



Palm Beach County Animal Care and Control Ordinance 98.22 Chapter 4 Section 29

Sec. 4-29. - Hobby breeder permits.

(a) *Hobby breeder permits.*

- (1) No person shall breed a dog or cat or offer a dog or cat for breeding or stud purposes without first obtaining an appropriate breeding permit issued by the Division. No person shall maintain unsterilized dogs over six (6) months of age or unsterilized cats over four (4) months of age together without first obtaining an appropriate breeding permit from the Division. No cat shall be bred unless it is a pedigreed cat registered as such with the Cat Fancier Association or the International Cat Association. No hobby breeder permit shall be issued unless the cats to be bred are pedigreed cats registered as such with the Cat Fancier Association or the International Cat Association. The cost of the permit and other related fees shall be established by the Board by resolution.
- (2) Hobby breeders shall:
 - a. Not breed more than two (2) litters or more than nineteen (19) dogs, cats, puppies, or kittens during a one-year period;
 - b. Not offer for sale, sell, trade, receive any compensation for or give away more than two (2) litters or more than nineteen (19) dogs, cats, puppies, or kittens during a one-year period;
 - c. Keep records for the duration of the hobby breeder permit and all permit renewals as to the birth of each litter of puppies or kittens and shall make such records available for review by the Division upon request;
 - d. Keep records including but not limited to records concerning rabies vaccinations, all other inoculations and any medical condition(s) of each dog, cat, puppy or kitten intended to be sold, given away, or otherwise conveyed;
 - e. On a quarterly basis, the name, address, and telephone number of the new owner of any dog, cat, puppy or kitten placed or a notice that no animal was sold during the quarter shall be provided to the Division;
 - f. Furnish to each new owner of a dog, cat, puppy or kitten the hobby breeder permit number so the new owner has proof and assurance that the animal was legally bred;
 - g. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or free giveaway, with the exception of animals taken to an animal shelter;
 - h. Recommend to each new owner that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner of State requirements for rabies vaccinations;
 - i. List the person's hobby breeder permit number on all advertisements and literature concerning the sale or free giveaway of any dog, cat, puppy or kitten of the hobby breeder;
 - j. Adhere to minimum standards regarding the care and manner of keeping of animals as provided in section 4-24, animal care; manner of keeping; and
 - k. Allow the Division to inspect the premises wherein an animal that is the subject of a hobby breeder permit is maintained and to view any animal that is the subject of the permit, if the

Division has probable cause to believe that a violation of section 4-24, animal care; manner of keeping, exists. Such inspection will be limited to that necessary to ascertain compliance with section 4-24, animal care; manner of keeping. If a hobby breeder refuses to allow the Division to perform an inspection as provided herein, the Division may apply for a warrant pursuant to Florida Statutes Ch. 933. All reports of such inspections shall be in writing and maintained by the Division.

- (3) A hobby breeder permit is valid for a period of one (1) year from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to expiration.
 - (4) A hobby breeder permit is not transferable, assignable, or refundable.
 - (5) Each person owning an animal intended to be used for breeding or studing shall obtain a hobby breeder permit prior to using any dog or cat for breeding or stud purposes. A hobby breeder must obtain an unaltered license tag for each unaltered dog or cat covered under the hobby breeder permit.
- (b) *Obtaining a hobby breeder permit.*
- (1) A person seeking a hobby breeder permit shall apply to the Division on a form approved by the Division.
 - (2) The permit application shall include but is not limited to the following information:
 - a. The name, address and telephone number of the applicant;
 - b. A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals or had a final judgment entered against the applicant under F.S. § 828.073, or any other statute prohibiting animal neglect or mistreatment;
 - c. A description (species, breed, sex, age, coloration) of each animal under the permit; and
 - d. A description of the activity for which the permit is requested.
 - (3) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued based on false or withheld information shall be revoked.
 - (4) No person previously convicted of cruelty to animals or who has had a final judgment entered against him/her pursuant to F.S. § 828.073, shall be issued a hobby breeder permit.
- (c) *Permit procedures.*
- (1) The permit applicant shall complete an application, supply all information requested by the Division, and pay the applicable permit fee established by the Board by resolution.
 - (2) Permit applications shall be valid for thirty (30) days in order for applicants to make corrections to meet minimum compliance specifications.
- (d) *Violations.*
- (1) Failure to apply for a permit prior to operating as a hobby breeder shall constitute a violation.
 - (2) Failure to reapply for a permit at least thirty (30) days before expiration of the existing permit shall constitute a violation.
 - (3) Refusal to allow an animal control officer to inspect an animal or the premises as provided in section 4-29(a)(2)k. shall constitute a violation.
 - (4) It shall be a violation of this chapter to counterfeit a hobby breeder permit or official certificate of veterinary inspection or to maliciously destroy a hobby breeder permit.
 - (5) It shall be a violation of this section to advertise, display, attempt to sell or sell any dog or cat on any roadside or public right-of-way.
- (e) *Permit denial, revocation, and suspension.*
- (1) By notice of adverse action, the Division may deny, revoke or suspend any permit if it is determined that:
 - a. There has been a material misstatement or misrepresentation in the permit application;

