

MEMORANDUM

Agenda Item No. 4(C)

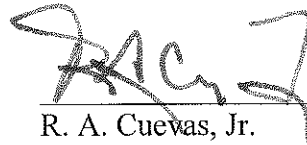
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: June 4, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to animals;
amending regulations regarding
vaccination and licensing of dogs
and sale of licenses by
veterinarians and pet dealers;
amending Sections 5-6, 5-7,
5-11, and 8CC-10 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(C)
6-4-13

ORDINANCE NO. _____

ORDINANCE PERTAINING TO ANIMALS; AMENDING REGULATIONS REGARDING VACCINATION AND LICENSING OF DOGS AND SALE OF LICENSES BY VETERINARIANS AND PET DEALERS; AMENDING SECTIONS 5-6, 5-7, 5-11, AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA ("CODE"); PROVIDING AUTHORITY FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 5-6 of the Code of Miami-Dade County is hereby amended to read as follows:¹

Sec. 5-6. Vaccination against rabies for dogs, cats, and ferrets.

* * * *

(d) It shall be a violation of this section to fail to timely vaccinate or revaccinate an animal.

(1) The Department >>shall<< ~~[[may]]~~ issue a ~~[[courtesy]]~~ >>renewal<< notice >>at least 45 days<< before >>a dog<< ~~[[the animal]]~~ is due for ~~[[vaccination or]]~~ revaccination. It is provided, however, that issuance of a ~~[[courtesy]]~~ >>renewal<< notice shall not be deemed to be a prerequisite to enforcement >>for the failure to initially vaccinate the dog as required by<< ~~[[of the provisions of]]~~ this section.

* * * *

¹ Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

Section 2. Section 5-7 of the Code of Miami-Dade County is hereby amended

to read as follows:

Sec. 5-7. - License tags required for all dogs; conditions for issuance of tags.

* * * *

(c) Each license tag shall be renewed annually by the anniversary of the dog's most recent rabies vaccination, even if the rabies vaccination is effective for more than one year; it is provided, however, that the Department may issue a multi-year license tag that is valid for the duration of a multi-year rabies vaccination, and such license tag shall not require renewal until the revaccination is due. If the dog is not timely revaccinated, and the license tag not timely renewed, then the responsible party shall be subject to civil penalties in accordance with this chapter, but thereafter the due date for the renewal of the license tag shall be the anniversary of the untimely revaccination.

>>(d) After the initial registration of an intact dog that is 12 months old or more, the license fee for that dog shall increase at a rate of 50% per year for a period of three years. Proceeds from the increase in the license fee for intact dogs after the initial registration shall be used by the Department to fund low-cost spay-neuter programs. A certificate issued by a veterinarian licensed to practice in the state of Florida certifying that the dog is exempt from sterilization due to a medical condition shall be accepted as proof that the dog qualifies for the annual license renewal with no increased fee, but that certificate shall only be valid until the license is due for the next renewal. Licensed hobby breeders and pet dealers shall be exempt from this subsection.

(e)<< ~~[(d)]~~ License fees shall be established by implementing order approved by the Board of County Commissioners based on the following categories:

- (1) Sterilized dog 12 months old or more;
- (2) Intact dog 12 months old or more >>, initial registration<<;
- >>(3) Intact dog 12 months old or more, second registration;
- (4) Intact dog 12 months old or more, third registrations;
- (5) Intact dog 12 months old or more, fourth and subsequent registrations;<<
- >>(6)<< ~~[(3)]~~ Dog between 4 months old and 12 months old ("Junior tag");
- ~~[(4)] Dog less than 4 months old ("Puppy tag"), which shall be provided free of charge;~~

~~(5)~~>>(7)<< Dog owned by >>a low-income<< ~~[[an indigent person]]~~ as defined by implementing order approved by the Board of County Commissioners; and

>>(8)<< ~~[[6]]~~ Replacement for a lost or damaged license tag.

>>(9)<< ~~[[7]]~~ Service animals and working police dogs and fire rescue dogs shall be exempt from license fees.

>>(f)<< ~~[[e]]~~ It shall be a violation of this section to fail to timely register a dog, to fail to timely obtain or renew a license tag, or to fail to have the dog wear the license tag.

(1) The Department >>shall<< ~~[[may]]~~ issue a ~~[[courtesy]]~~ >>renewal<< notice >>at least 45 days<< before ~~[[the dog is due for registration or]]~~ the license tag is due for renewal. It is provided, however, that issuance of a ~~[[courtesy]]~~ >>renewal<< notice shall not be deemed to be a prerequisite to enforcement >>for the failure to initially register the dog within 30 days of entering the County, as required by<< ~~[[of the provisions of]]~~ this section.

(2) Any person who is fined under this section for an intact dog may have the penalty reduced to the level of a sterilized dog by having the dog sterilized within thirty (30) days of receipt of the civil violation notice.

~~[[3]] Any indigent person who obtained a Department-issued license tag at a reduced fee prior to the effective date of this ordinance shall be deemed to have complied with the registration and licensing requirements of this section until the expiration of that license tag.~~

(f)] >>(g)<< Exemptions. This section shall not apply to greyhounds kept, maintained or brought into the County for the purpose of racing at licensed greyhound tracks, or to dogs used as part of entertainment acts when properly controlled, or to dogs that remain in the County for a period of less than thirty (30) days.

Section 3. Section 5-11 of the Code of Miami-Dade County is hereby amended

to read as follows:

Sec. 5-11. - Report and sale of license tags.

