

MINUTES OF THE MEETING OF THE BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

5:00 PM

The Board of County Commissioners of Brevard County, Florida, met in regular session on March 12, 2019 at 5:00 PM in the Government Center Commission Room, Building C, 2725 Judge Fran Jamieson Way, Viera, Florida.

**CALL TO ORDER**

5:00 PM Meeting called to order on March 12, 2019 at Board Room, Board Room, Viera, FL.

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Rita Pritchett	Commissioner District 1	Present	
Bryan Lober	Vice Chair Commissioner District 2	Present	
John Tobia	Commissioner District 3	Absent	
Curt Smith	Commissioner District 4	Absent	
Kristine Isnardi	Chair Commissioner District 4	Present	

**MOMENT OF SILENCE**

Chair Isnardi called for a moment of silence.

**PLEDGE OF ALLEGIANCE**

Commissioner Lober led the assembly in the Pledge of Allegiance.

**ITEM E.1., WOMEN'S HISTORY MONTH 2019: "VISIONARY WOMEN CHAMPIONS OF PEACE AND NON-VIOLENCE"**

Chair Isnardi read aloud, and the Board adopted Resolution No. 19-030, recognizing March 2019 as Women's History Month in Brevard County.

Don Walker, Space Coast Government TV Director, representing Team Diversity, stated they would like to celebrate all women who serve in the military, in the home, in the workplace, and especially in Brevard County Government; and as part of that he introduced Cheryl Street, Solid Waste Management Department, who is an Army Veteran. He expressed his appreciation to the Board for the Resolution.

Ms. Street expressed her appreciation to the Board for recognizing Women's History Month and honoring County women Veterans; she further thanked the Board on behalf of the women Veterans who have gone before her, those who walk with her, and those yet to come; and she stated she is very proud to have served her country, the greatest country in the world, the United States of America.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bryan Lober, Vice Chair Commissioner District 2  
**SECONDER:** Rita Pritchett, Commissioner District 1  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM E.2., RESOLUTION, RE: FLORIDA SURVEYORS & MAPPERS WEEK**

Commissioner Lober read aloud, and the Board adopted Resolution No. 19-031, recognizing March 17-23, 2019, as Florida Surveyors & Mappers Week in Brevard County.

A representative of the Space Coast Chapter of Florida Surveyors & Mappers Society expressed his appreciation for this proclamation.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bryan Lober, Vice Chair Commissioner District 2  
**SECONDER:** Rita Pritchett, Commissioner District 1  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.1., APPROVAL, RE: GRANT OF EASEMENT AT DREDGED MATERIALS MANAGEMENT AREA BV-2C FROM FLORIDA INLAND NAVIGATION DISTRICT (FIND) FOR TWO SCOTTSMOOR DENITRIFICATION BIOREACTOR PROJECTS**

The Board authorized the Chair to execute the Grant of Easement with Florida Inland Navigation District (FIND); and approved payment to FIND for the easement fee for two Scottsmeer Denitrification Bioreactor Projects.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.2., APPROVAL, RE: SPECIAL WARRANTY DEED FROM D.R. HORTON, INC. FOR PUBLIC RIGHT OF WAY ON THE PLATS OF BRENTWOOD LAKES P.U.D. PHASE I AND II**

The Board accepted the Special Warranty Deed from D.R. Horton, Inc. for public right-of-way on the Plats of Brentwood Lakes P.U.D. Phase I and Phase II.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.3., APPROVAL, RE: WARRANTY DEED FROM LAKE GENEVA GROUP, LLC - DEDICATION OF ADDITIONAL RIGHT OF WAY ON SMITH ROAD, MERRITT ISLAND**

The Board accepted Warranty Deed from Lake Geneva Group, LLC for the dedication of an additional right-of-way on Smith Road, Merritt Island.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.4., APPROVAL, RE: NON-ACCEPTANCE OF PROPERTY CONVEYED TO BREVARD COUNTY FROM SARALAND, LLC**

The Board authorized the Chair to execute Quit Claim Deed and Notice of Non-Acceptance for Saraland, LLC for a parcel in Section 32, Township 28, Range 37.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.5., APPROVAL, RE: RESOLUTION AND FLORIDA POWER & LIGHT COMPANY (FP&L) UNDERGROUND EASEMENT (BUSINESS) FOR THE WICKHAM PARK PAVILION POWER EXTENSION PROJECT**

The Board adopted Resolution No. 19-032; and authorized the Chair to execute the Underground Easement (Business) with FP&L for the Wickham Park Pavilion Power Extension Project.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.6., APPROVAL , RE: AGREEMENT WITH REDZONE ROBOTICS FOR SEWER LINE ASSESSMENTS**

The Board executed Agreement with RedZone Robotics for sewer assessments in South Beaches and Barefoot Bay by piggybacking the City of Palm Bay contract; cancelled currently approved CIP projects for Port St. John Sludge Dewatering and Barefoot Bay Sludge Fan Press; reallocated remaining funds to Barefoot Bay and South Beaches; and authorized the Budget Office to approve any associated budget changes and journal entries.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.7., APPROVAL, RE: SUBMISSION OF A GRANT THROUGH THE BUREAU OF JUSTICE ASSISTANCE TO ENHANCE BREVARD COUNTY'S ADULT TREATMENT COURT (\$666,667)**

The Board authorized Housing and Human Resources Director as the Authorized Grantee Official; authorized the Housing and Human Resources Director to submit Grant Application (including all forms); authorized the Housing and Human Resources Director to execute all related agreements, modifications, and contracts as required upon approval of Risk Management and the County Attorney's office upon grant award; authorized all related grant funded travel; and authorized the County Manager to execute all necessary Budget Change Requests.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM F.8., APPROVAL, RE: SUBMISSION OF A GRANT THROUGH CENTER FOR MENTAL HEALTH SERVICES FOR THE EXPANSION AND SUSTAINABILITY OF THE COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES (MAXIMUM AWARD AMOUNT \$6,000,000)**

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The Board authorized the Housing and Human Resources Director as Authorized Grantee Official; authorized the Housing and Human Resources Director to submit Grant Application (including all forms); authorized the Housing and Human Resources Director to execute all related agreements, modifications, and contracts as required upon approval of Risk Management and the County Attorney's Office upon grant award; authorized all related grant funded travel; and authorized the County Manager to execute all necessary Budget Change Requests.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Kristine Isnardi
<b>ABSENT:</b>	John Tobia, Curt Smith

#### **ITEM F.9., BUDGET CHANGE REQUESTS**

The Board approved the Budget Change Requests, as submitted.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Kristine Isnardi
<b>ABSENT:</b>	John Tobia, Curt Smith

#### **ITEM F.10., SUBSEQUENT LOCAL WORKFORCE DEVELOPMENT AREA (LWDB) DESIGNATION, RE: BREVARD WORKFORCE DEVELOPMENT BOARD, INC.**

The Board executed the CareerSource Brevard (CSB) Application for Subsequent Local Workforce Development Area Designation which was transmitted to the State of Florida, Department of Economic Opportunity, as required.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Rita Pritchett, Commissioner District 1
<b>SECONDER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Kristine Isnardi
<b>ABSENT:</b>	John Tobia, Curt Smith

#### **ITEM G., PUBLIC COMMENTS**

Stacey Patel stated she is the Chair of the local Democratic Party, but she speaks to the Board today as its neighbor, and she hopes he or she can see it as that. She asked the Board to revisit the civility pledge in the back of the room, update any necessary policies, and censure

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Commissioner Lober for his continued incivility toward local residents, and for abusing official power to retaliate against a private citizen for an act of free speech. She noted as the Board knows, last week a local Democrat criticized Commissioner Lober online using colorful language wrapped around the word hypocrite; there was an event that day to launch a Habitat for Humanity community for women Veterans; Claudia is a Habitat volunteer who cares deeply for those in need; and she also tirelessly volunteered for two women Veterans in the last election, including Commissioner Lober's opponent, her heart was a little raw that day. She added she is human, like all of them, and she spoke out as the First Amendment allows in opposition to Commissioner Lober; later Commissioner Lober called for folks not to demonize the opposition in his words while calling local Democrats stupid, she is quoting, rodents, trash, and little blue ants; in the past he has called them evil; and this is the very definition of hypocrisy. She asked was it Claudia's finest hour; she advised no; as Chair she urges their members to take the moral high ground; in fact, shortly after she was elected, they unanimously adopted a set of principles that guide their interactions, including being hard on issues and soft on people, listen first and build bridges; and like any group of humans they are radically imperfect, but they strive to hold one another accountable. She went on by saying as a leader she also understands folks are human and they hurt, and sometimes this means that authentic communications is raw and emotional; and in this chamber where the Board's decisions impacts folks homes, incomes, and livelihoods, surely it creates space for that too, not only because of the First Amendment, but because humanity demands it. She noted as elected officials paid for by the public purse his or her role is different; they have a higher standard for the Board than they have for private citizens; while they appreciate civility from all, it is part of its role as public officials to listen regardless of tone, volume, or language in the face of decent or when folks are hurting or trying to protect their community from harm; and this is not simply a story about civility though, it is far more importantly about preservation of the democracy which is predicated on decency and freedom of speech. She advised in response to being called a hypocrite online, Commissioner Lober issued a not terribly subtle threat to the comments employment and livelihood replying, "Does your employer know you denigrate public officials while displaying their name? I'll make sure they do;" and then he notified her employer, an act of retaliation which to her mind was absolutely chilling. She pointed out public power must never be yielded as a threat against private citizens; already in their area, those whose politics who do not align with the majority live in fear of economic and social consequences for declaring another party other than Republican; do not pretend that a curse word on Facebook warrants governmental threats to one's livelihood; Commissioner Lober's position offers him power and influence with private employers in the community and that must never be wielded as a shield for his ego; threatening the livelihood of a private citizen because she denigrated a public official is beyond uncivil it is authoritarian; and she reiterated her request again for the Board to revisit the civility pledge in the back of this room, to update any relevant policies, and censure Commissioner Lober.

Commissioner Lober advised he does have some questions, and he would like to respond. He went on by saying Ms. Patel mentioned he did contact that person's employer; and he asked if that is correct.

Ms. Patel replied that he notified them, yes.

Commissioner Lober stated he wants to make sure Ms. Patel was on the record having said that twice; he asked if Ms. Patel knew she does not work for the entity that she claims to have worked for, that she is not a Lockheed Martin employee; and he inquired if that would surprise Ms. Patel. He noted she does not work for that entity, he did hear from their governmental affairs director indicating that, that was untrue; Ms. Patel kind of glanced over it but she sort of eluded to the fact that the very first interaction that he responded to included profanity; and he asked if that would be the 'f' word, or what level of profanity might that be.

Ms. Patel inquired from Claudia's perspective.

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Commissioner Lober replied no, not from anyone's perspective; and he asked the objective text that was on the item to which he replied, does Ms. Patel recall the 'f' word being in there.

Ms. Patel responded it may have been, she actually does not recall.

Commissioner Lober inquired if it would surprise Ms. Patel to know that when he was circled in that post, or in those posts, with the word hypocrite written there on the Habitat event that the money that was donated in large part to sponsor that event was conditioned on him being there for a photograph opportunity, and that had he not been there, there is a possibility that money would have been clawed back. He asked if she thought about that.

Ms. Patel replied it is not that she did not think about it, Commissioner.

Commissioner Lober stated in an echo chamber where one side gets to say things and not be rebutted, that is not how intelligent debate takes place, so he appreciate her being here when he has the opportunity to respond to some ridiculous allegations; context is notably absent in a lot of posts that she puts up; and it is also interesting that she wants accountability for certain individuals and not others. He went on to say he knows that on her page within the past day there was a call to report him to the Florida Bar for exercising his First Amendment free speech rights, so the First Amendment freedom to speech, that applies just to the folks who want that to apply to, or he asked if Ms. Patel thinks he ought to enjoy that Constitutional right as well. He noted he is asking Ms. Patel a question, and if she would please answer, he would appreciate it. He asked again if she believes he enjoys First Amendment rights or is that not okay.

Ms. Patel advised her opinion is irrelevant, sir.

Commissioner Lober inquired when did he give up his First Amendment right to free speech.

Ms. Patel replied again, her opinion on that subject is irrelevant.

Commissioner Lober pointed out it is very relevant because she comes here and she is casting aspersion, and she has double standards loaded with hypocrisy criticizing him for something that she freely waives for just about everyone else under the Sun when it is convenient for her to do so. He asked in terms of responding to folks, does she think it is appropriate that people are responded to in a fashion that is reflective of how they approach the individual in the first place, or does she think that is ridiculous, so if someone is nice to her does she think it is appropriate to be nice to them.

Ms. Patel stated honestly her concern here is not even the incivility, it is the retaliation from a government official, and it is his attempt to retaliate regardless of how he wants to put it.

Commissioner Lober advised he does not want to put it any way, this is how Lockheed Martin put it, they said that individual is not an employee of Lockheed Martin; she lied on there; she had incredible profanity that no individual of any age ought to use; and he told her point blank that if, and he is paraphrasing here, he believes roughly what he stated was, does her employer whose name she has pasted all over her profile, by hovering over that individuals name a person sees the employer, which links a sense of credibility and could suggest that the employer either condones or somehow reaffirms those particular beliefs, are they aware of her comments; and the comment was again, reaffirming that is indeed her employer, he is sure they would support his freedom of speech. He noted that is not even her employer; he has every right to tag Lockheed Martin, and he will continue to do things of that nature; if someone is going to act unprofessional he has every right to respond, and he will; and it is disgusting that he has someone he believes whose husband ran on people over politics who is criticizing him for

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utilizing his Constitutionally protected rights.

Ms. Patel exclaimed what her husband ran for has no reflection on this; the Board is celebrating Women's History Month; and to bring her husband into it as if it somehow bears on this matter is ridiculous. She stated sir, excuse me very much.

Commissioner Lober stated there is nothing productive coming of this, he is done.

Ms. Patel expressed her appreciation to the Board for its time.

**ITEM H.1., PUBLIC HEARING, RE; CODE REVISIONS TO INCREASE THE NUMBER AND LENGTH OF STAY FOR RV'S PERMITTED AT FISH CAMPS**

Chair Isnardi called for a public hearing to consider Code revisions to increase the number and length of stay for RV's permitted at Fish Camps.

Tad Calkins, Planning and Development Director, stated this Item is a request to amend the Zoning Regulations, specifically Section 62-1835 and 62-1841, to better align Fish Camps with RV Parks; what this amendment to the Code does is it makes the land use requirements for Fish Camps consistent with the current comprehensive land uses, and it also allows for longer, temporary stays extending them from 72 hours to 180 days, which is what the RV camps are; and also it establishes some sewer standards for them.

There being no comments or objections, the Board conducted the first public hearing approving revisions to Chapter 62, Article VI, Division 5, Section 62-1835.4.5 and Section 62-1841 to better align Fish Camps and Recreational Vehicles, and continued to the second public hearing on March 26, 2019.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Kristine Isnardi
<b>ABSENT:</b>	John Tobia, Curt Smith

**ITEM J.1., RESOLUTION, RE: REVOKING DELEGATION OF AUTHORITY TO SPECIFIED COMMUNITY REDEVELOPMENT AGENCIES TO LIMIT CERTAIN FINANCIAL ACTIVITIES**

Commissioner Lober stated he has a few things he would like to put across; he has one request from the City Manager of Cocoa to read something into the record that was sent to him earlier today; and he asked if that is all right. He stated this is from Cocoa City Manager; he spoke with him and also the City's Mayor regarding this particular Item; and he advised he is going to skip all of the header information in the title, and get right to the meat of it. He read as follows: "Commissioner Lober, thank you for your time yesterday afternoon on the telephone to discuss the proposed resolution, which affects the City of Cocoa, and specifically the Diamond Square and U.S. 1 Corridor CRA. The City acknowledges the intent of the resolution and has already scheduled a meeting with the County Manager and the County Attorney's Office to reinstate negotiations on the CRA Interlocal Agreements. The City and County met on at least two



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occasions, and County Manager Frank Abbate and I held some follow-up conversations once the draft CRAILAs were presented the City. Please know that neither the Diamond Square CRA nor the U.S. 1 Corridor CRA has sought to incur any form of debt with pledged TIF revenue since the last Brevard County BOCC workshop regarding the CRAs. We firmly believe we can reengage and finalize negotiations resulting in the development of ILAs related to the Diamond Square and U.S. 1 Corridor CRAs. We will not be attending this evenings meeting as we believe the County and City are moving toward accomplishing what your resolution proposes. Sincerely, John A. Titkenich, Jr." He stated it is copied to the Mayor and City Council, as well as the City Attorney.

