

PART 10. PET SHOPS AND ANIMAL DEALERS¹

Sec. 462.1001. Definitions.

As used in this Part, unless the context clearly requires otherwise:

- (a) *Animal Dealer* means any person, entity or corporation who, in the ordinary course of business, engages in the sale of more than 20 unsterilized dogs, cats, puppies and/or kittens per year, whichever comes first, to the public, to pet shops, to breeders or to other animal dealers. This definition includes, but is not limited to, engaging in the selling of animals to pet shops, research facilities, or other animal dealers, or retail selling from any roadside stand, booth, flea market or other temporary site.
- (b) *Pet shop* means any commercial or residential premises, to include any structure incidental thereto and regardless of location, in which animals are kept and offered for retail sale as pets including, but not limited to, pet shops, pet stores and pet departments incidental to department stores, but excludes the occasional selling of animals, and those individuals that have current, valid hobby breeder or occasional seller permits.
- (c) *Premises* means land and/or any building(s) under common ownership, control or possession.
- (d) *Health Certificate* mean "Official Certificate of Veterinary Inspection (OCVI)" (Form DACS-09085 and in accordance with F.S. § 828.29) issued by a Florida licensed veterinarian accredited by the U.S.D.A.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Sec. 462.1002. Exemptions.

Except as otherwise provided in this Chapter, the following shall be exempt from regulations by this Part: veterinary hospitals, clinics and schools, and the Jacksonville Zoological Gardens.

(Ord. 2004-259-E, § 1)

Sec. 462.1003. Permit required.

- (a) No pet shop or animal dealer shall operate without a current permit for its operation that has been issued to its owner by ACPS.
- (b) The fee established for permitting of a pet shop or animal dealer shall be considered an application fee which includes inspection, research and approval/denial of the application. The fee is non-refundable and shall be retained even if the applicant is denied a permit.
- (c) The permit fee schedule, which may be amended from time to time is attached to this Chapter, Part 18.

(Ord. 2010-527-E, § 11)

¹Editor's note(s)—Ord. 2010-527-E, § 11, amended the title of Pt. 10.

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1004. Application for issuance, renewal or reinstatement of permit.

- (a) No permit or renewal or reinstatement of a permit shall be issued to any person who has been convicted of cruelty to animals, under any federal, State or local law, or fined for animal cruelty under Part 2 and upheld on appeal, or shall be issued to any pet shop that is owned by, or employs or plans to employ, any person who has been convicted of cruelty to animals under any federal, State, or local law, or fined for animal cruelty under Part 2 and upheld on appeal.
- (b) A pet shop or animal dealer shall, in a timely manner, apply to ACPS for issuance of, or for renewal or reinstatement of, a permit. If the prospective permittee is not an individual person, application shall be made by a person authorized by the prospective permittee to apply and sign.
- (c) The signature of the applicant shall constitute agreement that the prospective permittee shall assume responsibility for the operation of the pet shop in accordance with the requirements of this Part and all applicable provisions of this Chapter.
- (d) The application for issuance, renewal or reinstatement of a permit shall include such information and documentation as ACPS may reasonably require including, but not limited to, the following:
 - (1) Name, address and telephone number of the pet shop;
 - (2) Name, date of birth, home and business addresses, and home and business telephone numbers of the permittee and the individual(s) having primary management responsibility. If permittee is a corporation or partnership or other organization, the name, date of birth, home and business address and home and business telephone numbers of each officer or partner; and
 - (3) The animal cruelty conviction histories, and any civil fines for animal cruelty upheld on appeal, of each of the above listed persons.
- (e) Each permittee and each prospective permittee shall notify ACPS promptly of any and all changes in the information submitted in the application for issuance, renewal or reinstatement of a permit. Each permittee and each prospective permittee shall also promptly notify ACPS of any enlargement to or remodeling of the facilities.
- (f) Each permittee and each prospective permittee shall notify ACPS of any change of the individual person having primary management responsibility for the pet shop no later than the time of the change.
- (g) A timely application for issuance, renewal or reinstatement of a permit shall be accompanied by payment of a fee in accordance with ACPS's permit fee schedule. A late application for issuance, for renewal or reinstatement shall be accompanied by a late fee payment as provided in the fee schedule.
- (h) No permit shall be transferable, and the location of a permitted pet shop or animal dealer shall not change unless the permittee has applied for and received a new permit for the new location.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1005. Issuance of permit; denial of application; reapplication.

