a Pet Retail Store.  
7  
8 2. Ban on Rabbit Retail Sales in Public Places - There shall be no Retail Sale of Rabbits  
9 on any public thoroughfare, public common areas, or other places of public  
10 accommodations, flea markets, festivities, yard sales, medians, parks, recreation areas,  
11 outdoor markets, parking lots, parades, concerts, festivals, or other similar  
12 activities/venues or places of public accommodation, regardless of whether such access  
13 is authorized by the owner.

14  
15 **B. Exemptions.**

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

- 17  
18  
19 1. Animal Shelters and Animal Rescue Adoption Organizations. Rabbits shall be  
20 microchipped and sterilized prior to retail sale/adoption.  
21  
22 2. Local Breeders.  
23  
24 3. Bona Fide agricultural industry sales, such as feed stores or other similar retail  
25 establishments involved primarily in agricultural sales, and agricultural activities,  
26 including for consumption and education, as protected under Florida law.  
27  
28 4. Future Farmers of America (FFA) and Florida 4-H activities involving agricultural  
29 education and other related programs, events, or activities, including, but not limited to  
30 state or county fair exhibitions, and any Direct Person to Person Private Sales of  
31 Rabbits resulting therefrom.  
32  
33 5. Rabbit fanciers and Rabbit Breeder Association Shows and any sales resulting  
34 therefrom.  
35  
36 6. Direct Person to Person Private Sales.

- 37  
38 3. A new Section to Part A, Chapter 6, Article II of the Hillsborough County Code of  
39 Laws and Ordinances is hereby added to read as follows:

40  
41 **PENALTIES.**

- 42  
43 A. It shall be a violation of this Ordinance to fail to comply with any of the requirements

1 or restrictions contained herein.  
2

3 B. Consistent with the Animal Control Ordinance and Florida Law, any violation of this  
4 Ordinance is a civil infraction by a maximum civil penalty not to exceed \$500.00 and  
5 the amount of any penalties will be established by BOCC Resolution.  
6

7 C. Nothing contained herein shall prevent the County from taking such other lawful action  
8 in law and equity as may be necessary to remedy any violation of, or refusal to comply  
9 with, any part of this Ordinance, including, but not limited to, pursuit of injunctive  
10 and/or declaratory relief and/or injunction, or other equitable relief in a court of  
11 competent jurisdiction, or initiating an action to recover any and all damages that may  
12 result from a violation of, or refusal to comply with, any part of this Ordinance.  
13

14 D. Each day of a continuing violation shall constitute a separate and distinct violation. A  
15 separate and distinct offense occurs per Rabbit.  
16

17 **4. Severability.**  
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19 If any clause, sentence, paragraph, subdivision or other part of this Ordinance or  
20 applications shall be adjudged by a court of competent jurisdiction to be invalid or  
21 unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the  
22 remainder of this Ordinance which shall remain in full force and effect except as limited by  
23 such order or judgment.  
24

25 **5. Inclusion in the Code of Laws and Ordinances.**  
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27 The provision of this Ordinance shall be included and incorporated in the Hillsborough  
28 County Code, as an addition or amendment thereto, and shall be appropriately renumbered  
29 to conform to the uniform numbering system of the Hillsborough County Code, once  
30 established. The recitations contained in the "WHEREAS" clauses are incorporated herein  
31 by reference but are not required to be reproduced and included in the Code.  
32

33 **6. Applicability.**  
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35 All provisions of this Ordinance shall be applicable throughout the incorporated and  
36 unincorporated areas of Hillsborough County where there is no existing conflict of law,  
37 municipal Ordinances concerning this matter, or unless any municipality determines to opt-  
38 out of this Ordinance's provisions.  
39

40 **7. Filing of Ordinance and Effective Date.**  
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42 In accordance with the provisions of Section 125.66, Florida Statutes, as may be amended,  
43 governing ordinances, a certified copy of this Ordinance shall be filed with the Florida  
44 Department of State by the Clerk of the Board of County Commissioners within ten (10)  
45 days after the enactment of this Ordinance. This Ordinance shall take effect upon adoption.

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**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