Commissioner Pritchett expressed her appreciation to Commissioner Lober for putting this on the Agenda; he has everybody moving very quickly; she was going to make a recommendation, because two Commissioners are missing; she thinks what Commissioner Lober did is going to accomplish what he wants by doing it, and to maybe lay low on this for about a month and let the County Manager go to town on it; and he can come back if any have not moved on it. She went on to say from talking to the County Manager he feels like he can pull that off for the Board.

Commissioner Lober stated he does not disagree that it will probably get the ball moving; he had a conversation yesterday, and he does not think there is any confidentiality or privileged by any means being broken by talking about it since it is relevant, he saw Brenda Fettrow here; if she wants to address this as well since she was part of the conversation; when he spoke with the City of Rockledge's Mayor and with Ms. Fettrow, one of the questions that came up was why now; and his answer to that essentially, and if she recalls differently for her to please to correct him, he invites her to do so, was this is something that was addressed by the Board prior to him serving on the Board, and at this point in time, those CRAs would have expressed interest in the interlocal agreements have had ample time to do so. He pointed out this is basically getting the ball rolling; it does have teeth to the extent that in six months if there is a municipality or CRA that does not enter into an interlocal agreement, then the hammer can drop; but he truly does not believe the hammer is going to be dropping on any of these CRAs based on any of the conversations he had; he had a conversation with several mayors yesterday, not one or two, about this specific item; he believes this is the necessary push in the correct direction the County needs to have the CRAs understand that there is a potential end date and it is not something that tenuously is going drag out; and he thinks this will accomplish that. He stated when this thing is put up for vote, if it passes, if they get everything done in a month, God bless, he is happy to have it in a month and to consider the interlocals as they come in; he is not looking to say that any particular city did or did not do what they ought to have in the past; of course, there are two parties that are primarily involved when dealing with exercising and negotiating interlocal agreements, namely there is the County and the individual municipalities or the CRAs; and obviously either the County, the municipality, or the CRA dropped the ball somewhere, it may have been a combination of faults, or 100 percent the County's fault, he does not know, and he is not looking at casting blame. He added all he is trying to do is to get all of the CRAs on an equal playing field where the rules that apply to one apply to all, so this is not intended to denigrate any of the cities or municipalities or any of the CRAs.

Commissioner Pritchett stated she knows that, and she has known Commissioner Lober long enough to know that he is analytical; he thinks he would get it done, and that way the County would not risk offending the cities, because she thinks they are allies and working hard to work with the County; and there was a huge workshop when she first got on the Board and spent so much time. She pointed out she agrees if the cities do not respond after the Commissioner brings this up, the Board would have to do something different, because in good faith, that should have been done. She stated probably some of the CRAs are bigger than others; the good news is most of the CRAs are gone in five or six years; and that is really good.

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Commissioner Lober noted what he would be willing to do as a compromise is for those cities where they have a representative here where they indicate they will not until this comes back again incur any additional debt, then he is happy to remove those temporarily from those particular cities; and those can be re-addressed in a month.

Frank Abbate, County Manager, stated he would think they would be able to get together; they already have it scheduled, actually tomorrow afternoon at 1:00, with Cocoa, and that is two of the five; and he believes the City of Melbourne has a representative here as well this evening.

Commissioner Lober stated he cannot speak for the municipalities, but if they can tell him that Rockledge will not incur any debt between now and when the Board re-addresses this, he is happy to temporarily strike Rockledge, and the Board will address it in the future if need be.

Brenda Fettrow, City Manager City of Rockledge, stated absolutely Commissioner Lober, they did have a conversation on the telephone with their Mayor Tom Price as well, and they were very comfortable with their conversation as the Commissioner alluded to; they are happy to work with Mr. Abbate; she would have scheduled an appointment yesterday had she known Mr. Abbate was open this week; and they can certainly do that. She went on to say the big meeting took place between the cities and the County in April 2017; she immediately got to work and worked with Mr. Abbate at least once, perhaps twice; and their Council did approve a draft interlocal that was transmitted back to the County Commission and County Manager at that time. She pointed out admittedly it did not contain all of the elements that she believes the Board is looking for, thus the term negotiations; but they are happy to go back to the table and to continue working through those, she believes there are five bullet points the County Manager outlined for her this last week; she reiterated Commissioner Lober, the Mayor, and she talked yesterday; she believes three and perhaps four can be worked through; and the fifth one would need a little more conversation, so she thinks the City of Rockledge is very close. She advised they will not incur any debt until she has an opportunity to meet with the County Manager, and hopefully work through the interlocal agreement with their Council as well as the Board.

Commissioner Lober moved to remove the City of Rockledge from the resolution.

Joan Junkala, City of Palm Bay/Bayfront CRA, stated she is the administrator from the Bayfront CRA, she started two weeks ago; she has been with the City of Palm Bay for two weeks but it is not her first interaction with CRAs; and she has held positions in economic development and redevelopment through her employment with the municipalities in Brevard County, and also with Broward County. She went on by saying she does understand the Bayfront CRA and County had gone back and forth on some type of deal, obviously she was not involved in that; but she wanted to provide an update about the projects and initiatives taking place with the Bayfront CRA. She stated within her first two weeks of serving as administrator she has had the pleasure of being made aware of a variety of projects and initiatives within the District; these projects range from successful efforts to attract new residential and commercial development to the Bayfront CRA to redevelopment of blighted and underutilized properties to infrastructure and street scaping projects; she has also had the pleasure of meeting a developer out of Orlando that took the risk to be the first to market multi-family projects in the City of Palm Bay and also within the redevelopment district; and it is her understanding it would be the first market rate apartment complex to come to the City of Palm Bay and also to the redevelopment district. She stated this would bring to fruition an \$80 million project within the district; they are already adding to the tax increment; and this is a Phase 1 of a two phase project so there is more potential for that to occur within the CRA as well. She added she has also been updated on partnered efforts between the Bayfront CRA and the City's Public Works Department regarding shoreline restorations and vegetation maintenance projects; she also understands the Bayfront CRA has previously applied for and won a Florida Inland Navigation District (FIND) grant for dredging of the Turkey Creek Canal and potential restoration of the historic pier within the

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district; last weekend she attended the grand opening and ribbon cutting for the Evans Center celebrating the completed construction of the new community center within one of the sub districts of the CRA; and the construction of this new community center was made possible by a variety of funding sources to include the Bayfront CRA. She stated this underserved area of the CRA is also designated as a USDA food desert, and is now served by a community center, which both say market cafe, training facilities for workshops, such as financial literacy and youth programs, as well as a health care clinic, preventative care, and wellness for residents of the Driskoll Heights community. She concluded by saying in preparing her annual report for the Bayfront CRA, which is due on March 31, she was also able to understand a variety of crucial projects taking place within the district, as well as potential projects on the horizon to include yet another \$80 million project for mixed-use development, which could be a missed opportunity if powers or funding for the CRA are limited or frozen.

Chair Isnardi stated she spoke with Andy Anderson and with the City Manager, and she is pretty familiar with the Bayfront CRA since she was a Council member for a couple of terms; Palm Bay CRA was the only City to reach out to her; they have an extremely large project coming about; she knows more details than she should share, so she will not; it is pretty significant; and it is so much so that she had the attorney for that project reach out and say it is making their client very nervous, which makes her nervous. She pointed out the Bayfront CRA for all of its faults of past, and it is something she used to stomp her foot about the fact that not enough was being done out there or what was supposed to be done out there, this has the potential to bring a blighted area up to speed; she has their assurances, although they would have to bring it back to Council, but if she gives the City of Palm Bay until the end of the year, they will be shifting towards the business district; and the business district that Palm Bay has recently created does not involve the County TIF, there is no County money at all it is completely controlled and operated for the City funded area. She pointed out they just need that transition time to get over to the business district; and they believe at least their Council would be supportive of completely early ending their CRA. She stated she just wants to do what she can to get them off of the list; and if they do not the Board will be back in December asking the City why they have not. She stated she is not pointing fingers or blaming anyone, but the one thing they did, and she does appreciate it, they gave the County back \$100,000, shortly before Commissioner Lober came on the Board, of monies that were not spent; they probably should have been spent, but they were not; and Ms. Junkala was not at the helm either. She advised she appreciated the monies returned to the County since the City did not use them; but she would like to give them a chance; they had a change in management and a lot of things going on; and she thinks they are trying to move in the right direction.

Commissioner Lober stated he wants to treat everyone equally as much as he possibly can; he does not pretend to be an expert in each and every district; Chair Isnardi lives there and works there, and she knows it better than he knows it; if she is telling him that she thinks whatever that project is, and he is not going to press her for details if she is comfortable with it, if it is that essential, if Palm Bay will agree not to incur debt over and above this project, or unrelated to this project she is talking about, then he is fine striking it.

Chair Isnardi stated they did agree, at least their City Manager gave her, her word; obviously it can be brought right back.

Commissioner Lober stated for the time being the City of Rockledge and City of Palm Bay will be left off of the resolution; it is not an indefinite thing by any means.

Chair Isnardi pointed out a perfect scenario to even be beneficial to the County would be if they did end their CRA at the end of this year, then that not only takes a few years off of the life of it, they just have to make sure they can pay that debt they do have from before, so hopefully they will be able to rectify by then. She advised Commissioner Pritchett is interested, she is in the

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business district, and she wanted to see how that was brought about.

Ms. Junkala stated she would love to talk to Commissioner Pritchett about that, about how it was established, and where they plan on going with that; right now she believes it was established only a few months ago, maybe as much as six months ago, so bylaws are not written yet, members are still being established, but they are looking to make that transition to the business improvement district, and wanted some overlapping time frame to make that transition.

Chair Isnardi noted Andy Anderson would be here today, but he is sick; she appreciates all of the information he was able to provide, and the City Manager as well, they were very helpful.

Jake Williams, Jr., City of Cocoa, stated the City can assure the Board they will not incur any debt.

Commissioner Lober stated if the City of Cocoa says that is how it is going to be, he trusts them.

Doug Dombrowski, City of Melbourne, stated he can only speak to the Board as the staff person for the Olde Eau Gallie Riverfront CRA; they are very sensitive, they know the Board has not wanted them to go into more debt service as they move forward; they have no plans to do anything at this point in time; however, the City Council of Melbourne sets policy. He pointed out he cannot make that guarantee, they only have six years left, and there is not much they could bond with only six years of life.

Commissioner Lober stated obviously if Mr. Dombrowski were in a position to speak for the City they would be in a different spot; he appreciates Mr. Dombrowski's candor, and him not telling him that would not be the case, and then low and behold it is not; but he would still seek to approve it including Melbourne for the time being; this is something that may end up being rendered largely moot if the interlocals are negotiated in the future anyway; if it is something that simply has a stick at the end or a potential anvil at the end, it just sets a worst case fallback to encourage and incentivize the municipalities to do the right thing; and he has no doubt that Melbourne, and for that matter the municipalities that have CRAs that would be impacted by this are going to do the right thing, he just does not feel comfortable without having someone from a particular city saying they pledge not to incur any debt, striking that municipality CRA from the list.

Commissioner Pritchett stated if they get in touch with the County Manager to start working on this, this will not make any difference because they would have entered into an interlocal agreement.

The Board adopted Resolution No. 19-033, modifying the delegation of Community Redevelopment Agency (CRA) powers to municipalities in Brevard County in Resolution Nos. 97-160, 97-161, 01-419, 99-111, and 00-249, for a period of six months, revoking authorization to issue bonds, pledge funds, incur debt, obtain loans, and limiting other financial activities for the City of Melbourne - Olde Eau Gallie Riverfront CRA; and approved striking through the City of Cocoa - U.S. 1 Corridor CRA, City of Cocoa - Diamond Square CRA, City of Rockledge - City of Rockledge CRA, and City of Palm Bay - Bayfront Community Redevelopment District as listed in the Resolution.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Bryan Lober, Vice Chair Commissioner District 2  
**SECONDER:** Rita Pritchett, Commissioner District 1  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

**ITEM L.3., BOARD REPORTS, RE: RITA PRITCHETT, COMMISSIONER DISTRICT 1**

Commissioner Pritchett stated she has a lady in the City of Titusville who is turning 100 years old, and she wants to read the resolution; she is going to take it to her home on Sunday, they are having a big birthday party for her; and she read the resolution.

The Board adopted Resolution No. 19-034, recognizing Ruby Robinson Clay on her 100th birthday and for her dedication to the youth and community.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rita Pritchett, Commissioner District 1  
**SECONDER:** Bryan Lober, Vice Chair Commissioner District 2  
**AYES:** Rita Pritchett, Bryan Lober, Kristine Isnardi  
**ABSENT:** John Tobia, Curt Smith

\*The Board recessed at 5:47 p.m. and reconvened at 6:00 p.m.

**ITEM I.1., LEGISLATIVE INTENT TO AUTHORIZE ADVERTISEMENT OF AN AMENDMENT TO THE BREVARD COUNTY CODE OF ORDINANCES TO BAN THE RETAIL SALE OF DOGS AND CATS AT PET STORES**

Commissioner Lober stated he is not going to go through the play-by-play, he thinks everyone has had the opportunity to review the text; he thinks he wants to highlight one important difference from where it was when it appeared on January 8 in front of this same body; there was some concerns expressed by one of his colleagues that restrictions as they were applied to hobby breeders were too onerous; working on that and trying to make the proposed ordinance as minimally invasive and minimally intrusive as possible, there was an expansion in terms of the number of puppies or kittens that could be bred while some of them will still be classified as a hobby breeder; and the hope was that would satisfy the concerns with respect to that and it would have more unanimity when the motion ends up coming up for a vote. He went on to say the original number that was included with that was 20; in consultations with the Sheriff's Office, Humane Society of the U.S., other groups as well, they decided that a number of 48 would effectively remove any particular concerns about a hobby breeder being put out of business; the Board is not trying in any sense to put out legitimate hobby breeders, it is trying to impact the mills; looking at reports in terms of the mills, it is arguable there may be some mills that would fall through the cracks or it could be argued that they have 48 or less where the Board has little ability to police; but within the confines of what is constitutional, and in order to accomplish something that is efficacious in terms of its ability to largely curtail an industry that is really morally objectionable, it is something that society as a whole has moved toward recognizing is

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not acceptable in any way shape or form, it has been changed by in large the bulk of the ordinance remains unchanged. He pointed out there are some stylistic changes, but they did what they could in reworking it; it is not a unilateral process that took place, this is something that involves Sheriff Ivey, several of his deputies, including Joe Hellebrand who heads Animal Services, HSUS, and other groups, so this is something they really made a profound effort to address the concerns on; he has received he cannot say how many emails over the last couple of months, where there were assertions that there was PETA data or some PETA influence with respect to this; he can tell them, God help him, he included one quotation in the original bill in January that essentially defined what a puppy mill was that he does not think anyone would disagree with; even if a person would ask a serial killer what one plus one is, he or she is still going to tell them two, and it is still just as accurate; but since he had the acronym PETA in there, a lot of people took that to heart and tried to discredit the ordinance because there was something they would probably agree with quite frankly in terms of a definition, but it came from that as a source. He noted that was taken out as well, so there is absolutely no tie in with PETA; he is not a PETA member, he has never been a PETA member; he eats Pita chips, but that is about as far as he goes when it comes to PETA; he does not support a lot of what they do; he does not intend to become a member, he does not intend to work with them in any shape or form; one of the concerns that was brought up before, and as he mentioned just a moment ago to step back, he tried to keep this as narrowly tailored as possible such that it would still be able to impact the industry in the way they are attempting to impact it; and one of the arguments that came when this came out on January 8th was essentially that this is a slippery slope, and next it will be rabbits and bearded dragons, sea urchins, and protozoa bacteria that have legal protections. He stated he is telling everyone flat out, he has had a number of requests to add other species; his answer has been no; as long as he is on the Board, his answer will remain no; it is dogs and cats, it is not dog and cats and; and if someone is concerned he is willing to add some other species or multiple species, he is telling them right off the bat, a person can play it as an attack ad if he ever runs for anything in the future to show he is being dishonest if that is the case, he is not going to do that. He advised a person can use it against him down-the-road if something comes up in the future, it really is dogs and cats; he is not looking to opening the door for anything; something else important to point out if a person looks at the actual text, the way this is written, and the way that the applicable law works, if there is a municipality, namely Melbourne, that does not agree with what is being accomplished here, there is absolutely nothing on this Earth that is going to prevent them from going and saying they are just going to supersede that; and essentially they have what amounts to veto power, so if they do not agree with the decision the County is making, the individuals impacted in those municipalities can go and challenge this. He explained if they can convince their council people, then they will have it their way, but this will apply uniformly to the entire County unless the municipality, in question, if there is one in question, decides that they do not agree with some portion of this. He went on by saying seeing as how they have had Indian Harbour Beach and West Melbourne enact ordinances that are in many ways more stringent than this, he does not see the likelihood those municipalities will ever override this in any way, shape, or form; he cannot tell people what the other municipalities do; but this is something where it covers a broad area, it is going to impact businesses that are sourcing animals in a way that is profoundly unethical, this is not something that is going to impact a business that is ethically operating. He stated if a person looks at the statistics in terms of the largest pet retailers in the U.S., out of the top 20 or 25 he believes that only one of them sells kittens or puppies as part of their business model; there are many of them who adopt out animals, and God bless them for doing that, but it is not true that if folks are disallowed selling puppy mill dogs that therefore they are relegating them to shutter their doors and close their business, it is simply not true; if they do not change their business model from animal sales or animal commodity option first, then yes, it is going to be a problem; but the biggest retailers have been able to adapt successfully, they sell everything from leashes to brushes to kibble to shampoo, they make tons of money; and in fact, they are more successful overall than the shops that are selling dogs and cats. He added he has a slide show he is going to present; he does not want to keep anyone here any longer than

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need be, so he is going to turn it over to public comment; and he is going to pick up after everyone is done with public comment with a slide show that addresses some concerns that he thinks a lot of folks may have either been misadvised about or may misperceive in terms of the potential ramifications that this is going to do.