- (a) ACPS, in a timely manner following the filing of an application, shall issue a permit to the pet shop owner or animal dealer (prospective permittee) or renew or reinstate the permittee's permit; however, ACPS is

authorized to deny an application for issuance, renewal or reinstatement of a permit based upon the following:

- (1) The pet shop owner or animal dealer (prospective permittee) or the person to have primary management responsibility for the pet shop is under 18 years of age or has been convicted of cruelty to animals; or
 - (2) The application is incomplete or has been found to contain false or misleading statements; or
 - (3) The pet shop owner or animal dealer (prospective permittee) has had a permit issued under this Part suspended or revoked more than one time within five years before the date of the current application; or
 - (4) The pet shop owner or animal dealer, the prospective permittee, or the individual to have primary management responsibility for the pet shop or animal dealer operation has been found, by inspection or otherwise to be in violation of any provision of this Part; or
 - (5) The pet shop or animal dealer operation has been found by inspection not to meet any of this Part's regulations.
- (b) A pet shop owner or animal dealer may reapply for a permit after 30 days from the date of denial, accompanied by another application fee.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1006. Grounds for suspension and revocation of permit; appeal process; surrender of permit; disposition of animals.

- (a) ACPS is authorized to suspend or revoke a permit for violation of a provision or regulation of this Part or for a violation of Part 2 of this Chapter. Permit suspension shall be for a period of time not to exceed six months, to be determined at the discretion of ACPS. Revocation shall be for a period of one year. 30 days before the end of the revocation period, the former permittee may apply for another permit.
- (b) Except as otherwise ordered by the Building Codes Adjustment Board (the "Board"), or by a court of competent jurisdiction, suspension of a permit shall take effect on the fifth business day, and revocation of a permit on the fifteenth business day, after service of written notice by one of the following methods:
 - (1) By personal service upon the permittee, a member or officer thereof, or service upon the person having primary management responsibility for the pet shop or animal dealer operation; or
 - (2) By the prominent posting of a copy of such notice at the main entrance of the permitted premises.
- (c) A permittee shall promptly surrender to ACPS the pet shop or animal dealer permit upon the effective date of a suspension or revocation, subject to appeal as provided herein. At the end of the suspension period for a suspended permit, ACPS shall return the permit promptly to the permittee.
- (d) The permittee may challenge the action of ACPS by appealing to the Board. The permittee's appeal, alleging error in an order, decision or determination of ACPS, shall be submitted to the Board in accordance with the provisions of Chapter 56, which shall be determined in accordance with Chapter 56 and the rules of the Board, and which final Board decision is subject to appeal to a court of competent jurisdiction.
- (e) Upon surrender of a revoked or suspended permit, the permittee shall demonstrate, to the satisfaction of ACPS, that permittee has lawfully arranged new ownership of each animal in its charge as of the effective date of suspension or revocation. If permittee fails to so demonstrate, ACPS may, at its sole discretion and at

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the former permittee's sole expense, seize and impound, sell, adopt or otherwise humanely dispose of any animals still in the possession or control of the former permittee.

- (f) Suspension of a permit shall not relieve the permittee of the responsibility to abide by the provisions of this Part and applicable provisions of this Chapter and shall not limit ACPS's authority to inspect the premises as otherwise provided in this Part, to issue warnings and citations accordingly and to take other appropriate action as provided by this Chapter.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1007. Inspection.

- (a) The acceptance of the permit applicant constitutes consent by the permittee or prospective permittee for ACPS, or its designee, to inspect, during reasonable hours, announced or unannounced and without warrant, the entire pet shop premises or animal dealer operation where the animals are maintained or housed, every vehicle used regularly for transporting animals for commercial purposes, and to examine any pertinent records.
- (b) Prior to and as a condition for the issuance, renewal or reinstatement of a permit, a pet shop or animal dealer operation, and every vehicle used regularly for transporting animals for commercial purposes, shall submit to and pass inspection by ACPS. ACPS may conduct reinspection(s), for appropriate improvement, whenever such inspection is failed.
- (c) During any inspection pursuant to this Part, a pet shop or animal dealer shall allow ACPS, or its designee, unlimited access to the entire pet shop or animal dealer operation premises where the animals are maintained or housed to observe practices, to obtain pertinent information regarding the facilities and any of the vehicles used regularly for transporting animals, and to examine any of the pet shop's or animal dealer's operation pertinent records.
- (d) The permittee shall notify ACPS sufficiently in advance of the use of any alteration, remodeling or expansion to the pet shop facility or animal dealer operation in order to allow ACPS the opportunity to inspect such remodeling.
- (e) ACPS, or its designee, is authorized to inspect each pet shop or animal dealer operation at least once each year to determine compliance with this Part.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1008. Display of permit and notice of breeder/animal dealer origin.