(a) Legislative intent. This section utilizes the authority and powers of Miami-Dade County in order to secure for the citizens of this County the protection of their health, safety and welfare. It is applicable to all practicing licensed veterinarians ~~[[and pet dealers]]~~. This section is designed to regulate veterinarians by requiring that license tags be

~~>>offered for sale<< [[available for purchase]]~~ at the time and place of vaccination of a dog against rabies, and that a report be forwarded to the Department containing the names of persons refusing to purchase these license tags. ~~[[This section further requires that license tags be available for purchase by the dog owner at the time and place of sale or transfer of a dog, and that puppy tags be sold with every puppy sold or transferred]].~~ These measures are intended to ensure that the County has the necessary information and capital resources to enforce the County's already existing licensing ordinance. The unique history and lack of success with other measures attempted at controlling stray dogs and enforcing the licensing ordinance have been determined to require the special regulations and provisions contained within this section which the County Commission hereby finds reasonable and necessary.

(b) Postmarked no later than the tenth day of each month, all veterinarians administering rabies vaccinations shall, as to each dog vaccinated, deliver to the Department one (1) copy of the certificate prescribed under Section 5-6 as evidence of each vaccination administered the previous month.

(c) It shall be the duty of all veterinarians, upon vaccinating a dog against rabies, to ~~>>offer for sale at the time and place of vaccination the<< [[have]]~~ Miami-Dade County license tags required by Section 5-7 ~~>>~~, and to report to the Department, together with the vaccination certificate required by this section, whether the responsible party declined to purchase a license tag from the veterinarian ~~<< [[available for purchase at the time and place of vaccination]].~~ All veterinarians shall also have Miami-Dade County license tags available for purchase, at the time and place of presentation, by a responsible party who presents evidence to the veterinarian that the party's dog has a current rabies vaccination.

(d) ~~[[All pet dealers who sell dogs shall have Miami-Dade County license tags required by Section 5-7 available for purchase at the time and place a dog is sold. Pet dealers who sell dogs that are less than 4 months old shall provide puppy tags free of charge.~~

(e) Veterinarians ~~[[and pet dealers who sell Miami-Dade County license tags]]~~ may collect as payment for each tag no more than the value of the tag as established by Miami-Dade County, and a maximum premium of twenty (20) percent of the value of the tag ~~[[, except that puppy tags shall be provided free of charge]].~~ Veterinarians ~~[[and pet dealers]]~~ shall be responsible for the value of all tags held by them for sale to dog owners.

~~>>(e)<<[[(\$)]]~~ Postmarked no later than the tenth day of each month, each veterinarian ~~[[and pet dealer]]~~ shall deliver to the Department one (1) payment containing the value of any and all license tags sold or lost, destroyed, or stolen the previous month. Along with each month's remittance, each veterinarian ~~[[and pet dealer]]~~ shall submit to the

Department documentation to be provided by Miami-Dade County covering all tags sold, lost, destroyed, or stolen, and shall submit all registration >>, microchip, and owner<< information for all >>dogs and cats vaccinated<< ~~[[puppy tags provided]]~~ the previous month. >>If no transactions occurred, a report that zero transactions occurred shall be submitted for that month. In addition, postmarked no later than the 10th of October of each year, each veterinarian shall deliver to the Department all unsold licenses from the previous fiscal year (defined as October 1-September 30).<< The Department shall have the authority to assess interest for any payments received after the deadline established in this section.

~~[[g]]~~ >>(f) All veterinarians shall specifically inform each person who brings a dog to them for vaccination against rabies that license tags must be renewed annually or every three years, dependent on the term of the license tag, and that the license tag requirement is in addition to the vaccination requirement.<< All veterinarians ~~[[and pet dealers]]~~ shall >>also<< provide ~~[[all]]~~ >>such<< persons ~~[[who obtain a dog from them or who bring a dog to them for vaccination against rabies]]~~ with literature, prepared by Miami-Dade County for this purpose, stating that Miami-Dade County law requires that every dog be vaccinated against rabies and that every dog wear a license tag that must be renewed annually >>or as otherwise specified<<.

>>(g)<<~~[[h]]~~ Violations of the requirements of this section shall subject the veterinarian ~~[[or pet dealer]]~~ to civil penalties, except when such requirement would violate a confidential doctor-client relationship.

>>(h)<<~~[[i]]~~ The Director may authorize animal rescue organizations approved by the Department to sell license tags, but an animal rescue organization that chooses to sell license tags shall comply with this section.

Section 4. Section 8CC-10 of the Code of Miami-Dade County, Florida is

hereby amended to read as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

* * * *

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
	* * * *	
5-7 [[a]]	Failure to >>register or renew<< [[obtain]] license tag for sterilized dog	50.00
	Failure to >>register or renew<< [[obtain]] license tag for intact dog	150.00
	>>Failure to have dog wear license	100.00<<
	* * * *	
5-11 [[e]]	Failure of veterinarians to >>offer<< [[have]] license tags [[available]] for sale	250.00
[[5-11(d)]]	Failure of pet dealer to have license tags available for sale	250.00
5-11(e)	Failure to sell puppy tags upon transfer of ownership of puppy	250.00
5-11 (f)]	Overcharging for license tag [[or puppy tag]]	250.00
[[5-11(g)]]	Failure to timely remit payment [[for]] or timely file reports [[of license tags or puppy tags]]	250.00
	>>Failure to timely return unsold license tags	250.00<<
[[5-11(h)]]	Failure >>to inform of license tag requirements or<< to provide County literature	250.00
	>>Other violations of 5-11	250.00<<
	* * * *	

Section 5. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 6. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word “ordinance” may be changed to “section,” “article,” or other appropriate word.

Section 7. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Dennis A. Kerbel

Prime Sponsor: Commissioner Juan C. Zapata