Susan Thibodeaux stated she is with the Brevard Kennel Club, a group of dog lovers involved in AKC events and the promotion of purebred dogs; they believe in-home hobby breeders, many of them are preservation breeders, and they are very active in the sport, are stakeholders in this, and not pecuniary way, but they are more concerned about the push to push rescue into retail; they are seeing around the country that as they are coming less and less adoptable and desirable dogs available in some of the shelters, that rescues and shelters are importing dogs into the County; and they are concerned that the fact a pet shop can sell rescue animals, they are already seen in California where there is a similar bill, a lawsuit for what they call puppy laundering where some rescue groups are bringing in puppies from puppy mills under the 501C. She went on to say what they are concerned about with that is that as they are bringing them in from outside of their local area, they are seeing diseases like rabies, distemper, brucellosis, canine flu, tuberculosis, leptospirosis, and other diseases that are not local to those dogs; now local dogs are being exposed to those things; and last year Asian dogs brought in from Korea into the United States from the so-called meat market brought in the canine flu, and several people in Brevard County lost dogs, and others spent thousands of dollars trying to save their dog from a disease that had been imported by rescue groups. She pointed out they are not against rescue groups, many of them are very active in rescue, they do home visits, they get dogs out of the shelters, they re-home them, and they are very involved; but they want to be sure of those that they are not going to be pushing rescue in the wrong direction with bills such as this where a pet shop is told they can sell a rescue dog; and that, to them, is not the intent the Board is trying to get to, but they want it to be aware of the ramifications of the bill. She advised they are not telling the Board how to vote, they just want it to consider all of the aspects of the bill when it does this, because they are seeing a lot of things that are making them very uncomfortable.

William Jacobson stated he received a request asking for names of breeders; when people purchase puppies from them they are given the names and different data; he did not provide the names upon request for the same reason the USDA does not, because people have been harassed, and sometimes beyond harassed; and he has been harassed at his store many times and his employees, and even in his home when his wife was at home dying of Cancer. He stated he is very against giving out private information; it is not a big step between activists radical to extremists. He went on by saying he has USDA reports, no violations in two years for every puppy in his store, including the list that was provided earlier, and they were not cherry-picked. He stated going back to California, friends of theirs that bought a puppy from them, their cousin bought a Golden Retriever; re-homing is the new key word; off of Craig's list for \$800, it was supposed to be eight weeks old, \$4,000 later, they had to put him to sleep; and this ordinance is going to enhance puppy mills, out-of-hand outdoor breeders, boarders, and so forth, it is counterproductive. He went on to say he wants to talk about deceptive ads, conformation bias, and a quotation. He stated to pull the curtain back on the Humane Society of the United States, the ASPCA, and PETA, it will be found that at their core they are radical animals rights, vegan groups; he asked why do they run ads of pitiful dogs and cats; he stated it is simply to raise contributions, it would be hard to raise money on a vegan platform; he asked why to ban retail pet stores; and he stated it is simply they do believe they should have pets. He added they are licensed and inspected by the State and County; they are bound by the Florida Lemon Law; no other entity mentioned this, no backyard breeder, no rescue, no shelter; and he asked is it logical to ban a regulated entity and open the door wide open for all unregulated breeders. He stated he is trying to understand how people can hold this position; he ran across something he would like to briefly go over, confirmation bias, also called confirmation bias my side bias; it is a type of cognitive bias and systematic error of inductive

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reasoning; the effect is stronger for emotionally charged issues and for deeply entrenched beliefs; explanation for observed bias include wishful thinking and limited human capacity to process information; and another explanation is that people show confirmation bias because they are weighing the cost of being wrong rather than investigating in a neutral, objective way. He concluded by saying poor decisions due these biases have been found in political and organizational context; he thinks that applies here.

Commissioner Lober stated in that email Mr. Jacobson mentioned, at least that he alluded to, he indicated he was not going to provide those names; he asked previously does he recall having indicated to him that he would provide those names to him in the Commission meeting tonight.

Mr. Jacobson replied no.

Commissioner Lober advised he can pull that up, and he will before the end of the meeting.

Mr. Jacobson noted the names are available on their paperwork.

Commissioner Lober stated he asked if Mr. Jacobson recalled having indicated that he would provide him those names at tonight's meeting, and he indicated he did not tell him that.

Mr. Jacobson stated if he did, he misspoke.

Commissioner Lober pointed out he has a quote that will be addressed later; he has a few questions for Mr. Jacobson; he did not interrupt once, nor would he do that to him; and he asked what he defined as a hobby breeder.

Mr. Jacobson responded he does not know how to define them except he knows they are unregulated and they are not required to be inspected by the USDA.

Commissioner Lober inquired if Mr. Jacobson buys from hobby breeders.

Mr. Jacobson replied of all of the dogs he has gotten in months, he thinks he has one hobby breeder.

Commissioner Lober asked if he bought at least in once instance.

Mr. Jacobson advised he is not comfortable with it, but he is because of where he sourced, because then he knows they come from a breeder of long standing with them, so he is comfortable with it; he is not comfortable with unregulated hobby breeders.

Commissioner Lober inquired in terms of a particular breeder, does he recall having sent an email to all of the Commissioners, and if he does not he can pull it up before the end of tonight, which he will, indicating that he would purchase from Marla and Roger Campbell.

Mr. Jacobson replied affirmatively.

Commissioner Lober asked if Mr. Jacobson knows if they have any USDA violations.

Mr. Jacobson replied yes, but not in the last two years.

Chair Isnardi stated she thinks what the Board is going to try to do, if the Board will comply, obviously he or she has the right as Commissioners elected by his or her own constituents, is to reserve questions to the end if possible, if that is okay.



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Commissioner Lober stated that is fine.

Chair Isnardi advised it is only because she does not want to be here all night as well as everyone else. She stated if there are questions, if the people are still here, they can come back up.

Andrea Shackles stated she wanted to share an experience that she had dealt with and is still dealing with; she had purchased a white Golden Retriever from Puppies Plus in the mall, December 2010; she was six weeks old at the time; she brought her home; took her to the veterinarian to get her checked out; and from what they could tell, she was healthy. She went on to say as time went on she would bring her to the veterinarian for her checkups, shots, and all of that good stuff; and she told Dr. Dan at Aloha Pet in Melbourne that she does nothing but go in circles. She stated he told her she was a puppy, and she will grow out of it by two. She noted by two years old she was doing it, and by three years old, she was doing it; she is going to be eight years old in October and all she does is run in circles; she spoke with the veterinarian because she was frustrated; and they told her she could give her dog medication. She stated when she asked what the medication would do, they told her the dog would sleep a lot; she asked them how long the dog would sleep in a 24-hour period; and they told her it would be 18 to 20 hours a day. She asked why would she have a pet that slept all day; she stated her husband and she just deal with her running in circles; there is something neurologically wrong with this dog; she has never in her life seen a dog just do nothing but go in circles; and that is their life. She pointed out she is the sweetest, most loving dog, she will lick a person to death; but she goes in circle; and she believes her dog was a puppy mill dog. She went on by saying she has the papers at home if the Board wants to see when the dog was purchased from the facility; she is a good girl and she would not give her up for the world; but she reiterated the dog goes in circles.

Greg Shackles expressed his appreciation for the opportunity to speak tonight; he stated he has waited for this evening since his first email to Chair Isnardi in July 2017, which is almost two years ago. He advised he is a long-time Brevard County resident and voter; it is time for the County to follow the other 50-plus cities and counties who have banned the sale of puppy mill puppies in stores; any store owner who tells the Board that they do not buy from puppy mills is plain, outright lying; they are lying because no good breeder sells to stores; no one other than commercial breeders will ship their eight-week old puppies on vans from Iowa, Missouri, Kansas, Arkansas, and Ohio to a store for profit; and they know that for a fact that the stores in the County buy the majority of their puppies from the states he just listed. He added these five states are known as the puppy mill states; both stores use brokers such as Choice Puppies to broker and transport the puppies; this helps to hide from the Department of Agriculture and the consumers from where their puppies originate; cities and counties have tried for years to figure out a way to regulate sales; but they cannot be regulated. He stated since there is no other source other than puppy mills puppies, there is no other option than for a full sales ban; if there is another way to stop puppy mills sales, cities would have been already doing this; pet store models are no longer selling puppies; in March 2019 pet businesses reported that out of the top 25 pet retailers in North America, the only one still selling puppies is Pet Land; the 12th fastest growing pet store chain in the U.S. is Wolfgang Bakery and their headquarters is in Ohio; and as of 2017 the pet industry is a \$72 billion industry and only \$2.1 million is live animal sales, not just puppies but all live animals. He stated it is time for Brevard County pet stores to change their business models and be humane. He expressed his appreciation to Chair Isnardi and Danielle Stern for her aid in listening to him and to his concerns two years ago; he was not able to pursue the ordinance at that time; but as stated in Chair Isnardi's emails to him, and he quotes, "It is important to make residents aware that this is not somewhere that they want to buy a pet." He advised while it took them two years to get here, better late than ever; they want Brevard County to please join the 55 other Florida municipalities.

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Angie Friers stated she is the Executive Director of the SPCA of Brevard, and she is speaking on behalf of their organization, and Teresa Clifton who is the Executive Director of the Brevard Humane Society could not be here tonight; they jointly offer their support for Commissioner Lober's proposal to ban the sale of dogs and cats obtained from commercial breeding facilities, also known as puppy mills, in pet stores located in Brevard County; there are an estimated 10,000 puppy mills in the United States; and this includes both licensed and unlicensed facilities with over two million puppies bred in these facilities every year. She went on by saying the conditions of these facilities are not anything a person would consider acceptable; there is no possible way for local pet stores to individually inspect these breeders to ensure the puppies they are breeding, parents are treated in a humane manner; beyond that the shipping conditions in which these local stores obtain these puppies are also inhumane; and they are often too young to be away from their mother, not vaccinated, and can be forced to go up to 12 hours without food or water. She explained many puppies do not survive, and the ones who do are often sold to unwitting buyers thinking they are purchasing a healthy animal, just for the dog or cat to become critically ill as soon as they arrive home; animal welfare and sheltering has come a long way in 10 years; but there are still 5,000 animals being killed in shelters around the United States every single day simply because there is no space for them. She pointed out obviously their preference is that the public will adopt from a shelter or breed specific rescue when looking to bring a new pet into their home; however, they do realize that is not everyone's opinion, and recognize that there can be responsible breeders that adhere to the breed standards and strive to improve their chosen breed at the local level; it has been their experience that those types of breeders are very protective of their puppies and would never allow them to be sold at a pet store; and it is their hope that this Board recognizes the ethical duty it has to protect dogs and puppies that are entering the community. She noted they are not here to dispute the animals care after they arrive to Brevard County; but what is happening for the first eight weeks of their lives and the lives of their parents needs to be addressed; by looking at the trend starting in the southern part of the County and across the country, the Board will see the banning of mill dogs in pet stores is on the rise; Brevard County has the opportunity to be a leader in the movement to stop the cruelty that is associated with puppy mills; and they hope the Board votes to ban the sale of these animals in Brevard County. She advised they also want to address the fact there are folks here from Hillsborough County protesting this ordinance; as a citizen of Brevard County for the last 20 years, and someone who runs the largest animal rescue organization in this County, she feels she has a better finger on the pulse of what needs to happen better than a group of people from a county across the State that travels through Florida protesting laws like this one.

Michael Craig stated he wanted to address basically what is going to happen is people will go out getting online or the newspaper looking for puppies; then they are going to go in unknown places; and they may be attacked and robbed because they know they are bringing money to buy a puppy, so these people are going to be attacked, which is putting them in danger. He noted there are public places to be protected, and these people are going to be criminals; this is part of a monopoly law; the Board cannot make the public buy from certain places; and people should have a choice where they get their dogs from. He stated goes with people in rescuing dogs; he had them come to him and said someone may want their dog because he or she cannot take care of it anymore; and he advises them he will help find someone to take their dog. He pointed out he has no trouble with rescues; but the Board cannot stop people from having what they want; people should have their own choice; and he reiterated the Board cannot just make people do what it wants them to do, they are going to go somewhere and get the pet. He explained people want a quality dog they can find; if it is rescue, great; if it is not, let them have what they want; and he does not think this should be voted for.

Courtney Hogan stated she is with the Pet Industry Joint Advisory Council, which is in Alexandria, Virginia; they are present today because stores in Brevard County are members of their organization. She went on to say they respectfully request the Board does not advance

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the ordinance as written; first, only four percent of dogs brought into homes each year come from pet stores; the other 96 percent come from a variety of sources; but the issue is that first and foremost an ordinance like this in a county will not stop dogs from coming in from out of State, because people are looking for a specific dog, and there are a lot of people that for a variety of reasons, whether it be allergies, lifestyle choice, small children, or really a variety of things are looking for a specific breed that cannot always be obtained in the State of Florida; and they go on the Internet like someone said and run into a lot of issues. She advised the Board that Florida has a really strict pet warranty law that the stores are required to follow right now; they are required to pay out for veterinarian care in the case of a sick animal; under this ordinance the Board is asking them to vouch for dogs they have no idea where they are coming from; that is bad for consumers, bad for business, it really is putting animals in Florida at risk; and the woman from AKC has already made a great point that there is a real risk of disease from out-of-state, out-of-country even comes into the County in situations like this. She noted they have seen it in New Hampshire, as recently as last week they saw it in Kansas with the rabies coming in from other countries that they had no idea was coming, because there was what they deemed to be proper paperwork and health information for the animals. She stated one in 10 pets adopted from shelters according to the American Humane Society are returned after six months because they are not a good fit; right now people are able to go to pet stores to receive the animal that fits their lifestyle, so it is very possible that an ordinance like this would not decrease the number of animals in the shelter; and they would also just like to encourage Brevard County to work with the State. She pointed out right now there is no sourcing law on the books for pet stores; Connecticut and New Jersey has it; and there is nothing right now encouraging or requiring stores to buy from USDA licensed breeders; she would encourage before the Board take this path to work with the State to get language in place that requires a set of standards for pet stores that sell animals in the State; that would be the first step in looking to solve this puppy mill problem as everyone has labeled it; and there are a lot of unlicensed breeders in the country. She stated now the Board can say with all certainty that the animals coming into the State, into these pet stores, are from licensed entities by the United States Department of Agriculture. She stated she recognizes the Board changed the number on the hobby breeders; but she inquired a hobby breeder is defined as a person who does not sell dogs to pet stores and yet they are listed as a resource that a pet store can use, and she inquired if that is intentional.