- (a) A pet shop or animal dealer shall display its current permit prominently in the permitted premises' primary structure in a clear, transparent cover or frame and mounted in such a manner as to make it clearly visible and readily readable to the public. The permit shall, during reasonable hours, be available for inspection by ACPS or its designee. Mutilation, obstruction or removal of the permit shall be a violation of this Part.
- (b) Any business or individual that sells, trades, exchanges or gives away dogs or cats must display the name of the breeder or animal dealer in a highly visible location along with the dog or cat, and must make available to ACPS the address and phone number of the breeder upon request.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1009. Violations, warnings, citations, penalties.

Every pet shop or animal dealer shall comply with the provisions and regulations of this Part. Each failure to comply with any provisions or regulations shall be a separate violation. At the discretion of ACPS, a warning notice may be issued instead of a civil citation. Issuance of a warning notice shall constitute an order that every violation cited shall be corrected within three business days, and ACPS after three days may conduct a follow up inspection to determine whether every cited violation has been corrected. For issuance of a civil citation, the first violation of a given provision or regulation shall be punishable by fine of not less than the amount designated in Chapter 462, Part 18.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1010. Notification; records; report of sale or gift.

- (a) Every pet shop or animal dealer shall furnish ACPS with the name, home and business addresses and home and business telephone numbers of at least one responsible person who has access to the pet shop or animal dealer operation and may be contacted after business hours in the event of an emergency.
- (b) Every pet shop or animal dealer shall maintain, on the premises for at least two years, a record of the name, address and telephone number of every person and/or business from which it obtains any animal, except small fish.
- (c) Every pet shop or animal dealer shall maintain on the premises for at least two years, a record of each dog, cat, bird, ferret and any animal subject to permit by the Commission that is sold, traded or given away, including the date of transaction, the name and address of the purchaser or recipient, the name and address of the owner if different from the purchaser or recipient, and a description of the animal, including type, breed(s), color(s), age, sex, and other pertinent information for proper identification of the animal. Every pet shop or animal dealer obtaining a permit from the Commission for the keeping, possessing or exhibiting of any venomous reptile shall notify ACPS immediately.
- (d) Every pet shop or animal dealer operation permittee shall provide to ACPS, on a quarterly basis, a report of those animals sold, traded or given away, and containing the information as required herein.

(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Editor's note(s)—Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

Sec. 462.1011. Regulations and standards.

- (a) No person who has been convicted, under the laws of any State, County or municipality, of cruelty to animals shall own, operate or be employed by a pet shop or animal dealer.
- (b) No pet shop or animal dealer shall sell, trade, give away, or offer for sale, trade or gift, any livestock, game, or other animal which is not a household pet as defined in this Chapter, except that pet shops or animal

dealer operations may sell, trade, give away or offer for sale, trade or gift a wild animal that is allowed to be sold and possessed and is sold in accordance with applicable laws and regulations of the Commission.

