



Hillsborough County Florida Agenda Item Cover Sheet

Agenda Item N^o: B-2

Meeting Date 2/1/2023

Consent Section

Regular Section

Public Hearing

Subject: Resolution Providing for Fines to be Imposed as a Civil Penalty for Violations of Ordinance Prohibiting the Retail Sale of Rabbits from Commercial Establishments and Certain Public Places and Providing for Agricultural and Other Exemptions, and Penalties (Codified in Part A, Chapter 6, Article II, as pertaining to Animal Control)

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

Kevin Brickey 1/20/2023

Joint Department Director Date

Jennifer Mott 1/20/2023

Management and Budget – Approved Date
as to Financial Impact Accuracy

Assistant County Attorney Date

Staff's Recommended Board Motion:

Contingent on the Board's approval of the Ordinance prohibiting the retail sale of rabbits, adopt a Resolution establishing civil penalties, not to exceed \$500 per Florida Law, for violations of the County's Ordinance prohibiting the retail sale of rabbits from commercial establishments and certain public places and providing for agricultural and other exemptions, and penalties (Codified in Part A, Chapter 6, Article II, as pertaining to Animal Control). 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. 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 am.

Consistent with the Animal Control Ordinance and Florida Law, any violation of the Rabbit Ordinance will be a civil infraction by a maximum civil penalty, not to exceed \$500. Contingent on the Board's approval of the Ordinance prohibiting the retail sale of rabbits, staff is proposing the approval of the penalties outlined in the attached Resolution for violations of the Board's Rabbit Regulations (Codified in Part A, Chapter 6, Article II, as pertaining to Animal Control). These penalty amounts are consistent with those previously approved by the Board for violations of other animal-related ordinances.

List Attachments:

Proposed Draft Resolution outlining penalties for violations of the Rabbit Ordinance.

RESOLUTION NO. R _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA; PROVIDING FOR FINES TO BE IMPOSED AS A CIVIL PENALTY FOR VIOLATIONS OF THE COUNTY'S REGULATIONS ON RABBIT SALES, CODIFIED IN THE HILLSBOROUGH COUNTY CODE OF LAWS AND ORDINANCES, PART A, CHAPTER 6, ARTICLE II, AS RELATING TO ANIMAL CONTROL; PROVIDING FOR ENFORCEMENT OF SAID PENALTIES IN ACCORDANCE WITH SECTION 6-51-6-53 OF THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Upon motion by Commissioner _____, seconded by Commissioner _____, the following Resolution was adopted by a vote of ____ to ____; Commissioner(s) _____ voting "No".

WHEREAS, the Legislature of the State of Florida has in Chapter 125, Florida Statutes, authorized local governments to adopt ordinances and regulations to promote the public health, safety, and welfare of its citizens; and

WHEREAS, Section 828.27, Florida Statutes provides that no County ordinance relating to animal control or cruelty shall conflict with the provisions of Chapter 828, Florida Statutes, or any other State law; and

WHEREAS, Section 828.27, Florida Statutes does not prohibit any County from enacting an ordinance relating to animal control or cruelty which is identical to the provision of Chapter 828, Florida Statutes, or any other State law, except as to penalties; and

WHEREAS, Section 828.27, Florida Statutes provides authorization for enforcement of local animal control or cruelty by civil penalty not to exceed Five Hundred Dollars (\$500.00); and

WHEREAS, the Board of County Commissioners (BOCC) has adopted Part A, Chapter 6, Article II of the Hillsborough County Code of Ordinances (referred to as the "Animal Ordinance"), which provides for enforcement by civil penalty and authorizes the Board of County Commissioners to establish fines for violation of the Ordinance by Resolution; and

WHEREAS, on February 1, 2023, the BOCC amended the Animal Ordinance by adopting regulations on rabbit sales, to be codified in Part A, Chapter 6, Article II of the Hillsborough County Code of Ordinances, as pertaining to Animal Control, finding that it will serve the public health, safety, and welfare of the citizens of and rabbits in Hillsborough County; and

WHEREAS, consistent with the Animal Ordinance, the rabbit regulation provisions make all violations punishable by a civil penalty, the amounts for each being established by BOCC Resolution with enforcement by civil citations; and

WHEREAS, this Resolution sets forth the violations of the rabbit regulation provisions of the Animal Ordinance and the corresponding civil penalties or administrative fines; and

WHEREAS, consistent with the Animal Ordinance, enforcement of these penalties shall be by civil citation, in accordance with Section 6-51-6-53 of the Code; and

WHEREAS, the BOCC recognizes the need for judicial economy in enforcing this Ordinance; and

WHEREAS, the BOCC finds that an efficient method for encouraging judicial economy is the dismissal or discounted rate of fines for certain citations upon receipt of satisfactory proof of compliance with the rabbit regulations of the Animal Ordinance within reasonable time periods; and

WHEREAS, the BOCC finds that this proposed Schedule of Fines for violations of the rabbit regulation provisions of the Animal Ordinance is appropriate, reasonable, and in the best interest of the citizens of Hillsborough County.

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

1. VIOLATIONS AND PENALTIES:

That, pursuant to the County’s regulations on rabbit sales, codified in the Hillsborough County Code of Laws and Ordinances, Part A, Chapter 6, Article II, as relating to Animal Control, the following fines shall be established per animal per violation incident:

VIOLATIONS	FINE FOR FIRST OFFENSE	FINE FOR SECOND OFFENSE	FINE FOR THIRD OFFENSE
PROHIBITION ON RETAIL SALE OF RABBITS			
A. Selling of Rabbit/s by any <i>Commercial Establishment</i> , as defined and in contravention of the Rabbit Sales Regulations, codified in the County Code.	\$250.00	\$450.00	\$500.00 AND Mandatory Court Appearance
B. Selling of Rabbit/s by a <i>Pet Retail Store</i> , as defined and in contravention of the Rabbit Sales Regulations, codified in the County Code.	\$250.00	\$450.00	\$500.00 AND Mandatory Court Appearance

VIOLATIONS	FINE FOR FIRST OFFENSE	FINE FOR SECOND OFFENSE	FINE FOR THIRD OFFENSE
C. Selling of Rabbit/s in a public place, as described and in contravention of the Rabbit Sales Regulations, codified in the County Code.	\$250.00	\$450.00	\$500.00 AND Mandatory Court Appearance
D. Animal Shelters selling/adopting Rabbit/s without microchipping and sterilization.	\$250.00	\$450.00	\$500.00 AND Mandatory Court Appearance
E. Animal Rescue Adoption Organizations selling/adopting Rabbit/s without microchipping and sterilization.	\$250.00	\$450.00	\$500.00 AND Mandatory Court Appearance

Each day of a continuing violation shall constitute a separate and distinct violation. A separate and distinct violation occurs per animal.

Failure to comply with any of the requirements or restrictions contained in Sections 6-61-6-65, as outlined above, shall be subject to civil citations, fines, and/or penalties as set forth in this Resolution.

2. ENFORCEMENT

Enforcement by civil citations and any additional penalties, including applicable late fees, shall be in accordance with Sections 6-51-6-53 of the Code.

Nothing contained herein shall prevent the County from taking such other or further lawful action in order to assure compliance, including the enforcement of penalties.

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3. **EFFECTIVE DATE**

This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this ____ day of _____, 2023.

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 a Resolution adopted by the Board at its regular meeting of _____, 2023, as the same appears of record in Minute Book _____ of the Public Records of Hillsborough County, Florida.

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

ATTEST:

CINDY STUART,
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

Approved as to form and
Legal Sufficiency

By: _____
Assistant County Attorney