Commissioner Lober stated the short answer is there have been so many versions that have gone back and forth; it is quite possible that a version that is not the version that is up for consideration tonight does in fact have some inconsistency. He asked if there are any employees or representatives from AKC here, because he did not think there were.

Gwen Burley stated she actually showed up for the retail pet sale ordinance; she did not come here for the puppy mill project; she believes that needs to be put out of business; and to have Commissioner Lober say he is not going to be adding any other animals without at least having a discussion beforehand, she thinks is a disservice to the public. She went on to say rabbits probably qualify for primary consideration, they come from the same cruel conditions, they are a tiny fraction of overall sales in chain pet stores, and she is not aware of anyone in this County who is supporting a family for feeding a family on retail pet rabbit sales; clearly a rabbit ordinance would have a minimal impact to retail business; and it would be a huge relief to the animal welfare system. She stated she has a concern about bias in regard to all of the input on this ordinance; an out of area lobbyist is apparently invited to participate, while warning others about being in opposition; and no one includes information from the rabbit rescues who regularly help out Brevard County by taking on unwanted rabbits from the Sheriff's Office. She explained she thinks all of the information needs to be gathered from all of the sources, or the Board needs to decide local and act local, one or the other; she has had a personal experience with this lobbyist, and she strongly objects to Brevard County being used to fulfill her objective; a retail pet store ban should be for the benefit of the public in the jurisdiction in which it is

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enacted; and it should reflect the citizens values for social responsibility, it should protect them from unethical business practices, and it should relieve the financial burden from animal welfare.

Commissioner Lober pointed out there was some misinformation in there; he has had the conversation with respect to rabbits, it is not that he has not performed due diligence; Space Coast Animal Rights changed their name to make it essentially more rabbit-focused; and Sheriff Wayne Ivey, several other individuals, and himself sat in the room with her in his office.

Ms. Burley noted for all of the good Sheriff Ivey has done for this County, she does not believe he should be the last word; he sends rabbits out of their jurisdiction.

Commissioner Lober stated he just wants to correct the statement that he has not listened to the other side; he has listened to the side with respect to rabbits, it is just not something that is tenable in this ordinance; and he has been very unambiguous, and he is happy to listen to anyone, but there are certain things he supports and certain things he does not support.

Ms. Burley stated she is saying that Commissioner Lober is listening to activists for the puppy mill agenda; but she asked has anyone talked to animal rescues that take the rabbits from this County.

Commissioner Lober replied affirmatively.

Ms. Burley asked which ones.

Commissioner Lober advised this is not the time for back and forth, she is out of three minutes.

Ms. Burley stated not yet.

Commissioner Lober pointed out she is.

Michelle Chapman stated she is here tonight as a dog lover and as a supporter of the ordinance; she is also the owner of a Chawawa named Zoe; Zoe was born in a puppy mill in the mid-west and was kept as a breeder dog for an estimated five years; during this time she was housed in a dimly lit building with hundreds of other dogs stacked cages three high; and this was her life 24 hours a day for years. She went on by saying she has no idea how many litters Zoe had, but she was likely bred well beyond what her little body should have ever endured; when Zoe was rescued in 2013, she did not have any obvious physical injuries; however, her physiological scars ran very deep; she was extremely afraid of people, men in particular; when they first adopted Zoe, it took several days before she would even look at them; and whenever her husband or she came near her she would run away or cower in a corner. She noted she clearly never experienced socialization or affection of any kind; she would shake uncontrollably when they tried to pet or hold her; it was very hard for Zoe to sleep soundly; and she would wake up whenever she heard the slightest noise. She advised when she did sleep soundly, she would frequently whimper in her sleep; she can only guess she was reliving the trauma of her past; Zoe was also very afraid and uncertain of the environment around her; she hated going outside; Zoe was visibly uncomfortable sitting or standing on grass; and being outside made her squint, her eyes were understandably sensitive after being forced to be indoors for years. She stated truthfully Zoe did not know how to be a dog; she had no interest in toys; and she did not want to play with their other dogs. She stated all she could do was what came naturally, hiding, sleeping while sitting upright, and eating her food as quickly as possible. She explained thankfully Zoe has learned to trust them; over the past years she has blossomed into a happy, tail wagging dog; while she is grateful for Zoe's progress, it saddens her to think of her lost years at the mill and her struggle to feel safe and secure in their home; and she also knows that Zoe's story is not typical, the majority of breeder dogs never get the chance to leave the mill in

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their lifetime. She stated establishing a retail ban is not a radical or rogue idea; to the contrary over 50 localities in Florida and 300 localities across the country have adopted ordinances similar to what Commissioner Lober is proposing; she asked if it is time for Brevard County to do the same. She concluded by saying on behalf of Zoe and the thousands of breeder dogs still in puppy mills, she expressed her appreciation for the Board's consideration and support.

Dianne Swapp stated she has some information toward some of the pet puppy stores in question; she was part of a group that experienced some cruelty; they noticed some puppies outside in 90 degree weather that were not allowed to go inside; a few of them went into the store and talked to the people about it; and they said they rotate them inside. She went on to add they had no water or food and had no shade; the other side of this lot was fenced off where the puppies could have had lawn; eventually this store was fined; but she has noticed in other stores if a person asks to see the mother, they will not show them; if a person asks if the dog is from a puppy mill, and he or she says no; she has a few reviews from one of these puppy stores; and she read a few of the comments into the record. She stated people have taken those pets to the veterinarian that came from the said store; they noticed the puppies are in small cages; one of the stores she went into in Vero Beach had a Great Dane in a very small cage; and in the one in West Melbourne, several dogs in small cages on grates. She stated she asked at the pet store if they bought from puppy mills, and they told them the puppies come from out of state but from good breeders. She advised the Board an estimated two million puppies are bred in the mills each year; an estimated 1.2 million are euthanized in shelters; if someone wants a pure bred animal, there are rescues; and when the puppy mills get broken up the dogs go to the shelters and they are physiological and physically broken, and this is what this caused.

Diana Haines stated this is Besue, a product of a puppy mill; Besue has a unique talent she found out, he is a service dog, he detects her AFib, so he was worth saving; she adopted him from the local shelter seven years ago; he was two pounds when she got him; and he was put out on the adoption floor by mistake, because he was slated to be euthanized because he was so sick. She pointed out she had to argue with them before they would let her have him, and seven years later he is still here and has saved her life more than once. She went on to say there are a few things that come before this body that are a matter of life and death, this is one of them; animals are conscious beings with rich experiences of the world, they suffer pain, they feel emotion, they build relationships, and they must be considered when making official and ethical decisions about the treatment of them; just as people are in charge of protecting unborn babies, children, the disabled, and the elderly, they are also charged in representation and protections of the voiceless, and that is the animals; humans have an ethical obligation to protect the interest of animals; and cruelty to animals cannot be justified by their level of cognition or communication, these traits are irrelevant to an animals capacity for suffering. She advised thousands of animals in this country and this State are subject to horrible conditions, illness, disease, starvation, and mental and physical abuse; these are the voiceless, these are the voiceless victims of the vile and evil puppy mills; puppy mills are an urgent and widespread in this country; they estimate 15,000 puppy mills in the United States alone; and these mass productions facilities produce two million puppies or more, and that number is about the amount that are killed in shelters every year. She added everyone talked about the USDA; a person can very easily go onto the Humane Society page, they are a huge advocate for animals, and they will tell people about the joke called the USDA; the USDA is so incompetent, it is so screwed up, and it lacks so much funding and people to actually go out to do these inspections that they actually found in the records that they are allowing these puppy mills to police and inspect themselves, and to send in their own reports; and if that is not the fox watching the hen house, she does not know what is. She advised the Board cannot put too much credence in the USDA; supply and demand is what this is all about.

Brooke Crawford stated she does not support this pet retail sales ban proposed by

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Commissioner Lober; she is one of his constituents, and as a constituent, she wants the choice of where she can purchase a puppy from, and from a responsible breeder at a reputable pet store; at the last meeting it was stated by and large people in Brevard County do not support this legislation; and she wants to give a voice of those who do. She added she would be losing her capability to exercise her right as a consumer in where she gets her pet from; she has an emotional support dog she purchased from a pet store; her name is Sunny; and she needed to purchase a dog that would be small because she lives in an apartment, one who would be able to go six hours without her as she is a high school teacher. She stated she has an autoimmune disease, and Sunny is a huge support for that and the anxiety that comes with it, so she needed to get a puppy very young from just a couple of months old so she was trainable and helped her with her condition; she needed breed selection; she needed to be small enough for her apartment, easily trainable, good temperament, and things like that; and basically being able to raise Sunny from super young helped get her to where she is today. She pointed out she uses this analogy when she talks to her friends about it, as a woman there are so many babies born into the world who need help, and people still choose to have their own biological babies; a person should adopt when he or she can, that is amazing; and sometimes it just does not work, so having this consumer choice would be great. She stated she knows Commissioner Smith was not going to be able to vote because of his positive experience purchasing from a pet store, and that representation would be good; and it would be really unfair if he was not able to vote even though there are Commissioners on the Board who can vote and have great rescue experience like Commissioner Lober. She asked the Board to give everyone a voice; the issues in the lack of residents opposing this ordinance roots from a fear of backlash; and she wants to commend Commissioner Smith about his purchasing of a pet from a local store, and that is why she is here today. She noted she and Sunny do not support this piece of legislation even if the numbers do not show it in this room today; there are other constituents like her.

Daniela Coffey stated it was recently brought to her attention that a preemption bill was proposed yet again at the State level; she does believe in local government and she supports Home Rule; they attend these meetings to bring fact and logic into this emotional charged topic; and more often than not these bans were proposed and passed localities with no existing pet stores. She went on by saying this underhanded tactic was used time and time again to get as many localities to adopt these ordinances without opposition; intended or not, the ordinance affects more than just this community; ultimately, if passed, Brevard County will be just 27 in the animal rights movement; it will be used as a statistic to convince the other 68 to pass the same copy/paste ordinance; and that does not benefit the animals, do not be number 67. She noted this ectodermic pushed by animal extremists has gained so much traction that the State felt it necessary to intervene; she provided the Board with a copy of the two preemption bills currently making their way through the State legislation; and she is unsure how this will affect the ordinance when tabled, but she can assure the Board no small business pet stores are seeking to reap the benefits from this unless they are forced to. She stated they support the government and hope the Board will move forward with the voting on the bill at hand based off the information provided previously rather than a fear of this proposed preemption bill that may not even pass or let it sway its decision.

Sara Ann Conkling stated she would like to commend Commissioner Lober for bringing this ordinance to the people, and also to express her support for the ordinance; she thinks it is really important that they protect animals and animal welfare as best they can; there have been many people tonight who have made the point that people who want a specific animal will do whatever it takes to get that specific animal; and she thinks they all know that too if the sales are banned in Brevard County, people who really want a pet store or whatever it is will go to another county and buy that animal. She pointed out they cannot control all of that, but what can be done in Brevard County is make Brevard County an oasis for the animals that come here; they can take care of the animals in Brevard County, they can encourage people to go to the wonderful shelters where time can be spent with the puppy of their choice; every time she goes to the

shelter she sees puppies and she wants to take three of them home, so she knows they have puppies; and they encourage a person to spend time with the dog before adopting. She added they actually interview the adopter and make sure it is a good fit; there is a lot that goes into matching people with dogs in the shelter environment; she personally witnessed it; and this is not a lackadaisical process in a shelter, a person can be a very good match of a dog in a shelter. She noted she thinks if these sales are banned from puppy mills, which should be done for animal welfare, the other really good thing that will happen is people who have never stepped into a shelter and want a dog will now go to a shelter and find out how wonderful they are and what a wonderful dog can be gotten from a shelter; there are veterinarians and people who care deeply about animals and can give advice, and people who can be called when a puppy does an unexpected thing; and there is a lot of help provided by shelters as well. She stated the shelter has been a real friend in need during the recession, they actually helped people with pet food; if a person is talking about where the best place to get a dog in Brevard County, it should always be the shelter, she really believes that is true; and she supports the Board in doing what it can just to make sure that Brevard County is not a place where animals are encouraged to be abused on their way to them.

#### **ITEM I.1., (CONTINUED 1)**

Cristal Gutierrez stated she believes the last time she was here she mentioned getting a dog from online, and it was not even delivered to her; she was naive and they scammed her; if this is passed, of course there are shelters, and before going online she tried; it took her months to find the dog she was looking for, because she was actually looking for her boyfriend as he wanted an Aussie for years; and when she found the perfect Aussie and the perfect shelter, and she wanted to go see him and try to bond, they told her she was not 25 years old so she could not even look at the dog she wanted. She stated instead of doing that she would go online; unfortunately, at that time there were no Aussie breeders, or anyone who she could talk to about that; she finally found one; they sent her videos of this beautiful little dog named Sophie, she was perfect; and she asked where she was bred. She advised she told them she would pay half before and half after the fact; she sent them half, and she never came; and she never received her money back. She stated if this does pass, there has to be a place for people to get puppies they want; there are amazing dogs in rescues and shelters.

Jim Eriksen stated he does not support this ordinance; he thinks the problem exists in puppy mills; and the conditions are not good. He asked why penalize pet store owners who are reputable, and then force people to avoid them, force them to go to shelters that may not have what people are looking for. He went on to say someone just said a person can always find the puppy of his or her dreams at a shelter, but that is really not true, because he has two small dogs, and if he goes to a shelter, he does not see them; they have Pit Bulls, German Shepherds, and other large breeds in great quantities; he thinks this ordinance takes a shotgun approach to really what the specific problem is that he is not sure this County can specifically address, which is really the conditions of puppy mills in other states; maybe the Board needs to work with the State and other states; but he does not know it will be able to fix all of the conditions it thinks it can in this ordinance. He noted it is really an issue that brings too much collateral damage with passage of this ordinance in his opinion; he thinks it is really an important decision to be made by the County; but he does question why this decision is being made with just three Commissioners here; and the public knows how one of them is going to vote. He advised he hopes the Board will allow

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pet stores to sell pets that people would like; and people would like to have the choice available at that time.

Chair Isnardi explained even if this issue passes tonight, it still has to come back to the Board, it is just for legislative intent to move forward; she is not saying if it is a good or bad thing, she is just saying it is not set in stone, and the Commission will be here. She pointed out Commissioner Smith is on a trip to Washington, D.C. to work on behalf of the County, and Commissioner Tobia is on a personal issue; both had the option to be here or to call in; she is not picking on them for not doing that; but if this Item was not here for legislative intent, she would have probably asked for it to be tabled; and she is okay with it possibly moving forward only because she knows the Board will address this at a later date with the full Commission hopefully.

Catie Sullivan-Grattopp stated she has two young daughters and they purchased a Mini Dachshund named Clark on December 1, 2018 from All Around the World Pets in Melbourne; unbeknownst to her, they purchased a puppy that was very sick; they notified the store within two days of bringing him home; they followed their instructions, which she has in her folder here that stated they needed to bring him back to them if he was sick; and if they took him to another vet, the expenses would not be covered. She went on to say she felt at that time she was doing business with a reputable company; as they continued down the path, she realized that they were not; they dragged them along through the process so they were outside the Lemon Law and they could not collect any of their expenses from the puppy; and regardless of the money lost, no one should ever have to explain to their child on Christmas Eve that their puppy may not make it through the night when they are trying to prepare for Santa. She noted her puppy supposedly came from a hobby breeder according to their paperwork; however, she feels that any loop hole in the law for hobby breeders would just be taken advantage of by these people, because she knows what these people are like; she has prescriptions in her purse for drugs that was given to her dog without ever seeing a vet from the store; the residents of Brevard must be protected from people like this; she met all of these people here because of her experience with the pet store; and it is not hard to find people who have had a bad experience. She stated she is not an animal extremists, she is just a busy mom who does not want another family to have to deal with what they have dealt with. She went on by saying the Board cannot allow other families, assuming they are getting an additional family member, and walk out of there with a living nightmare; since December it has been a nightmare with this puppy, and it is hard with children; she did have a choice when she purchased a dog; but being sold a sick dog should not be an option; her children have been robbed of an experience of a healthy dog and a childhood experience; and the gray area will only be taken advantage of by hobby breeders.