- (c) Every pet shop or animal dealer shall comply with all requirements of F.S. § 828.29, as amended, including, but not limited to: maintaining records of vaccinations and other preventative medication; maintaining official certificates of veterinary inspection; retaining records; and sale, purchase and return of dogs and cats. Every pet shop or animal dealer shall comply with the requirements of Section 462.502 and F.S. § 828.30. A pet shop or animal dealer is not required to obtain licenses for animals, but must inform the prospective owner or purchaser of the requirement to license the animal in accordance with Section 462.502.
- (d) For every animal that is subject to permit by the Commission that the permittee sells, trades, or gives away, or offers for sale, trade, or gift, the permittee shall:
 - (1) House and display the animal in such a manner as to prevent handling by the general public;
 - (2) Possess all necessary wildlife permits and comply with all rules and regulations;
 - (3) Inform the prospective owner of the animal of the requirement for special Commission permitting;
 - (4) Make available to the new owner at the time of transfer of ownership of the animal an appropriate Commission form of application; and
 - (5) Make and retain, on the pet shop or animal dealer operation premises for at least two years, a complete record of the purchase or other acquisition and of the sale, trade, or gift of the animal.
- (e) Sick animals shall be isolated individually and in such a manner as to prevent exposure to other animals. Quarantine and/or restriction of infected animals shall comply with F.S. Ch. 381, as may be amended, and with applicable State rules and regulations.
- (f) No pet shop or animal dealer shall sell, trade, give away, or offer for sale, trade, or gift, any animal that is infected with, or is suspected of being infected with or of having been exposed to and during the disease incubation period for, any disease which is communicable to humans or to other animals including, but not limited to, rabies, distemper, mange, parvo virus or other infectious or dangerous diseases as determined by a veterinarian.
- (g) Every pet shop or animal dealer shall provide appropriate veterinary care whenever an animal under its care is found to be sick and/or injured. Such care may include euthanasia when approved and performed by a veterinarian licensed by the State of Florida. It shall, in a timely fashion, record and report to the DCHD every incident on its premises of a known or suspected disease of the type zoonosis. For every dog and cat kept for the purpose of sale, trade or gift, it shall maintain a record of any vaccination, injury, illness, consultative services, and/or treatment and make available upon request to any prospective owner the recorded information, and a copy of the official certificate of veterinary inspection required by F.S. § 828.29 for any such animal.
- (h) Every animal shall be cared for appropriately for its genus, species, age, sex, and individual nutritional and other health requirements including, but not limited to, the following:
 - (1) No animal shall be given obviously contaminated or tainted food or water.
 - (2) Every animal shall be provided appropriate food, and any appropriate nutritional supplements, at a frequency and in such quantities as appropriate for its genus, species, age, sex, and individual condition;
 - (3) Every animal shall have fresh water available at all times, except for salt-water animals and except when veterinary treatment requires otherwise. Water containers shall be mounted or secured in a manner that prevents tipping and be of the removable type, except when veterinary treatment requires otherwise.

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- (4) Every fish tank shall, for each fish and/or aquatic animal within, have appropriate and sufficient water, food, plant life, lighting, aeration, filtration, and heating and shall be free from excessive algae.
 - (i) No animal shall be tranquilized for grooming purposes or, in the absence of explicit direction from a veterinarian, for the purpose of keeping the animal in a docile state.
 - (j) Every animal shall be provided appropriate waterproof shelter (except for aquatic animals) that protects it from the weather, extreme temperatures and direct sunlight. To the extent the animal is sheltered in a cage, run or other such enclosure (hereinafter "enclosure"), the following shall also apply:
 - (1) Enclosures other than those which also serve as a primary residence for a person or persons shall be constructed of nonporous, nonabsorbent, impervious material. Floors shall be fiberglass, concrete, tile or other nonporous and impervious material. Dog and cat enclosures may be covered throughout with a minimum of three inches of gravel.
 - (2) Bedding shall be clean, dry, of sufficient quantity and of appropriate composition.
 - (3) Enclosures shall be kept clean and dry and, except for birdcages, shall be maintained throughout each day and shall be emptied and cleaned at least once per day.
 - (4) When an enclosure becomes empty through sale or other transfer of its occupant or occupants, the enclosure shall not be used to hold or house another animal until it has been thoroughly cleaned and disinfected.
 - (5) Every cat enclosure shall contain a spill-resistant litter pan of sufficient size and with sufficient litter for the number of cats within the enclosure.
 - (6) Every animal shall have sufficient space to stand fully erect, lie down fully outstretched, and turn completely around in a natural position without touching the sides or top of the enclosure with any part of its body, including ears and tail, and without touching any other animal in the enclosure. If the animal cannot access additional indoor or outdoor space for exercising, then this enclosure must provide adequate space for exercising.
 - (7) Every birdcage and enclosure shall, for each bird within, have appropriate and sufficient food and water. Every enclosure for large birds shall be wide enough to allow any bird in the enclosure to extend both its wings fully at the same time without any part of its body, including its tail, touching the top of or any side of the enclosure and shall be at least twice the height of the tallest bird in the enclosure. Every enclosure for small birds shall be large enough for all the birds in it to perch at the same time. Every bird shall be provided with sufficient perching-space. In each birdcage, perches shall be parallel, aligned horizontally and not vertically, and perches shall be mounted so that the tail of any perched bird will not touch the bottom of the enclosure. Birds shall be housed at least 12 inches above the floor and in a well-ventilated area.
 - (8) Every fish tank shall be cleaned as needed.
 - (9) Animals shall not be commingled inappropriately for their genus and species, except that rodents may be placed in enclosures containing reptiles when being used as reptile food. Large and small birds shall not be commingled in the same enclosure. No combination of dogs, cats, and birds shall be commingled in the same enclosure. Every dog or cat over six months of age shall be kept in its own enclosure. No enclosure shall be overcrowded. Where an animal dealer is operating out of his/her primary residence, animals may be comingled within the residence if they are compatible; this includes dogs and cats over the age of six months provided the area occupied is adequate and not overcrowded.
 - (k) Room temperature shall be maintained at a temperature not lower than 50 degrees Fahrenheit and not higher than 85 degrees Fahrenheit for four or more consecutive hours. Where an animal dealer is operating out of his/her primary residence, the room temperature for the animals can be the same as maintained for the human residents (within a temperature range that a reasonable person would keep the residence while

