



Consent Section

Regular Section

Public Hearing

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

Sign-Off Approvals

Debora Cromartie-Mincey

1/20/2023

Managing County Attorney

Date

Christine Beck

1/20/2023

County Attorney

Date

Joint Department Director

Date

Kevin Brickey

1/20/2023

Management and Budget – Approved

Date

as to Financial Impact Accuracy

Jennifer Mott

1/20/2023

Assistant County Attorney

Date

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. _____

1
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; PROVIDING
7 FOR THE REGULATION OF RABBIT RETAIL SALES IN THE COUNTY,
8 UP TO AND INCLUDING A BAN ON THE RETAIL SALE OF RABBITS
9 BY COMMERCIAL ESTABLISHMENTS AND IN PUBLIC PLACES;
10 PROVIDING FOR DEFINITIONS; PROVIDING FOR EXEMPTIONS;
11 PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY;
12 PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND
13 ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR
14 FILING OF ORDINANCE; 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 Rabbit Sales by Commercial 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 punishable by a maximum civil penalty not to exceed
5 \$500.00 and 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 enjoinder, 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