Ina Wilson stated she purchased a puppy in August of last year from Pets Around the World; they did not give her any documentation; she asked where they got these puppies; and they said they could not tell her. She continued by saying she did go back the second week after she bought the puppy; she felt sorry for him because there were four dogs and they were stepping on him as he weighed two and one-half pounds; and she asked the Board to please play the video. She provided a video to the Board. She advised that was her daughter on the video; she got Campylobacter from the dog that was sick, he was a terribly sick dog for eight weeks; they have a vet down there, and she said all he had was worms and parasites; he was not tested for Campylobacter because it is a very expensive test to begin with, and they do not want to do it; and she went to the Board of Health to get the Lemon Law.



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Christine Parent advised her story is a little bit unique because she is living proof of what a nightmare it has been because she contracted *Campylobacter Jejuni* after taking care of the puppy the Board just saw in the film; her mother is 77 years old, she is 52, and she has a son who is 11; and the only good thing that has come out of this nightmare is that they did not become ill like she did. She pointed out her mother purchased this puppy on August 20th; the puppy soiled in the car, soiled everything in her home for two weeks; she took the puppy back; and she was told by Dr. Debbie Butler that the dog had parasites and worms. She added the puppy was treated with two different antibiotics, nothing worked; she presented the first time to Indian River Medical Center in Vero Beach, Florida, August 28th with severe diarrhea and pain; she was not able to provide a stool sample at that time; she went back to the hospital within 24 hours, she was tested, and her stool was positive for *Campylobacter Jejuni*; and she had no idea what this was or what lied ahead of her. She noted on September 7th she received a call from Chantel at the Indian River County Health Department who notified her of how communicable this disease is, how highly contagious it is, and how she thinks it was contracted; after reviewing all of the information that was available, the epidemiologist with the Health Department concluded that she had become infected from taking care of the dog and cleaning up the stool; and due to inadequate hand washing, she contracted the *Campylobacter*. She advised in all she has been in the hospital six times; this has deeply impacted her life; she is a mom, a daughter, a nurse, and she is many things; but now everywhere she goes her life is defined as where is the closest bathroom; she is now on a lot of medications which manage abdominal pain, nausea, diarrhea, and abdominal cramping; and she has over \$10,000 of unpaid medical bills that Greg Doherty is responsible for. She pointed out that dog her mother bought should have been quarantined until he was diarrhea free; that he knowingly sold her mother a sick puppy; and she is living proof of the negative consequences that have come from that.

JoAnn Hall stated she is an AKC registered breeder, but she chooses not to breed as she is retired from showing Afghan Hound Dogs; she wished the Board would ban the sale of puppies and kittens in pet stores; she also did have a pet store in Davie, Florida, which she chose to only have inventory; and she made a very good living at merchandise. She went on by saying she did on occasion have exotic birds. She advised if a person is going to show their dogs as AKC, he or she has to be a recognized breeder; if anyone is a breeder of AKC, he or she has to take an oath that they will not sell to a pet store. She stated this disturbs her, and she hopes the Board does proceed with the original ban of the sale of puppies and kittens in pet stores, and to include flea markets. She stated there was a comment made about Chinese dogs; Peter Belmont, who was the top Afghan Hound breeder in the country brought a Chinese Shar-Pei into this country; and AKC would not get foreign dog breeds, as they had to start somewhere. She reiterated she hopes the Board goes with the original ordinance.

Pedro Hernandez stated he does not support the pet retail sales ban proposed by Commissioner Lober; they are here to provide a source of information that has been silenced and often overlooked; although the opposition has tried to use intimidation to prevent the truth from prevailing; they are not intimidated, they have a right to speak; and they have an even bigger obligation to the animals to ensure they did what they could to protect them. He read a quote from Armando Palomares, "Sometimes your freedom is not taken away at gun point, but instead it is done one piece of paper at a time. One seemingly meaningless rule at a time, one small silencing at a time." He advised the Board this is not coming from a one-sided individual, he has rescued a Chihuahua, love him to death; he had him for three years; and he prays he has him for four or five more years; he also has

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purchased dogs; he has had zero issues; he has documentation, he knows where they come from; and he did research, and his dogs are good, all of them. He stated he thinks everyone should have a choice and everyone should have the option.

Briana Brown stated she does not support the ordinance by Commissioner Lober; the last meeting she attended, she provided the Board with all of the news reports on rescues that were neglecting and abusing animals in their care; Commissioner Lober stated, "There's already a law in the books that's being enforced actively that appears to be working;" and this statement implies he has no problem with the way that rescues are regulated, which in return means he really should not have a problem of how breeders are regulated either, assuming that they actually are. She went on by saying one of the news reports she provided, the issue is not the charges she faced after the alleged abuse, and the issue was that there is no preventive measures to even prevent this from happening; no preventative measures being taken to ensure these animals are being treated humanely in the first place. She pointed out breeders have oversight of their operations in requiring pre-inspection, assuring the facility is safe to hold animals, and unannounced inspections thereafter; there is a system in place here; and with this logic of, "If it ain't broke, don't fix it", and she questioned what is the ordinance addressing that countless other animal welfare laws do not already address. She stated there are so many entities regulating this industry, so many preventative measures are being taken; there were many concerns in regard to a pet re-sales ban and it being enforceable; she asked does this issue still rise with rescue organizations; how is this County going to regulate out of county sources; and she stated the Board said so itself, it cannot, the only thing that can be done is to salvage a higher standard. She noted rescues currently do not have any minimal standards of stand of care in place, they do not have federal documents; because of this the Board does not have the right to regulate the quality of the rescue it allows pet stores to work with; the ordinance aimed to eliminate the County from supporting an abusive industry; and she asked how would requiring pet stores to source their animals from unregulated sources be better than what is happening now. She advised animal abuse of any kind is not acceptable; in order for the community to, "Foster a more humane environment" the ordinance should protect all animals regardless of the source; and the ordinance was drafted looking through rose colored glasses assuming every entity is righteous other than pet stores.

Natalia Sanabria stated she is against this outright ban, it would leaving consumers with only one option to obtain their future pets from unregulated sources, which she does not believe in; rescue shelters and hobby breeders are not regulated by federal, state, or legislation; according to the *Washington Post* rescue groups have spent \$2.68 million donations buying dogs and puppies from auction; and this practice is referred to by commercial breeders as a huge underground market. She explained there is a whole new monopoly within the rescue industry; she sees in the ordinance it goes through hobby breeders, it is not hard to get a hobby breeder license, there is not much of an inspection, or anything like that; and she does hear the complaints of the USDA. She noted for years animal rights groups have taken issue with the number of violations that USDA breeders are getting; however, when the citations are not prevalent they take issue with this as well; before there was an improvement in the number of violations, it was stated they were all puppy mills due to non-compliance with regulations; and now that there are substantially less violations, the USDA supposedly are not doing their job. She stated for a lack of better words, they are damned if they do and damned if they do not. She went on to add the proposal from Commissioner Lober takes issue with the USDA's current practices; if he believes the USDA is the issue, this is not the appropriate way to address it; it should be addressed at the federal level; but if the criteria set is not to his liking, she questioned how

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he can turn these businesses over to a source that has no criteria to meet at all. She advised all in all she does not agree with this ordinance; if the Board is going to pass an ordinance, she believes it should make a higher standard for hobby breeders as well as rescues, and other places like that; and there is really nothing for rescue shelters or hobby breeders. She stated if the Board is going to take away the one thing that is regulated, like USDA licensed breeders, she believes it should at least form an ordinance that is going to put stricter things on the rescue shelters and hobby breeders.

Michele Lazarow, President of the Animal Defense Coalition, and she is also an elected official in Hallandale Beach, Florida, she is a city commissioner there. She went on to say there is so much misinformation going around in this room that she does not know where to start, but to let her try; she has helped to spearhead the 50-plus ordinances across-the-state; one of the things that were stated that they consistently get wrong is they had a number of cities and counties that had stores when this ordinance was passed; Sunrise, Deerfield Beach, Wilton Manors, Palm Beach Gardens, Sarasota County, Oakland Park, just to start naming a few; and they all had stores, some of them had multiple stores considering Palm Beach Gardens had two. She stated she thinks the most disturbing testimony that she hears now is Christine Wilson; she has been doing this for seven years across the State of Florida; all she wanted to do is pass a silly little ordinance in Hallandale Beach, and she ended up passing 50 and running for office; and now she is standing here with this shirt on in front of the Board, and it was never her intention, but here she is. She pointed out Christine Wilson is the first time she has ever heard anything in all of the years she has been doing this, 117 cases of *Campylobacter* in the United States and they had more than 20 in the State of Florida; the sad part about the CDC is they will not tell a person where these cases are when they happen, so if somebody has a reported case they do not know what pet store it is coming out of; and now it is not just the puppies are sick, people are getting sick. She went on by saying someone spoke about the federal level, they are here today on the local level because the federal government does not do it, that is why this was started, they cannot keep kicking the can to the State, or to the federal level, it has to be done right here and enforced right here; if the Board wants to give it to the State, they will take their preemption just like they take everything else from them, that is what they are working on, they are not working on standards or regulations, they are working on preemption; and everyone knows how much they love to do that. She stated consumers have the options; they can go through breed specific rescues, they can go directly to a home based breeder; she loves the fact when Pet Industry Joint Advisory Council (PIJAC) sits up here and says the Board does not know where the dogs are coming from; well, a store owner, Mr. Jacobsen, will not say where his dogs are coming from no matter how many times Commissioner Lober has asked him repeatedly where they come from, he will not tell; and she does not understand why PIJAC is worried about somebody else not telling; one of the other gentlemen forgot to disclose that he owns the flea market where they are selling puppies in; and there are a lot of things happening in this room that are not factually accurate. She noted what is factually accurate is this is an industry steeped in consumer fraud; it starts from the minute the puppies are born in the mills until they get here for sale; she hopes the Board passes a clean ban; what is in front of the Board tonight is perfect, every other open loop hole ban is never enforced; and they have seen it time and time again in the State of Florida and elsewhere.

Commissioner Lober stated Ms. Lazarow left off talking about loop holes and things of that nature; he is concerned in terms of what she means by that; and he asked if there is some particular loop hole she is concerned about, or what she is referring to with that. He asked her if there is a particular area of concern she is worried the Board may pass something that

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is going to leave open a system that might be right for abuse.

Ms. Lazarow replied right, so it is an enforcement issue; if a loop hole, she can say she is getting her dogs from breeder A, but nobody can get on a plane, and even if he or she could get on a plane going to Iowa, Kansas, which they have done their research, they could not see these breeders; that is what these stores are doing, they are using these loop holes to continue to buy from these breeders because they are the only ones who will sell to stores.

Commissioner Lober inquired when she says a loop hole is she talking about an exemption.

Ms. Lazarow responded affirmatively, it is the exemption for hobby breeder, any kind of exemption that allows a breeder to sell to a store.

Commissioner Lober asked if she is concerned, and he does not want to put words in her mouth, he does not want to do that to anyone that folks out of state are just simply going to say he or she is a hobby breeder.

Ms. Lazarow advised they have documents where they have seen them actually write hobby breeder on their CBI's on their certificates from the state or origin, they write hobby breeders, their USDA license, and they come over and sell right here in Florida, they lie; they call themselves hobby breeders when they have 150 puppies on the property.

Chris Brown expressed her appreciation to Commissioner Lober for bringing this to Brevard County; she stated it is about time they got something going here; it may not answer or solve all of the issues and problems; but it is a start. She added they have heard a lot of ill stories here about the puppy mill dog owners that are experiencing expense, upset, et cetera; as a volunteer for a pet rescue for the last 10 years she can attest as well, dogs they have gotten are nervous, afraid, never touched grass, have back problems, injuries from being in cages, and it goes on and on; and she appreciates the Board is trying to at least start something here in the County.

Alexandria Julian stated anyone who states in this room today that a responsible breeder would not sell to a pet store is providing the Board with false information; she knows this firsthand with the experience with her breeders; and this was gone over in the last meeting, so she is not going to touch on that too much. She went on by saying anyone from Hillsborough County comes here as a source, just for something for the Brevard County community so it has a way of getting the information it would otherwise not have been provided; asking a business owner to convert to a supply and service model will result in the closing of that business; this business owner, and any other business owners in general that are currently would have to abide by this ordinance, cannot compete with corporations like Petco or Pet Smart; and inevitably they will go out of business. She added she provided the Board with a Cornell University Study; that just goes over that there is no difference in health amongst dogs obtained from rescue shelters, hobby breeders, or pet stores; as far as upper respiratory infections or parasites, she believes there are more parasites prevalent in shelters; and there are more upper respiratory infections are more prevalent in pet stores. She stated there are so many reputable breeders that far supersede the unreputable breeders; unfortunately, they get falsely labeled as puppy mills; and then they end up being victims of this type of legislation. She pointed out in regards to the ordinance, ordinances that have passed in places with pet stores, her family is actually going to be working on an email to get that over to the Board that goes over a list of municipalities that have banned pet stores that are actually currently in litigation with their

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county or city; in regards to loop holes in this ordinance, there are many; she asked what preventative measures are going to be taken to make sure all of these different sources, since they are all unregulated, what efforts are going to be made to make sure that those dogs that are going to be sourced to this pet store owner, what is going to be done to make sure they are not coming from un reputable places; she stated no rescues are being inspected, none of these hobby breeders are being inspected; and she questioned exactly like she just said how are documents going to be gone through and say this is not this person or this person actually is not a hobby breeder, it is somebody else. She noted there is nothing on the books right now that would help that regulation, so she is concerned about that. She expressed her appreciation to the Board for listening to everyone who spoke; and she stated she hopes the Board makes the right decision, because she wants it to go in the right direction for the animals, nobody else.

Judy Fialko asked the Board to give a little more weight to the testimony from the residents of Brevard County instead of out of area lobbyists; she stated she has a story very similar to what the Board has heard before; about 12 years ago she wanted to purchase a puppy for her daughter who was graduating high school; she thought at that time the best thing to do would be to go to what she thought was a reputable pet store in a mall in Cleveland, Ohio; and she did that and she purchase a little Papillon puppy, he came from a breeder in Holmes County in Amish country. She added she thought that is wonderful, it was a little Amish dog, because she did not know about the puppy mills; a good sign right away, if a person has ever seen a Papillon, they have big curled tails that curl over their backs, his tail was broken in half at a right angle from being in a small cage for so long; probably about six to eight months after they got him he developed a lot of health issues, he had Pancreatitis; and they spent thousands and thousands on his healthcare. She noted unfortunately, shortly after they moved to Brevard County they had to put him down, he had something that was not curable. She stated she wants to address two comments people have made tonight saying they want to get a dog from a reputable breeder through a pet store, reputable breeders would never sell to a pet store; a reputable breeder wants to meet the potential owner, find out what type of family the dog is going to, and that it is going to a safe environment; and that is one other thing to think about. She went on by saying someone else mentioned a person cannot get a small dog from a rescue or shelter; she volunteers for a group called Poca Dogs in Winter Garden, Florida, the only thing they rescue are tiny dogs; they have Chihuahua, they have Shih Tzu's, tiny Terriers, Jack Russell's; a person can get any type of purebred dog a person wants on Pet Finder or for really researching any type of shelter in a person's area; and she expressed her appreciation to the Board.