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occupied by him/her and any family members) provided adequate provisions have been made to protect or provide for animals when temperatures fall outside the above mentioned temperatures. Examples include but are not limited to blankets in colder temperatures and fans in hotter temperatures. No animal(s) shall be maintained in any location where the ambient temperature of the surrounding area is under 35 degrees Fahrenheit or higher than 100 degrees Fahrenheit.

- (l) Ventilation of any and all indoor areas of the premises in which animals are housed shall be to the outside air by forced draft and shall provide appropriate change and circulation of the air.
- (m) Interior lighting shall be appropriate for good visibility for cleaning purposes and for animal health and comfort. Whether natural, artificial, or a combination of both, such lighting shall be provided in reasonable cycles conducive to the animals' natural biological rhythms.
- (n) Every pet shop or animal dealer operation shall have readily accessible a conveniently-located sink, use of which shall be limited to hand washing, equipped with adequate hot and cold running water, hand cleaning soap, and sanitary toweling or a sanitary drying device.
- (o) Every pet shop or animal dealer operation shall have readily accessible a deep sink, with adequate hot and cold running water, suitable for the cleaning of equipment, utensils, mops, and cages, and which may be used for the bathing and/or dipping of animals only after the sink has been thoroughly cleaned of any contaminants.
- (p) Every pet shop or animal dealer operation shall have readily accessible at least one restroom facility containing at least one toilet and one sink that are available for use by personnel and patrons, pursuant to F.S. Ch. 381, as may be amended, and applicable State rules and regulations.
- (q) All plumbing shall be connected to a sewage system, in compliance with all applicable laws.
- (r) Any floor in any area in which an animal is housed, displayed, bred, fed, or otherwise maintained shall be of impervious construction and when flush or floor-type cleaning is employed, graded to a floor drain; except where an animal dealer is operating out of his/her primary residence.
- (s) All floors, walls and ceilings shall be kept clean and in good repair.
- (t) All pet shop or animal dealer operation structural doors shall be self-closing and all windows shall be screened.
- (u) Every pet shop or animal dealer operation shall be distinctly separate from any area used for human habitation or for the preparation of, or the serving of, food for human consumption.
- (v) Every pet shop or animal dealer operation shall be kept pest-free and vermin-free.
- (w) All equipment shall be kept clean, in good repair and in sound working order.
- (x) Every pet shop or animal dealer operation shall have on the premises such brooms, mops, hoses, vacuum cleaners, brushes, disinfectants, and other cleansing implements and materials as are required to maintain sanitary conditions. Such implements and materials shall be stored in a sanitary manner separate from any place where food is stored or where animals are housed or otherwise maintained. Cleaning materials must be present at the time of any inspection in amounts sufficient to clean the entire facility.
- (y) A pet shop owner or animal dealer shall regularly assign personnel the duty of maintaining sanitary conditions throughout the premises.
- (z) A pet shop owner or animal dealer shall promptly correct unsanitary conditions and any other conditions which violate any provision or regulation of this Part.
- (aa) Every pet shop or animal dealer operation shall be maintained in a safe and sanitary manner in order to promote a healthy environment for its animals, personnel and patrons and to limit the risk of disease-transmission to animals and to humans.

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(Ord. 2004-259-E, § 1; Ord. 2010-527-E, § 11)

Sec. 462.1012. Putrescible material; dead animals; records.

- (a) Putrescible material including, but not limited to, soiled, discarded bedding or litter, excreta, garbage, refuse, and dead animals shall not be allowed to accumulate and shall be wrapped securely in properly-tied plastic garbage bags, stored in durable, secure, nonabsorbent, pest-proof containers, removed at least daily and disposed of lawfully.
- (b) Dead animals, excluding small fish, shall be disposed of as solid waste and in a manner so as to prevent the contamination of the pet shop and exposure of pet animals and/or humans.
- (c) Records of animal deaths, including description of animal, age, sex, nature of death, and method and location of disposal of the animal, shall be maintained on the pet shop premises for at least two years.

(Ord. 2004-259-E, § 1)