- b. The applicant/permit holder has been cited for at least three (3) violations of this chapter within a two-year period, each resulting in the imposition of a fine;
 - c. The permit holder/applicant has outstanding and unsatisfied civil penalties imposed due to a violation of this chapter;
 - d. The applicant/permit holder, his/her agent or a member of the household has been convicted of a violation of law involving cruelty to animals or has had a final judgment entered against him/her pursuant to Florida Statutes § 828.073; or
 - e. An animal under the care and responsibility of an applicant/permit holder has been found to be in need of immediate veterinary care that, if not treated, would result in suffering, pain or death.
- (2) No permit fee shall be refunded for a permit that is revoked or suspended. For a permit that is denied after review, the permit fee shall be refunded as provided by the Board by resolution.
- (f) *Appeal process.*
- (1) Any applicant or permit holder who has been denied a permit or whose permit has been revoked or suspended may appeal this action to a Special Master within the ten-day period after the Division originates the adverse action. A written notice of appeal and appeal bond must be filed with the Division within ten (10) days of the notice of adverse action. The Board of County Commissioners is hereby authorized to establish the amount of the appeal bond by resolution. The appeal bond shall be remitted to the Division in the form of a money order, a certified check, a cashier's check, or a bank check payable to the County.
 - (2) The appeal will be heard by a Special Master within thirty (30) calendar days after the applicant or permit holder has submitted a notice of appeal. The initial hearing on the appeal may be continued by the Division, the Special Master, or the applicant or permit holder beyond the thirty (30) calendar days for good cause shown.
 - (3) Unless otherwise provided herein, the hearing before the Special Master shall be governed as provided in section 4-30, Animal care and control Special Master hearing.
 - (4) The denial, revocation or suspension of the permit shall be upheld or reversed by the Special Master.
 - (5) All decisions by the Special Master shall be final and reviewable by writ of certiorari to the County Circuit Court.
 - (6) The Special Master shall provide the applicant or permit holder with written notice of his/her decision.
- (g) *Owner requirements following notice of adverse action and/or appeal process.*
- (1) If the notice of adverse action of denial, revocation or suspension of a hobby breeder permit is not appealed, the applicant or permit holder shall come into compliance with this chapter within ten (10) days after the notice of adverse action.
 - (2) Any person whose permit has been revoked may not reapply for a period of one (1) year. Each reapplication for a permit shall be accompanied by a fee to be established by the Board by resolution.
- (h) *Fee waiver.* The Division shall waive the annual hobby breeder permit fee for any person/applicant who applies for a hobby breeder permit on or before August 1, 2008. For persons/applicants who apply for a hobby breeder permit during this period, the Division shall also annually waive the fee for two (2) unaltered dog or cat license tags. The fee waiver shall remain in effect for a hobby breeder so long as the hobby breeder remains in compliance with this chapter and F.S. ch. 828.

(Ord. No. 08-004, pt. 7, 2-5-08; Ord. No. 2011-005, § 7, 3-15-11; Ord. No. [2015-027](#), § 1, 6-23-15; Ord. No. [2016-045](#), § 1, 9-27-16)

Editor's note— Ord. No. 08-004, pt. 7, adopted February 5, 2008, amended the Code by renumbering former § 4-29 as a new § 4-31, and adding a new § 4-29.