Holly Gann stated she is with the Animal Wellness Foundation; she is excited to be here today because it is actually her first time commenting in front of the Commission; she works in Washington, D.C., but she was born and raised in Brevard County; and a few years ago she was up here talking to the Board about some other animal welfare issues impacting the County. She went on to add she is here today in support of Commissioner Lober's proposal to prevent the sale of puppy mill dogs in pet stores; she is very glad the Board is considering this proposal; the ordinance will go a long way to improve the welfare of dogs in Brevard County; and it will follow suit with 60 other localities across Florida, and nearly 300 across the country that have adopted similar legislation. She advised without a doubt this is an important issue for Brevard County; allowing the sale of puppy mill dogs only contributes to the number of dogs that ultimately wind up in shelters; and it presents a tremendous burden to the taxpayers and harms the welfare of these dogs. She stated passing this ordinance would also insure that the County does not contribute to the cruelty of puppy mills; puppy mills are dog breeding operations that breed dogs in filth and misery; the

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mother dogs spend their entire lives kept in very small cages where they can barely turn around; they suffer horrific and painful injuries, such as perforated eyes, leg injuries, open wounds, injuries to the reproductive systems, and the list goes on; the veterinary care is unthinkable because that would cut into profit margins; and this is the entire life of the mother dog kept in a puppy mill. She went on to say these mothers probably wonder what they have done so wrong to end up in a life of such extreme misery; meanwhile they have dogs sitting in shelters right here in Brevard County; and dogs throughout the State are being euthanized in appalling numbers. She noted she thinks they can do much better than this. She stated protecting animals from cruelty is an important value to the people of Florida, Democrats and Republicans alike; it is an issue everyone can get behind; and actually it is her Florida roots that led her to pursue in animal protection. She stated a few people here today mentioned concerns about consumer choice; she noted she does not see how that would be impacted because there are responsible breeders, breed specific rescues, and many rescues and shelters that are available where just about any dog can be found. She concluded by saying she hopes the Board will vote to ultimately pass Commissioner Lober's proposal; people can sit here all day and throw these facts and figures in the Board's direction, but ultimately it comes down to doing the right thing; she wants to say she is very proud of Brevard County; and she believes that she will.

Commissioner Lober asked what part of Brevard County Ms. Gann is from.

Ms. Gann replied Merritt Island.

Commissioner Lober stated obviously in the position he assumes she has being in Washington, D.C. and working for her employer, she is much better versed than he ever hopes to be on this particular issue; and he asked if she has the same concerns Ms. Lazarow has with respect to having hobby breeders permit to sale to retail. He advised he is of the opinion that the Board should not do anything or impact the ability of a hobby breeder to sell dogs or make money from doing that; he is talking specifically about hobby breeders selling to retailers; and he asked again if Ms. Gann has any concerns about that, and if so, specifically could she lay out what those concerns may be.

Ms. Gann advised she would absolutely have concerns about that; specifically, it is a way to get around what the intent is here, which is to prevent the sale of puppy mill dogs in pet stores; and some of these hobby breeder exemptions, there can be someone who is still breeding a large number of dogs in conditions that are still problematic.

Commissioner Lober asked were the Board to allow an exemption like that where it permits them to sell to retail, does she know of any mechanism in which Brevard County or the Sheriff's office would be able to go and police out of state; he advised he is just not aware of one; and maybe she has heard of some way for the Board to verify out of state claims in terms of number of dogs being bred, or hobby breeder status, or anything along those lines.

Ms. Gann replied there would be issues there with jurisdiction; and then the Board can just have these individuals from out of state that are essentially just puppy mills, but just calling themselves hobby breeders.

Larry Davis stated he wonders why in the world would the Commission take action and enhance the black market puppies and then regulate puppy sales; before he moved here he worked for the Better Business Bureau in Northern Colorado, and he would approve 401c when they would try to get accredited by the Better Business Bureau; there are some strict

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rules, such as 72 percent of the profits have to go to the particular charity they were trying to get accredited; and believe him there would be thick paperwork to go through. He pointed out in that job he did, he looked at a lot of the charities that were around, and one sort of caught his eye because he used to hear this Sarah McLachlan commercial where she would sing, and they showed dogs in cages; and it would pull a person's heart strings because everyone loves pets. He added he looked into it, and it was less than five percent of the money actually went to the actual dogs and cats, that it was all going into people's pockets; but it is such a simple thing to get people's hearts; and it is an easy way to fall into a trap. He noted he knew a woman in Northern Colorado who adopted a child from Russia; she ended up murdering that child after five years because the child was one of these children that had never had human contact; and she ended up drowning the child in the bathtub. He stated it happens in life no matter what industry; there were so many good pet stores in Northern Colorado.

Jenna Jensen, Humane Society of the United States (HSUS), and she works on the Stop Puppy Mills Campaign; she was asked to be here today as an expert on the puppy mill to pet store issue; and she would like to address quite a few things that came up today. She pointed out that anyone who sells on the Internet has to have a license, just as anyone who sells to a pet store, they also have to adhere to standards of care under the Animal Welfare Act; in addition, two percent of puppies are obtained from pet stores; that means that 98 percent of people are getting their dogs elsewhere; to say this is going to create a surplus of people going to the Internet is simply not true. She added a pet store can convert to a humane model; HSUS has actually helped convert 21 pet stores to a humane model; and they now work with shelters and rescues. She noted recently Super Pet in Tampa used to obtain dogs from commercial breeders and now they obtain dogs from shelters and rescues, because they said themselves that they lost consumers as they did not want to shop at their store and support the puppy mill issue. She stated this ordinance has been challenged and upheld six times in federal district court, and once in Florida State court, so this has been settled legally in the State; in terms of responsible breeders, here is a fact, they reviewed codes about the ethics for the national breed clubs representing all 178 dog breeds, recognized by the AKC, and found that 96 percent of those dog breed clubs, including their statements, that they do not and/or should not sell to pet stores; pet stores claim to only purchase their puppies from USDA licensed breeders; however, the USDA itself states that it does not certify establishments, and that a USDA license is not a seal of approval; and a breeder who has a USDA license has to abide by a dismal survival standard. She noted a dog can live its entire life in a cage just six inches larger than its body with little to no exercise, socialization, or veterinary care; to make matters worse, USDA is currently protecting animal abusers by redacting pertinent information on animal welfare reports; she showed the Board an old report from a dealer who supplies to Puppies Plus, if she were to request this from the USDA today, it would look like this; and she stated this leaves consumer and law enforcement in the dark about what breeders are being compliant or non-compliant of the Animal Welfare Act, it is absolutely horrifying. She advised she provided the Board that show it and tells it the truth about where these pet stores in Brevard County are getting their dogs; one of the dealers in that report has been in their horrible hundred puppy mill report four different times, they have received a complaint from the USDA, they have received a fine for \$8,000; another dealer supplying to another pet store in this County; and the other dealer supplying to this store, which is Choice Puppies, formerly known as the Hunt Corporation, and they were cited by the Missouri Department of National Resources for burying 1,000 pounds of dead puppies per year.

Commissioner Lober asked if Ms. Jensen has any thoughts on the same subject that has

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been addressed regarding the hobby breeder exemption permitting them to engage in retail sales as opposed to selling individuals out of their homes.

Ms. Jensen replied they have no problem with hobby breeders selling directly to consumers, that is how they sell anyway; she agrees with the statements already being made about how state officials in this State have no authority to inspect a breeder in another state; to provide an example of this, there was a breeder in Arkansas with 295 dogs that should have had a USDA license, but did not, and she was selling online and to pet stores as a hobby breeder; and she can evade that because that pet store on the east coast is not going to go inspect a breeder in Arkansas.

Commissioner Lober inquired with respect to that statistic she gave toward the end of the three minutes, she said there were dogs that died.

Ms. Jensen advised Choice Puppies, formerly known as the Hunt Corporation, was cited by the Missouri Department of Agriculture for burying 1,000 pounds of dead puppies per year.

Commissioner Lober asked how that ties to Brevard County.

Ms. Jensen replied a pet store in this room and in this County is sourcing from that broker.

Commissioner Lober pointed out he is only aware of one pet store owner that is in the room; and he asked if Ms. Jensen is aware of another.

Ms. Jensen replied no.

#### **ITEM I.1, (CONTINUED 2)**

Commissioner Lober provided a slide show. He stated he took out some items, because one the important things that Mr. Jacobsen is right about is that it is important that they do not have a knee jerk reaction, and that the Board not do anything impulsively along these lines or that would pertain to this particular proposed ordinance; he listened to that advise and he took it to heart; to that end, he has taken some quotes, mostly from Mr. Jacobsen, or perhaps all from Mr. Jacobsen, from that first meeting in which this was addressed; and these were verbatim out of the minutes that were approved by this body from January 8th. He advised there were claims made that AKC and USDA are essentially safeguards with respect to these out of state breeders; Mr. Jacobsen said his store is approved by the American Kennel Club, and this is verbatim out of the minutes, approved by the American Kennel Club and sanctioned by the AKC; he also said the AKC does not sanction his store as an AKC pet store; and again, as an AKC pet store for getting the puppies from Bubba and Earl. He went on by saying he asked how it was that the AKC sanctioned this particular store and what he means by being sanctioned by the AKC; he stated in response again, according to the minutes, it is not him paraphrasing anything, the AKC recognizes and they are trying to support the legitimate pet industry; they went to and inspected stores based on their history, the knowledge, and the knowledge of the breeders they deal with they decide who to support; he asked what the specific criteria were that AKC looks to verify; and in response he stated they are looking for cleanliness, a credible relationship with a veterinarian clinic. He explained there is an online review on Google regarding Mr. Jacobsen's store, Puppies Plus, and he is not concerned about the content of the review, he is more concerned with his response; he indicated their prices are far below show dog prices, which suggest to him that is why they cannot have legitimate selling to this individual because the pricing structure does not support it; but more importantly, and the point he is



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more focused on here is, he indicated he is, "Authorized by the AKC." He pointed out Corinne Williams who is another hobby breeder says she is an AKC breeder of merit came by on January 8th, and she stated, again this is straight out of the minutes, that the AKC does not license breeders; everything she is saying is on the AKC website; and as an AKC breeder of merit, it does not mean much, this coming from an AKC breeder of merit, only that she registers her puppies with the AKC. He stated and the Board heard that there is not much involved in having an AKC certification, and they do not license breeders; he did not know at that time if it was correct or not; he did not want to do anything impulsively, he did not want to have a knee jerk reaction, and thank God he did not; this is straight off of the AKC website, and it is on there now. "AKC is not affiliated with and does not license or endorse any breeders, groomers, or other service providers including those listed on the AKC marketplace. The AKC has no control over their business practices and they are not liable for any dealings between you and any breeders, groomers, or other service providers." He pointed out it sounds pretty clear; but to give everyone the benefit of the doubt. He advised it also says on the AKC website, "The AKC does not sell dogs and makes no warranty or guarantee as to the health, quality, parentage, or value of a dog." He stated he thought maybe he was misunderstanding simple English here, maybe he was not getting this right, so he would write to the AKC and make sure that his understanding of this is really something that matches reality; he wrote to them, in part, to please inform him whether there was any truth to the shop owners claims as to the level of involvement AKC has had with this shop, including, (1) having approved his store, (2) having sanctioned his store as a "AKC pet store, (3) having recognized the store goes "above and beyond on the lemon laws, and (3) again, having inspected a store for "cleanliness" and a "credible relationship with the veterinarian clinic" as these claims appear to be incomparable with the disclaimer that he quoted from their website; and he included the disclaimer that he quoted from the website in the email to AKC. He went on to say they got back to him and said, in pertinent part, it is correct that the AKC does not license, endorse, or recommend any breeders, kennels, or pet stores; that is about as clear cut as it gets. He stated to address the USDA claims and them being the other safeguard here; these in entirety he has indicated the source. He stated in 2010 the USDA audited itself, and the Office of Inspector General released a report stating that the enforcement process was ineffective against problem dealers, inspectors did not cite or document violations properly as needed to support enforcement actions, penalties were minimal, and the inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations; photos in the report show horrific cruelty; and recent data indicates this problem remains. He stated a USDA-licensed facility may legally; (1) confine dogs in cages only 6 inches larger than their bodies for their entire lives; (2) provide only coated wire flooring in cages; (3) deny dogs adequate exercise and socialization; (4) keep dogs in frigid or sweltering temperatures for up to four hours; (5) breed dogs repeatedly and excessively, without limits; and (5) provide no regular care beyond annual walk-through of facility. He stated this is out of the Code of Federal Regulations, he has the citation at the top, and a better citation at the base; he took a graphic that they had, and he deleted the portions that do not apply to the measurement lengthwise for an animal, because this is the relevant item, it is almost hard to fathom unless a person sees this; when they measure the length of a cage for compliance of the Animal Welfare Act, they are calculating it from the tip of the nose to the base of the tail; that might be okay for a teacup dog, but for a mountain dog or a Lab or Malawa dog, anything that is a sizable animal; it could have it as such that if a dogs tail extended would not fit in the cage, and that cage is compliant for the USDA; and that is disgusting to him. He stated he is going to quote Mr. Jacobson directly, he does not want to misstate anything; Mr. Jacobson sent an email to Kristine Isnardi that the other Commissioners were copied on January 9, 2019 indicating, "This is the process our pups go through before they are made

available for sale: All breeders are USDA licensed breeders with no violations." He stated the Board heard from Mr. Jacobson that he did purchase from the Campbell's, and they have violations from two years ago, and that is objectively false. He noted in an email to all five Commissioners from Mr. Jacobson on January 15, 2019, he said, "Our source will not accept puppies from any breeder that has a USDA violation that is fundamental." He stated according to what he said here, that is absolutely not true. He went on to say to talk about Roger and Marla Campbell from Kansas, Mr. Jacobson said in an email to all five Commissioners, also from January 15th, "Our source does purchase puppies from this breeder, and therefore so do we." He questioned since Mr. Jacobson specifically identified and called attention to this one particular breeder, they ought to be pillars of the industry, right; Mr. Jacobson stated, "The USDA began withholding providing names of breeders to those who don't need to know as breeders have been harassed." He pointed out Mr. Jacobson indicated that to him on an email on March 18, 2019; as a result, many of the records are older than he would like as a result of this withholding of breeder names. He went on to say he will read to the Board the pertinent parts of this, it may not be terribly visible there; this is the Campbell's who Mr. Jacobson indicated this evening, and he indicated in writing he buys from; this is the State of Kansas, Department of Agriculture, Consent Agreement and Final Order where it indicates the original civil penalty was \$6,500 for violations there; and it is not exactly an above board breeder. He stated he wants to talk about the USDA, because that is what he claimed, and it essentially serves as a net to paraphrase; this is the USDA filing a complaint, essentially suing these individuals for violating the Animal Welfare Act; and he has indicated he has bought from them, or he supposes continues to buy from them maybe. He advised he talks about failing to provide the USDA, and this is the portion that is highlighted, with access for inspection, failing to have a responsible adult available, failed to keep and maintain accurate records, failed to provide adequate veterinary care to the animals, failed to establish and maintain programs of adequate veterinary care that include appropriate methods to prevent, control, diagnose, and treat injuries and diseases; it goes on, and he is going to go through some of these, this will take a moment, but he promises it is well worth it. He noted the first item here talks about them having found, the USDA, a female Basset Hound with no ID that was observed to have a cloudy, red, and enlarged right eye with discharge on the skin; the same date they found a male Pug limping and holding the left rear leg up as he walked; later the same year they found a female Dachshund with hair loss on the face, the area with hair loss was moist with a creamy discharge; the same date a female Basset Hound with no ID observed to be squinting, and had a cloudy pink left eye with discharge around the eyelids; and the same date the Jack Russell Terrier had hair loss on her face, and the exposed skin was pink and scabby, and she had also dark debris coating several upper-right teeth and a red gum line and cheek, with white discharge. He went on by saying the same year, a Miniature Australian Shepherd with no ID had a heavy coating of dark brown matter on his cheek teeth on both sides of his mouth extending into the gum line, his gums were red and inflamed with a creamy white discharge at the gum line, and one tooth on the right was loose; the same date, again in the same year, a Jack Russell Terrier with a red, moist, hairless open wound on the right side of her upper neck and cheek area and she had not received veterinary medical care; goes on to a subsequent year, adult Dachshund had a thick buildup of tartar on his premolar and molar teeth, the gums over the teeth were red and receded away from the teeth, there was a creamy discharge at the gum line of some teeth, and there was one loose upper incisor tooth; and the same date on that year an adult female black and white French Bulldog was diagnosed with a skin condition with keratitis sicca, and the attending veterinarian and prescribed treatment, but respondents failed to follow the treatment plan, and the dog's left eye was red, and had a thick green colored discharge on the cornea and a hazy appearance. He pointed out it talks about dry caked

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fecal residue and other debris on the cement flooring affecting four dogs; it talks about failing to maintain surfaces, specifically the carpet square in three enclosures were torn and had shredded ends, affecting three adult dogs and four puppies; it talks about exposed metal flooring in one enclosure; it talks about buildup of dried mud on 10 shelters in the outdoor housing facility; shelters housing multiple Boxer dogs in one outdoor enclosures that were not as tall as the dogs; and it goes on and on. He stated certainly Mr. Jacobson when he came here in January wanted the Board to believe he was open and honest, and he bought that himself; he did not want to shut him down in January, because he thought he was a good guy trying to do what he can do; but he wants to talk about whether Mr. Jacobson is open and honest. He stated, and he quoted Mr. Jacobson, "I would like to set up a meeting with Vice Chairman Bryan Lober, or any of the Commissioners, or staff, along with a veterinarian to offer assistance in the pending ordinance process." He advised that is from an email he sent to all of the Commissioners dated January 11, 2019. He went on to say on February 18, 2019, he emailed Mr. Jacobson and requested the names of the breeders for 11 dogs which were previously referenced by him; Mr. Jacobson picked out the dogs, and he wanted to know the breeders; Mr. Jacobson replied, "I will gladly show you the names at the meeting. I prefer not to send you the names." He explained that is not a misunderstanding; he replied to him, "By then, I will have limited ability to perform any due diligence or to verify anything presented. You specifically asked me to reach out with questions and this is the one and only question I've asked of you, providing names at the meeting does nothing to protect those breeders as you'd be releasing their names in an infinitely more public forum than you would be releasing them to me via email. As you're likely aware, the meetings are televised and available, perhaps indefinitely, on the Internet." He pointed out Brevard County Sheriff's Office (BCSO) conducted a site visit to this gentleman's property on February 12th, this was after the January 8th meeting; this Item was on the BOCC agenda the first time on January 8, 2019; Mr. Jacobson knew of the BOCC's concerns at that time and knew this item would be coming back to the Board; and on February 12, 2019, BCSO conducted a site visit of Mr. Jacobson's business to ensure statutory compliance with record keeping provisions. He noted since Mr. Jacobson was not very willing to share his records in terms of where he obtains the dogs, he submitted a public records request to BCSO to provide him the information they garnered in relation to that site visit; he stated the first thing to keep in mind is who the source is; and he does not know what a source is. He stated he will fill in the blanks where someone else refuses to do that; this is all from BCSO; at the top left, it is from Choice Puppies, an entity that was formerly the Hunt Corporation that was disposing of 1,000-plus pounds of dead animals on an annual basis; and they were sending to Puppies Plus on West New Haven, in Melbourne. He stated he has the USDA report on Choice Puppies, admittedly it is not the most current, and the problem is the names are redacted now, so he only has older records to rely on, but he thinks they are very representative of concerns he has and that he hopes his fellow Commissioners share; he zoomed into that portion on the last page, this is Choice Puppies, his source; and there were concerns from the USDA about preventing the surfaces from being cleaned and sanitized properly with enclosures. He read into the record, "Two Japanese Chin puppies were together in an enclosure in the bathing area. The floor of the enclosure was made of metal in a mesh pattern. The back legs of one of the puppies repeatedly fell through the flooring openings to a point that most of the leg extended through the opening. The other puppy balanced on the mesh but appeared afraid to walk and would not move even when coaxed. Flooring that allows feet or legs to pass through can result in pain and injury to the dog. The applicant must ensure that flooring surfaces do not allow feet and legs to pass through." He stated another thing they identified in the same report, apparently they were in the process of cleaning the enclosures while USDA was inspecting and they were splashing water the USDA was concerned about that

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can contaminate the puppies with fecal matter. He went on to say Choice Puppies at that time had 343 puppies; that is a lot of dogs; that is not a mom and pop sort of shop that a person might have been led to believe was the case; and he asked where does Choice Puppies get their puppies. He stated this is Debra Deters; this was in February; the State of Kansas inspected that individual, and again, Mr. Jacobson bought dogs through a broker indirectly as recently as February; and they noted feces build-up in the kennels, and they noticed at least one dog had an infection. He added another report on the same breeder talks about rusting in the enclosures and an opening in the cage where the dogs extremities could get caught; dog found limping on the site; rusting and unclean dog doors; and same breeder, ID number for dogs missing, so how can that be tracked. He advised the Board Mr. Jacobson does not even know who is inspecting him; in an email to all five Commissioners, dated February 22, 2019, Mr. Jacobson stated that, "While we believe our kennels are the best design for sanitary reasons, we are making an adjustment compromise to satisfy the County Health Inspector"; in an attachment to that email, he states, "this recent violation is a first, I think perhaps due to confusing our kennel flooring with wire cages"; he goes on to state in all capital letters, "We owe no apologies to anyone, as he blames the inspector for citing him rather than the underlying condition leading to the violation; he asked who actually cited Mr. Jacobson; and he pointed out best he can tell, this was a USDA violation as they have no Brevard County employees tasked with inspecting pet stores. He stated this document prepared in part by the USDA, and it talks about the requirements with respect to flooring, and he read, "Floors must be designed so that they prevent the dog's feet and legs from falling through spaces between slats or mesh." He stated it is not the inspector's opinion, it is the USDA's opinion, and that is consistent with the applicable law and the Code of Federal Regulations. He summarized by saying the AKC readily acknowledges that they do not endorse, in any way, pet stores and that they make no guarantee as to the quality or health of any animal; USDA "inspection" is largely meaningless; objectively horrible breeders with a history of violations from state authorities (in states where such inspections take place) can pass USDA "inspection"; they cannot trust the industry to self-regulate; they have proven, again and again, they do not take humane care of animals and that they will lie and mislead to continue operating in a profit above welfare manner. He stated he has some grave concerns over exemptions with respect to this; what his hope is at this point is to have a conversation amongst the Commissioners to determine what he or she is willing to support, and what concerns there are, so those can be addressed; he has, as he mentioned when he opened this item, he has expanded as much as he possibly can expand the protections afforded to hobby breeders so instead of limiting them into breeding 20 puppies or kittens over the course of a year, they are now allowing 48; and anything over that is in puppy mill territory. He stated when he adopted his dog, and he got him from Florida Little Dog Rescue, and they have a lot of little dogs, they interviewed him; they made him come with his wife; they do house inspections, and thank God they did not have anything crazy going on in the house; and they were very thorough in making sure he and his wife could take care of the dog. He stated they asked kind of intrusive questions about what he did for an occupation, what his wife did for an occupation, how often were they at home, what their work schedule would permit, and a person will not get that at a puppy store, because they do not care about that, they care about selling the dog and making the profit. He noted maybe there is an odd outlier where that may not fit, and he invites Sheriff Ivey when he gets the chance to come up here to correct him, but he thinks there is one pet shop in Brevard County; he has heard from the individual, and he has addressed his breeders and his source; this is people who run operations where either they are being dishonest or at the absolute most generous he could possibly be, their head is in the sand like an Ostrich; by allowing hobby breeders as they are defined in that ordinance he proposed, to sell to retail, the Board has absolutely no ability whatsoever,

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despite Sheriff Ivey's best intentions, cannot fly to Kansas and inspect these puppy mills; and every single one of the breeders he has seen without a singular exception is from out of state. He advised the Board has not had one hobby breeder come today or in January to say the Board would be hurting them because they sell to retail, not one; the folks calling themselves hobby breeders are these folks who are out of state will scratch through their USDA breeder number and write hobby breeder to make it more convenient to go hock their puppies for profit across state lines; at the beginning of this meeting, there is one proposed version that has been included in the agenda packet where he thinks it is appropriate, it is very protective of the hobby breeders; and there is another options he made available to his collages during the meeting that does build in more of an exception than already exists that would essentially allow them to sell retail. He noted the reason he asked the three folks who are the closest things there are in this room about their concerns is because he is genuinely concerned that if the Board passes that, it may not do it; he is concerned there will be folks who absolutely have a documented history of lying; they will continue along that same vein, because the County would give them the incentive to do that, to continue making money; and the Board can pat itself on the back saying it really did one for animals, but in reality it is not accomplishing a whole heck of a lot. He asked will it deter some bad actors, it is probably better than nothing, but in reality he does not think it will get the job done; and he reiterated there have not been one hobby breeder show up and say the Board would be putting he or she out of business because they cannot sell to retail, none of them do. He advised he needs to know where his collages are with this.

Chair Isnardi stated she had a request for a break, and it has been a couple of hours since there has been a break.

\*The Board recessed at 8:10 p.m. and reconvened at 8:19 p.m.

Commissioner Lober stated he was hoping the Board could have a discussion up here, and he can probe to where folks are at before actually making a motion; there is one document he circulated up here when the meeting started that was what was proposed, or should have been proposed, and placed on the Agenda; there is another that has highlighting, he thinks it will expose a loophole that will in all likelihood cause the County problems; and there is one pet store he is aware of now, and he is concerned this would suggest to other pet stores that are being shut out by the other municipalities, that Brevard County would be a safe haven because it took the approach that having a loophole is better than nothing at all. He pointed out he does not want to see one blossom into six where they are sourcing dogs in the same way the one is, so it is a great concern to him; if the Board has to go in that direction, it might be better than nothing, but he does not know if it is a whole lot better; he is concerned if the Board starts to look to restrict sales to only in County breeders, he is flatly convinced it would be unconstitutional for the Board to indicate that sales have to be from only in County breeders or only in State breeders; he does not think that is tenable, he thinks there would be an injunction; and it would basically be scraping the ordinance at that point, so there is no reason to look at that. He stated he does not care which state or county someone gets a dog from, he cares about the conditions; and what was proposed in both of these addresses the conditions, especially the one that ended up on the Agenda that does not have the highlighting, because it prohibits hobby breeders from selling to pet shops, they would be by definition a broker if they were to do that.

Chair Isnardi stated she probably shared some of those same concerns as Commissioner Lober about the hobby breeders; unfortunately, in the State of Florida animals are property; and she thinks that one thing that always seems to keep coming back is this is not a right

for business as much as these are living, breathing beings. She went on to say whether a person is an animal lover or someone who just kind of cares about animals, she does not know how people do not care more, these are not lawn mower parts that are bought in a store, this is not the Board regulating a business that sells widgets or pool supplies, these are living breathing creatures, that unlike people, do not have a voice; people call them pets, the State calls them property; if someone can be charged with animal cruelty, she thinks that in itself puts them in a different category; and people need to be cognizant of that when talking about what he or she want the community to represent. She advised she is in support with the ordinance, she is okay with modifications if it gets the rest of the Board to support it; but she does not want to put something in place that does not have any teeth or still allows for these sorts of things to happen, because they do happen. She pointed out it can be sugar coated as a person wants, and to add four letters to anything a person is certified for or not, but the reality is there is no regulation at all. She explained she and her family have done rescues for many, many years; they opted to go to a small breeder this time; it was like an inquisition just to get a meeting to be considered to get one of these animals; it was a small breeder in the State of Florida; but they wanted a certain type of dog that did not shed because she has a child with an allergy; and that is the type of person who is a good steward for the health and safety of those animals. She advised this is not a Republican or Democrat thing, it is not a capitalist versus a government regulation, these are living, breathing creatures that people buy for their benefit to be a part of their family and to take care of; this is one small thing that can be done; it is the responsible thing to do; and she hopes to get the support by the next meeting, as it is hard to say with other Commissioners who are not here.

Commissioner Lober stated a case that he had with respect to who owned a dog that went to trial in this County; the judge, pending the outcome of the trial, ordered time sharing on the dog; and people do not do that with car parts or tractor parts. She stated they are property, but he thinks they are not run-of-the-mill property; there is certainly a realization of the law that there is unique personal property, works of art, things of that nature; and he thinks this is closer to that, maybe a step beyond that due to the obvious reasons. He stated if he is hearing Chair Isnardi right, she would support either version of the ordinance, including the one that does not have hobby breeders entitled to sell to retail; and he asked if that is correct.

Chair Isnardi replied correct, at least that is where she stands now.

Commissioner Pritchett stated she would like to frame this first, and she has worked with Chair Isnardi long enough that she knows her heart, and Commissioner Lober and she kind gets the analytical thing, so she is going to go through her thought process of what she is thinking through. She stated one, the Board is doing legislative intent, so whatever is put forward cannot be added to but it can be taken away from; there are two Commissioners missing, so she is a little cautious about that, because this will change as it moves forward; and she reiterated whatever the Board moves forward with it can always pull away from if it changes its mind later if more information comes in. She advised that is the beauty of this having such long periods of time with meetings, it gives the Board Members time to really make good decisions when this is enacted; on that note, here are a couple of her struggles; she does not want to put pet stores out of business; but she does want to stop, hinder, or put a pause on these puppy mill issues; and she is hoping the entire Board is after the same goal to stop the abuse of animals. She stated is this going to be perfect, no, but hopefully it will bring some solution to stop it; she does struggle with the USDA issue; actually she brought two copies of ordinances with her, one with the licensed commercial breeder and

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one without the licensed commercial breeder, which is based on Commissioner Lober's ordinance that he sent to the other Commissioners; and she made a few changes. She noted the Board can go over that a little later and try to work something out. She stated she is troubled they do not inspect properly; she is troubled there is a national problem with that, and that it is getting put on the Board to get appropriate things done to take care of these types of situations; and if it was in place, and people were obeying the law, this would not be a discussion. She explained another struggle she has, hobby breeders were talked about, she is probably not going to vote for this if the Board does not allow some rights with the hobby breeders; at the north end of the County there is a lot more farm area, and a lot of people do this, and they love their pets; and she has a sweet little pet store on Hopkins Avenue. She stated she was trying to find pet stores that sell pets, and this is the only one she could find, and they did not have any there; she asked them if they ever sold dogs; she said once in a while they will have someone who comes in that their dog had puppies, they will bring them in, and they will sell the puppies for them; and she does not want to stop that. She stated her purpose of this is not to put good pet stores and good people out of business; she is also concerned if this can be done, and the Board will have to work it out with the County Attorney, if the County is going to have a possible lawsuit for breaking some sort of commerce laws. She stated she has a real struggle that there are no regulations on rescue organizations, because if every other competitive ability to get puppies to the public is gotten rid of, another monopoly has been started; through her long life she has noticed if the money is followed that even good people get corrupt; the Board may have to work on some types of regulations, not just people that rescue them and give them out; but she thinks once a person becomes a business where he or she is breeding and selling dogs, they have lost the ability to be under that covering. She stated she does not want to regulate how people sell; if she gets into her 80's and she decides she wants to breed a couple of dogs and sell their puppies, she does not want people coming into her house to buy them; she would rather have some open place where she can do this; and that is part of her concern with that. She pointed out she does want to do what Commissioner Lober wants to do and to start getting rid of the problems of abuse of animals and puppy mills; she thinks there are things to work through and think through; she does not know how to do all that; but she does know right now from where she is at, if the hobby breeders are not protected, she will not support it, but she does support something to move forward with some kind of regulations in place.

Commissioner Lober stated every version he proposed of the ordinance has some mechanisms in place to protect hobby breeders; he has never, nor does he intend to, ever cut hobby breeders out of the equation; what he tried to do, because he heard her concerns during the very first meeting with respect to that, he raised that limit from 20 to 48; if the place of sale is the area of consternation, he is happy to look at some mechanism to change that; but part of the place of sale, the reason he is looking for that, is because that allows the folks who are looking to buy a dog to see the conditions in which the dog is actually raised to ensure exactly that it is not a puppy mill, they can look at the mom and dad, and really have a better understanding in terms of where the dog is coming from. He went on to say anyone who wants to breed Schnauzer's puppies under any version of this that has been proposed, or is proposed, or has even been under discussion to any extent, anyone can breed Schnauzer's; they can breed at this point they can breed 48 Schnauzer's a year and sell them to anyone out of their house; the problem is when looking at taking hobby breeders who do not sell to retail and protect them by allowing them to sell to retail, it is not really protecting them because hobby breeders have spoken today and on January 8th; and none of the legitimate hobby breeders sell retail, their concern is being able to continue selling to folks they are able to vet in the way the Chair indicated she was vetted

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when she was looking to buy. He explained he does not just want to create a solution to a non-existent problem that simply opens up a loophole; what he means by that is if the Board says now they can sell to retail, it does not have the ability to restrict that to hobby breeders the Sheriff can go and inspect, it has to allow that universally throughout Florida and the country, because then there is an enforceability issue with it; and it cannot say that only those inspected by the Brevard County Sheriff's Office, that would be tossed yesterday. He stated were the Board allowed to do that, he would be happy to do that; he is not trying to cut out the out of county or out of State, but if it has the impact of doing that and it were lawful, he would be fine; but he is not able to compromise because that would be unconstitutional and unenforceable; the way this is written, if someone wants to challenge it, it is going to be upheld; he has looked at it, and he has had plenty of attorneys inside and outside of the County look at this; and everyone has told him, without exception, that they do not have concerns in terms of the constitutionality or enforceability of this particular ordinance as it is proposed right now. He pointed out if something were to be changed, or expand something, that might change; the surest way to ensure it is going to be enforceable, that it is going to get thrown out instantaneously, before that the Board would almost certainly have an injunction prohibiting it from enforcing it, until such time it ends up being thrown out, if something was added essentially restricting it to in state or in county businesses only; he would like to work with Commissioner Pritchett to accomplish this; and if the real consternation is where the sale can take place, he is flexible in terms of what can be done with that, but he guesses to go back to creating a monopoly for rescues and for animal shelters, he does not think the shelters are looking to get more dogs, they want to place the dogs they have, and they are not saying what can be charged for the dog, they are looking at best to recoup the expenses and treating that dog. He noted he would venture to say every single one sitting in the front row is very likely losing money every year because they work rescue; this is not folks that are out there for profit, he thinks just about every one of them are retired or semi-retired, and they are doing this because they are decent human beings and they have the heart to do it; in terms of having the Sheriff inspect rescues, if Commissioner wants to put something like that forward, and it is reasonably limited so it is not overly onerous, he is happy to support that separately; but he does not know how that can be done to address the same concerns; and the reason he says that is because none of these folks have 100-plus dogs in their houses, none of them have 40-plus dogs in their houses. He added they may have four or five dogs, but that is it; this is not the profit seeking evil doers that a person would run across in other industries; the animal shelter and the SPCA are not looking at profiting, they are looking at placing the dogs in good homes as quickly as they can while ensuring they are being cared for properly; and he does not have that concern with rescue. He stated if a person sees a rescue start charging \$1,500 for a dog, then he will drop the hammer on them himself, but he reiterated he does not see that happening. He stated there is a problem with the one and only pet shop in which he is aware in the County with where they are sourcing dogs from; to say the Board does not know where other groups are sourcing their dogs, the problem is it cannot be any worse than what it does know with the group he is looking at placing the regulations impact; if it is a public place or somewhere along those lines, he is happy to be flexible to whatever degree he can if there is some thought Commissioner Pritchett has on that front; but he thinks allowing them to sell retail is a very, very bad idea, because again, none of them do, the Board has heard it again and again, except for folks who are from out of town who have the pet industry shirts on. He advised he is happy to entertain any reasonable exception to allow for the folks who are here to continue doing business, but he just does not want to create a loop hole that will come back to bite the Board and effectively render this entire ordinance either worthless or of minimal worth.



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Commissioner Pritchett stated if none of them do, then it will not be an issue if the Board puts it in there.

Commissioner Lober pointed out it will because the concern he has, as the Board has heard from folks, the folks who are USDA licensed breeders are going to literally strike through the breeder number and write hobby breeder.

Commissioner Pritchett noted she understands the passion on this, but she is trying to frame it; it is like having a problem with drunk drivers, most of them happen at night, so to just make it that nobody drives at night; she stated it is a bad thing she cannot take out the people who have potential good with it; she does not mind tweaking it later, she can bring it up, and it can be changed again; but she does have a legitimate concern that it could cause harm to people who want to do this; and if the brokers are all out of the picture, it might open up more of a market for hobby breeders to be able to sell in retail stores from the local area. She stated she does not want to take away the rights of people, she does want to protect dogs, but she is very careful with that right now because she thinks the Board can do this and take away some rights of unforeseen things moving into the future. She advised the rescue people right now are wonderful; as soon as this happens, there will be groups that raise up because it is a way to make money that is not regulated and it is a monopoly; just from watching business and how that runs, the Board should watch that moving forward; and those are just a couple of her things. She went on to say this is legislative intent, so if Commissioner Lober would be willing to at least go through this with her on his and it can be talked about it, she would appreciate it.

Commissioner Lober asked what her concern is in respect with someone who is going to get hurt; and he advised he is having a hard time wrapping his head around a proposed individual or entity that will be hurt if it is passed as it is.

Commissioner Pritchett stated she does not know that people do not breed dogs in their home, because a hobby breeder is four female breeding dogs maximum, after that they become having to be licensed; if there are four females, he was sweet about the 48 dogs, but she would like to put a thing in there that they can only have four female dogs for breeding anyway.

Commissioner Lober stated he discussed that with Sheriff Ivey and Joe Hellebrand, Animal Services Director, anytime they say the number of breeding females, it would be putting it in a place where it cannot be enforced; that is why they have the number of puppies.

Commissioner Pritchett stated someone told her the four females are better; she is fine either way; and she was just trying to be more protective. She explained she will tell Commissioner Lober what additions she made to his draft ordinance; on page six, he already put a line through 'this does not include any persons or entity that sells cats or dogs to pet stores'; and she asked if that is correct.

Commissioner Lober advised the second ordinance would allow for retail sales.

Commissioner Pritchett stated this is legislative intent, and this could change later.

Chair Isnardi stated if the Board allows for hobby breeders for retail, is the Board legally allowed to restrict that; she does not want to allow for hobby breeders to sell to retail; but if that is all that can be gotten for now, the Board has to take it, because she already knows

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where the other Commissioners pretty much stand. She asked if it can be restricted buying from hobby breeders within the State at the very least.

Eden Bentley, County Attorney, advised that is what Commissioner Lober is referencing about the interstate commerce and the constitutional violations.

Chair Isnardi noted that is the part that is concerning to her.

Commissioner Lober stated if the Board could, he would be the first person to jump on board, but there is no way.

Commissioner Pritchett stated the Board could make it that they have to visit the place where the dogs are being bred, the store owners, or if they are local, it is easy enough; if a person lives here he or she can go to the pet store to maybe put on consignment or sell it; but if the pet store is looking for hobby breeder dogs he or she can purchase the dogs themselves out of state. She went on by saying on page eight, she would like to take out prohibition on public sales; on item 'g' she added a little thing in there, 'including but not limited to one that operates in conjunction with a pet store or other retail stores'; she wants to add the line in there unless the shelter is operating as a business of breeding and selling pets to the public; and then it changes personalities.

Commissioner Lober pointed out if Commissioner Pritchett goes to the definition of animal shelter on five and then also animal rescue organizations on page four, he thinks that obviates the concern on page four, an animal rescue organization; it says this term includes neither any broker nor any entity that obtains dogs or cats from any source for payment or compensation; and it also indicates it does not intentionally or willfully breed animals, so it prohibits them doing that. He went on to say going to page five for animal shelter, it also excludes those who willfully cause dogs or cats to reproduce, so it is essentially already integrated in there.

Commissioner Pritchett stated if the Board goes with the one Commissioner Lober brought the changes with and goes with maybe removing item 'f' moving forward, or he can leave it in and it can be discussed later, if he wants, because they can be removed later.

Commissioner Lober stated as far as having the pet store mandated to visit the actual source of the puppies; what he does not want to see happen is a person goes to Choice Puppies where they are a broker and a person does not see anything in terms of the original condition of where the dogs come from; he is struggling on how the Board would go about phrasing it and he would have to defer to Attorney Bentley in if there would be a mechanism in which the Board could really compel that in terms of forcing or obligating a retail pet shop in Brevard County to visit any and all breeders that they source from.

Attorney Bentley replied the Board would be moving into untested territory there, she has not seen any cases involving that particular requirement; it would certainly have enforcement problems; and she asked how the County is going to prove a person picked them up and visited and all of that.

Commissioner Lober stated as far as interstate commerce is concerned, there is certainly going to be a disproportionate impact on those businesses that are out of state in favor of those that are in state, so whether it would be a successful challenge or not, he anticipates there would be the challenge on that ground; he is struggling to try to make something that

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is workable here.

Commissioner Pritchett advised they can come back and spend time on that; anything put in can be taken out; but it cannot be added once it is sent forward.

Commissioner Lober noted he does not want to neglect putting something in here to prevent something like that from occurring.

Commissioner Pritchett pointed out the Board can put it in, and later take it out; it is just an idea.

Commissioner Lober asked if in the definition section, which may not be the most ideal place to have it, but on page five where it defines hobby breeder, he indicated hobby breeder sales to pet stores are expressed conditioned upon compliance of any and all registration, inspection, compliance requirements put in place by the Board, the Brevard County Sheriff's Office, or any other entity lawfully entitled to regulate such activity, would it allow the Board to have, if the BCSO is so inclined, they set up a compliance structure whereby the individual would have to visit the original source of the animals; and could the Board go through it that way and just kind of leave the ordinance as is, presuming the Sheriff is inclined to do that down the road, or if the Board is included to do that down the road.

Attorney Bentley stated on the face of it, that might work, but the enforcement of it is a different issue.

Commissioner Lober stated he kind of put essentially something of a catch all in a modification of what was actually on the Agenda in case the Board went here; part of it reads, in part, "Hobby Breeders sales to pet stores are expressly conditioned upon compliance of any and all registration, inspection, and compliance requirements put in place by the Board, the Brevard County Sheriff's Office, or any other entity lawfully entitled to regulate such activity." He asked whether or not Sheriff Ivey would be inclined to, through BCSO mandate, that the individuals that own pet stores here physically visit the pet stores wherever they may be located.

Sheriff Wayne Ivey, Brevard County Sheriff, replied he does not have any problem with that as long as the County Attorney thinks it is doable, and certainly his teams can oversight over that.

Commissioner Lober explained if the Sheriff indicates to him he is happy to do it, and he indicates the Board has reasonably good grounds to enforce it.

Sheriff Ivey stated their ultimate goal is to close puppy mills down; that is the goal of everyone sitting on the dais, so whatever the BCSO can legally do, they will engage and do it.

Commissioner Lober questioned including a requirement that the store owner visit each and every place of origin where puppies or kittens are purchased on an annual basis.

Chair Isnardi stated maybe in the ordinance it can read as developed by resolution at a later date, because the Board will have to come up with a resolution or the process.

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Attorney Bentley replied if the Board requires the pet store owner to visit annually; she thinks it may impact interstate commerce that way; and she thinks the Board is walking a line.

Frank Abbate, County Attorney, suggested to the Board that the first option the Board was discussing may be the best one, because it will be broad enough to allow the Board to develop that regulation, and it will also be broad enough so that when it is advertised for the public hearing, it will be giving the Board the most opportunity that way.

Attorney Bentley stated her agreement with Mr. Abbate, because the Board can come back with the second regulation if it needs to, and it does not open the Board up immediately.

Commissioner Lober asked that Ms. Jensen come back up to respond to if anything like this has come up before in other jurisdictions and how it has panned out. He stated what he has attached to the ordinance as proposed is phrasing, "Hobby Breeders sales to pet stores are expressly conditioned upon compliance of any and all registration, inspection, and compliance requirements put in place by the Board, the Brevard County Sheriff's Office, or any other entity lawfully entitled to regulate such activity." He advised his thought is the Board will come back with a second ordinance essentially requiring the pet store owners to visit annually the place of origin that they source the dogs from, not necessarily the immediate source as would be the place of the broker, but the place of origin, so wherever the broker would source them from, wherever they were raised.

Ms. Jensen explained she just does not think that is enforceable; she does not see how a pet store owner is going to travel to Wisconsin and look at a breeder, not to mention someone who is making a profit off of this; and she has not seen something like that in the past.

Commissioner Lober stated he would be happy to go forward with it, but if realistically it is just going to bring the Board into a lawsuit where everyone is going to spend money, he does not know it puts the County into a better place.

Commissioner Pritchett advised she thinks it will, she thinks it will serve the purpose; she thinks this will change even how pet stores get the pets moving forward for the Brevard County community; there might be some people who do bad things; but the Board is not going to be able to get everybody doing everything wrong all of the time, even though the Sheriff thinks he does. She went on to add this is a step in the right direction, but she feels a real need to check those other people's rights right now and cause no harm; if the Board has a problem after getting things going, it can come back and make some more changes; but she has a real concern one problem will be fixed and it will start another one. She stated this could work and would at least keep a competitive market in place with individuals who breed dogs who enjoy breeding their dogs and sharing them with the public.

Commissioner Lober stated his concern is if the Board moves to pass the ordinance he has modified with the little bit of highlighting on the page, if that is the version being moved to pass, if the Board finds out in six months the animals are still being sourced the same way and it is still having the same problem, would Commissioner Pritchett entertain addressing it at that point; if it solves it that is great; but he is not convinced this will be the be all an end all; and it will need some follow up down the road.

Commissioner Pritchett noted she is always teachable.

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Commissioner Lober advised he has a concern given the way the industry has gone, and if this is what the Board needs to do in order to have Commissioner Pritchett's support, then this is what needs to be done in order to have her support; but he is just putting everyone on notice, if this does not cut it, he will come back with something else, because he is not satisfied to simply pass an ordinance saying the Board is doing something if it does not have the impact.

Commissioner Pritchett pointed out the Board needs to make policy that is good for everyone; she is always cautious to not move too quickly; but if she removes rights from one group to give to another problem, it has to be weighed; and this is just where she is at.

Commissioner Lober asked if Ms. Bentley had the two versions he emailed yesterday of the ordinance, with something on the front of it, and there was only one that looked like this.

Attorney Bentley asked if that is with the addition on page five of the expressly conditioned language that would allow the additional regulations subsequent.

Commissioner Lober noted there is a strike through that is highlighted and there is also additional text that follows that. He stated it is a start but he thinks the Board will be back to address this particular language and what needs to be done once the Board gets a better grasp in terms of what the impact is.

Chair Isnardi stated maybe if the Board has to settle for this, some of the teeth would be something Attorney Bentley can check up on requiring proof that they are buying from hobby breeders or pet rescues, because more often than not a lot of rescues have dogs that are not puppies; and a lot of rescues would not give dogs to a retail place.

Commissioner Lober provided his copy of the version of the ordinance to Attorney Bentley. He asked if the Board has had the opportunity to make sure that version contains what he or she wants, but he just wants to make sure because there have been many versions going around.

Commissioner Pritchett advised she could almost read it in her sleep, she is good.

The Board approved legislative intent and granted permission to advertise for an ordinance amending Chapter 14 of the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bryan Lober, Vice Chair Commissioner District 2
<b>SECONDER:</b>	Rita Pritchett, Commissioner District 1
<b>AYES:</b>	Rita Pritchett, Bryan Lober, Kristine Isnardi
<b>ABSENT:</b>	John Tobia, Curt Smith

## ITEM K., PUBLIC COMMENTS

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Channa Lloyd, Partnership Specialists for 2020 Census, stated the Census comes around and it is a year out; they are there introducing themselves and letter the Board know what is new about the Census, and what is coming forward for its residents; since 1790 they have been taking a Census every 10 years on the year ending in zero; and the population count is really important for two main reasons. She added one, is the apportionment and representation in the House; last Centennial two additional seats were added due to the increase in population in Florida; in 2020 they are estimated to gain another one, possibly two seats; and the count ending up being accurate and complete is important to Florida. She went on to say the second one is the appropriation of all of the federal funding allocated due to the population; these are programs such as adoption assistance, Pell grants, head start, LIHEAP, roads and highways; there is a 25-page document that tells all of the federal programs affected by this count; and here in Florida is looking at something to the tune of \$29 billion, and that is per decade. She pointed out that is a lot of money left on the table when there is not an accurate count for the State, County, and city levels; they form complete count committees, it works best; a complete count committee is basically a group of trusted voices from within that particular region or community; and they decided how they want them to help them out reach to their residents. She stated another reason for the complete count committee is to let people know about the jobs they have available; they are the largest peacetime operation here, they employ people from the areas they will be working in, so they are familiar with the areas they are in; and typically the jobs are work from home, high pay, and they pay weekly because they are temporary jobs. She stated the primary response method is online for the first time; the secondary method will be a 1-800 number where people can call, ask for help, and they can respond via the 1-800 number. She advised the Board she left packets for the Board Members with information and her contact information as well.

## **ADJOURN**

Upon consensus of the Board, the meeting adjourned at 9:03 p.m.

ATTEST:

\_\_\_\_\_  
SCOTT ELLIS, CLERK

\_\_\_\_\_  
KRISTINE ISNARDI, CHAIR  
BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA