

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: September 3, 2014

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

SUBJECT: Ordinance relating to animals; creating "Miami-Dade Puppy Mill Cruelty Prevention Ordinance"; amending regulations governing breeding and sale of dogs and cats and licensing of kennels, breeders, pet dealers, pet care centers, and hobby breeders; amending definitions; amending Sections 5-1, 5-9, 5-10, 5-13, and 8CC-10 of the Code; providing for enforcement by civil penalty

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 7-9-14 Public Safety and Animal Services Committee. This substitute differs from the original in that it clarifies the definition of "breeder" and amends the standards of care applicable to breeders.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.



R. A. Cuevas, Jr.
County Attorney

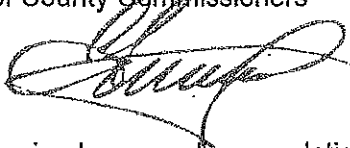
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Memorandum



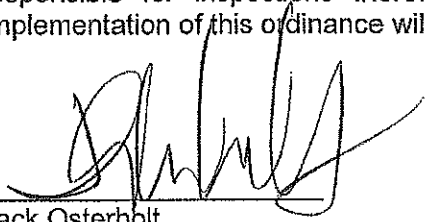
Date: September 3, 2014

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance relating to animals; amending regulations governing breeding and sale of dogs and cats and licensing of kennels, breeders, pet dealers, pet care centers, and hobby breeders; amending definitions; amending Sections 5-1, 5-9, 5-10, 5-13, and 8CC-10 of the Code

This proposed ordinance amends Section 5-1, 5-9, 5-10, 5-13, and 8CC-10 of the Code of Miami-Dade County amending regulations governing breeding and sale of dogs and cats and licensing of kennels, breeders, pet dealers, pet care centers, and hobby breeders. Currently, field personnel are already responsible for inspections therefore this task will be part of the regular inspection process. Implementation of this ordinance will not have a fiscal impact to the County.



Jack Osterholt
Deputy Mayor

Fis7114



MEMORANDUM
(Revised)

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

DATE: September 3, 2014

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

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
9-3-14

ORDINANCE NO. _____

ORDINANCE RELATING TO ANIMALS; CREATING “MIAMI-DADE PUPPY MILL CRUELTY PREVENTION ORDINANCE”; AMENDING REGULATIONS GOVERNING BREEDING AND SALE OF DOGS AND CATS AND LICENSING OF KENNELS, BREEDERS, PET DEALERS, PET CARE CENTERS, AND HOBBY BREEDERS; AMENDING DEFINITIONS; AMENDING SECTIONS 5-1, 5-9, 5-10, 5-13, AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the humane treatment of animals is an important public purpose; and

WHEREAS, “puppy mills” are inhumane and unsanitary commercial breeding facilities for dogs in which the health of the dogs is disregarded to maintain a low overhead and maximize profits, for example by keeping parent dogs in cages for their entire lives without adequate food, water, veterinary care, or socialization, breeding females multiple times per year with little to no recovery time between litters, and breeding dogs regardless of whether they carry congenital or hereditary diseases; and

WHEREAS, according to United States Department of Agriculture reports, documented problems found at puppy mills include: (1) sanitation problems leading to infectious disease; (2) large numbers of animals overcrowded in cages; (3) lack of proper veterinary care for severe illnesses and injuries; (4) lack of protection from harsh weather conditions; and (5) lack of adequate food and water; and

WHEREAS, the Humane Society of the United States estimates that, each year, two to four million puppies are born in the United States in puppy mills; and

WHEREAS, kittens are also inhumanely bred and housed in similarly cruel mills or “kitten factories”; and

WHEREAS, the most effective way to stop puppy and kitten mills is to discourage the purchase and sale of puppies and kittens produced at these inhumane facilities; and

WHEREAS, according to the Humane Society of the United States, although American consumers purchase dogs and cats believing the pets to be healthy and genetically sound, in reality, the animals that come from mills often face an array of health problems, including not only communicable diseases or genetic disorders that present immediately after sale but also diseases or disorders that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers; and

WHEREAS, numerous alternatives exist for people to find pets, including adoption of animals from the County’s own Animal Shelter or other public shelters; adoption from humane societies or other animal rescue organizations; or purchase from reputable and conscientious breeders; and

WHEREAS, across the country, thousands of independent pet stores and large chain stores operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats, often collaborating with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

WHEREAS, this Board believes that adopting additional standards of care for breeders to ensure that breeding animals are treated humanely and are not overbred, and adopting additional regulations governing the sale of dogs and cats in Miami-Dade County, will promote community awareness of animal welfare, foster a more humane environment, and encourage pet

consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals,

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

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

Sec. 5-1. Definitions.

As used in this chapter, unless otherwise provided, the following terms shall be defined as follows:

* * * *

(3) *Animal Rescue Organization* means a humane society >>₂ animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals that is<< ~~[[or other nonprofit organization that is: dedicated to the protection of animals;]]~~ duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services >>₂ as applicable, and with the appropriate authority in the jurisdiction in which the not-for profit legal entity is headquartered<< ~~[[; and properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code]]~~.

* * * *

(5) *Breeder* means any person or entity that causes >>dogs or cats<< ~~[[animals]]~~ to reproduce >>₂ regardless of the size or number of litters produced.<< >>Any person or entity offering male dogs or cats for stud purposes shall be classified as a breeder.<<² >>It is provided, however, that this classification shall

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.

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

not apply to: a hobby breeder, as defined in this section; or to a pet owner who breeds his or her own pet and keeps all of the offspring, so long as the total number of dogs kept on the premises does not constitute a kennel<<. >>For purposes of land use or land development regulations, an<< ~~[[An]]~~ establishment used by a breeder for the breeding >>of dogs<<, except for a hobby breeder as provided in this chapter, shall be regulated as a kennel. >>Breeders that sell directly to the public shall also be subject to regulation as pet dealers.<<

* * * *

(14) *Hobby breeder* means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of: improving the breed; exhibiting dogs or cats at shows operated by a national, state, or local breeder organization; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell >>no more than<< two (2) litters of puppies or kittens per year per household, so long as the total number of dogs kept on the premises does not constitute a kennel as defined in this section. A hobby breeder that sells more than two litters per year per household shall be deemed to be a pet dealer.

* * * *

(17) *Kennel*. The following uses shall constitute a kennel:

- (i) The keeping of any dog or dogs, regardless of number, for sale, ~~[[breeding,]]~~ boarding, or treatment purposes, except by a hobby breeder as defined in this chapter or, as provided by law, in a dog hospital, dog beauty parlor, pet care center, pet shop, dog racing establishment, governmental agency, laboratory, or facility housing animals for medical research that is approved by a federal agency; or
- (ii) The keeping of dogs, six (6) months of age or older, on premises used for residential purposes, in excess of the following numbers: (a) four (4) dogs on property that is less than 1 acre in gross area, or in any individual residence unit in a multifamily zoning district; (b) six (6) dogs on property that is at least 1 acre but less than 2 acres in gross area; and (c) eight (8) dogs on property that is 2 acres or more in gross area; or
- (iii) The keeping of more than four (4) guard dogs on vacant property or on property used for business or industrial purposes.

* * * *

(22) *Pet dealer* means any person that ~~[[, in the ordinary course of business,]]~~ engages in the sale to the public of ~~[[more than two litters, or 20]]~~ dogs or cats, ~~>>regardless of number<< [[per year, whichever is greater]]~~. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification.

(23) *Pet shop* means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.

* * * *

~~>>(25.1) *Public animal shelter* means a facility that is used for housing or containing dogs or cats or other animals and that is operated by or on behalf of a state, county, municipality, or other governmental entity.<<~~

* * * *

(28) *Sale* means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.

(29) *Service animal* means ~~>>any dog that is<< [[an animal]]~~ individually trained to do work or perform tasks for the benefit of an individual with a disability (as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12102 ~~>>~~, and in 28 C.F.R. § 35.104, as may be amended from time to time<<) ~~[[, including without limitation, guiding individuals with impaired vision, altering individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items]]~~.

* * * *

Section 2. Section 5-9 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec. 5-9. Standards of care for kennels, ~~>>breeders,<<~~ pet dealers, and pet care centers.

In addition to complying with the provisions of Section 5-4 of this Code regarding cruelty to animals, all kennels, ~~>>breeders<<~~, pet

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dealers, and pet care centers, including providers of mobile grooming services, located in or engaging in business in Miami-Dade County shall comply with the following minimum standards for the care of animals:

(a) *Housing facilities.* Indoor and outdoor housing facilities for animals shall be maintained so as to contain the animal on the property at all times and to protect the animal from injury.

(b) *Storage of food.* Supplies of food shall be stored in sealed containers or other containers which protect the food against insect and vermin infestation and contamination. Refrigeration shall be provided where necessary to prevent the spoiling of food.

(c) *Ventilation.* Indoor housing facilities for animals shall be ventilated with fresh air by means of windows, doors, vents, fans, or air-conditioning to provide for the animals' health, comfort and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ambient temperature in an indoor housing facility shall be maintained between fifty (50) degrees and eighty-five (85) degrees Fahrenheit.

(d) *Primary enclosures.* All primary enclosures for animals shall conform to the following minimum requirements, except where indicated otherwise in writing by a licensed veterinarian for medical reasons.

(1) Primary enclosures shall be structurally sound and constructed so as to permit the animal within them to remain dry.

(2) The floors of the primary enclosure that are not a solid surface shall be of an open-weave construction, where the openings are smaller than the size of the flattened foot of the animal contained inside. The solid surface of the mesh which the floor is made shall be not less than one-fourth (1/4) inch wide in diameter. Where the floor of the primary enclosure is a solid surface, newspaper or a receptacle containing litter shall be provided to contain excreta.

(3) Primary enclosures shall be maintained in good repair and shall not have sharp points or edges that could injure an animal.

(4) Separation. The following restrictions apply to primary enclosures that house multiple dogs and cats:

(i) Intact females in heat (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.

(ii) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams or surrogate dams.

(iii) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats

be housed in the same primary enclosure with any other species of animal.

(e) *Sanitation.* Housing facilities shall be cleaned at least daily. Primary enclosures, including top, sides, floor, grate, and door, shall be cleaned with soap and disinfectant at least daily. Pet care centers shall clean each primary enclosure after each animal occupant departs for the day.

>>(f) *Breeding.* Each female dog or cat that is used for breeding shall be microchipped. No female dog or cat shall be << ~~[[used for breeding more than]]~~ >> bred to cause the birth of more than one litter << >> once every 12 months << >> unless certified in writing by a licensed veterinarian to be necessary and in the best medical interest of the animal << >>. Animals shall not be bred while they are injured or ill, and animals that have << >> known or obvious << >> congenital or hereditary diseases shall not be used for breeding.

(g) << ~~[[f]]~~ >> *Quarantine.* Animals under quarantine or treatment for a communicable disease shall be housed according to generally accepted veterinary medical requirements, except that a pet care center shall not accept any animal that has a known or suspected communicable or infectious disease.

>>(h) << ~~[[g]]~~ >> *Records and medical release forms.*

>>(1) << For all animals currently on the premises, records identifying the animal, including any license tag >> and microchip << information, and containing the owner's name, address, and emergency telephone number shall be maintained.

>>(2) Breeders shall maintain records of each instance in which a female dog or cat is bred. Each female dog or cat shall be identified by microchip, and records of each date the animal gave birth and the number of offspring produced shall be maintained.

(3) << Pet care centers, kennels, and pet dealers keeping an animal that is the property of a third party shall also obtain from the owner of each animal a medical emergency release form providing that emergency treatment may be provided if the animal shows signs of illness or is injured while in the care and custody of the pet care center, kennel, or pet dealer. The medical release form shall include the owner's name, address, emergency telephone number, veterinarian, and veterinarian's telephone number.

>>(i) << ~~[[h]]~~ >> *Grooming.* Where grooming services are provided:

(1) Clippers, combs, brushes and any other grooming equipment shall be disinfected after each animal.

(2) Clean, separate drying towels shall be used for each animal.

(3) Grooming bathtubs shall be cleaned with soap and disinfectant and rinsed after each animal and shall be maintained free of mold and mildew.

(4) All grooming equipment shall be maintained in good repair.

>>(j)<< ~~[[i)County-operated or City-operated animal control agencies]]~~ >>Exemptions. Public animal shelters, animal rescue organizations that do not operate kennels, and hobby breeders as provided in Section 5-13 of this chapter, << shall be exempt from this section. >>It is provided, however, that a hobby breeder shall not use a female dog for breeding more than once every 12 months.<<

Section 3. Section 5-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 5-10. Requirements for sales of dogs and cats.

(a) >>Designation and Legislative Intent. This ordinance shall be designated and known as the "Miami-Dade Puppy Mill Cruelty Prevention Ordinance." The Board of County Commissioners for Miami-Dade County, Florida, hereby declares and finds that puppy mills and kitten factories are inhumane and unsanitary commercial breeding facilities in which the health of the animals is disregarded to maintain a low overhead and maximize profits, with documented and widespread instances of: unsanitary conditions leading to infectious diseases; overcrowding in cages of large numbers of animals; a consistent lack of proper veterinary care for severe illnesses and injuries; a consistent lack of protection from harsh weather conditions; and a consistent lack of adequate food and water. The Board further declares and finds that animals from mills often face an array of communicable diseases, genetic disorders, and other health problems that may present immediately after sale or not until several years later, and that lead to costly veterinary bills and distress to consumers. The Board further finds that stopping puppy mills and kitten factories, many of which are located outside the County's enforcement jurisdiction, requires discouraging the purchase and sale of puppies and kittens produced at these inhumane facilities. In addition, the County has a pet overpopulation problem that results in many dogs and cats being abandoned at the County's Animal Shelter, and it is the policy of this Board to encourage the adoption of abandoned pets rather than adding new pets to the local population. For these reasons, the Board finds that it is reasonable and necessary to provide the following minimum standards governing the sale of dogs and cats

to protect the health, safety, and welfare of both animals and pet owners.

(b) *Permitted Sources.* After December 31, 2014, pet dealers and pet shops shall not display, sell, trade, deliver, barter, lease, rent, auction, transfer, offer for sale or transfer, or otherwise dispose of dogs or cats in Miami-Dade County, unless the pet dealer or pet shop certifies that the dog or cat comes from one of the following sources:

(1) A breeder that is registered in accordance with this chapter, or an out-of-County breeder that complies with the standards of care set forth in § 5-9 of this chapter; or

(2) A public animal shelter, as defined in this chapter; or

(3) An animal rescue organization, as defined in this chapter; or

(4) A hobby breeder registered in accordance with this chapter, or an out-of-County person or entity that either: (a) has a similar registration in his or her home jurisdiction; or (b) that resides in a jurisdiction that does not offer such registration but otherwise meets the definition of "hobby breeder" as set forth in § 5-1 of this chapter.

(5) *Enforcement.* A pet shop or pet dealer who relies on the representations of an out-of-County source to show compliance with the requirements of this section shall not be subject to monetary penalties for a first-time violation of this section if the source is later discovered not to comply with these requirements, so long as the pet shop or pet dealer shows: (i) that it relied on the source's representations in good faith; and (ii) that it immediately ceased obtaining animals from that source upon learning of the source's non-compliance. Subsequent violations of this source requirement may subject the pet shop or pet dealer to monetary penalties, in addition to any other penalties that may be imposed.

(c) *Certificate of Source.* A pet dealer or pet shop shall post and maintain a certificate of source of each dog or cat offered for sale or transfer and shall provide a copy of such certificate to the purchaser or transferee of any dog or cat. The certificate of source shall be posted on or within three (3) feet of the primary enclosure of the identified dog or cat.

(d) *Tests, vaccines, and anthelmintics required for dogs.*<< Before a dog is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

- (1) Canine distemper.
- (2) Leptospirosis.
- (3) Bordetella (which shall be administered in the State of Florida once before sale by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the official certificate of veterinary inspection).
- (4) Parainfluenza.
- (5) Hepatitis.
- (6) Canine parvo.
- (7) Rabies, if the dog is four (4) months of age or older and the inoculation is administered by a veterinarian.
- (8) Roundworm.
- (9) Hookworm.
- (10) Whipworm.

Each dog over six (6) months of age shall be tested for heartworm before being offered for sale.

~~[(b)]~~ >>(e) Tests, vaccines, and anthelmintics required for cats.<< Before a cat is offered for sale it shall receive from a veterinarian vaccines and anthelmintics against the following diseases and internal parasites:

- (1) Panleukopenia.
- (2) Feline viral rhinotracheitis.
- (3) Calici virus.
- (4) Rabies, if the cat is four (4) months of age or older and the inoculation is administered by a veterinarian.
- (5) Hookworm.
- (6) Roundworm.

Each cat shall also be tested for feline leukemia virus and feline immunodeficiency virus (FIV) before being offered for sale.

>>(f)<< ~~[(e)]~~ The tests, vaccines, and anthelmintics shall be administered prior to the dog or cat being offered for sale, unless a veterinarian certifies on the official certification of veterinary inspection that to vaccinate or deworm the dog or cat is not in the best medical interest of the dog or cat, in which case the vaccine or anthelmintic may not be administered to that particular dog or cat.

>>(g)<< ~~[(d)]~~ If the dog or cat is under four (4) months of age, the tests, vaccines, and anthelmintics required by this section shall be administered no more than twenty-one (21) days before sale within the County. If the dog or cat is four (4) months of age or older, the tests, vaccines, and anthelmintics required by this section shall be administered at or after three (3) months of age, but no more than one (1) year before the sale.

>>(h) Microchip required.<< ~~[(e)]~~ All dogs and cats sold in the County shall have a microchip implanted prior to sale. The seller shall register the microchip with the national registry associated

with the microchip and shall provide the microchip number and other identifying information to the Department. The seller shall also notify the Department and the applicable national registry within 48 hours of the sale of the dog or cat and shall provide the name, address, and telephone number of the new owner of the dog or cat.

>>(i) Certificate of Veterinary Inspection.<< ~~[(f)]~~ Each dog and cat shall be accompanied by an original current official certificate of veterinary inspection at all times while being offered for sale within the County. The buyer shall receive the original certificate. Copies of these certificates shall be held by the seller and the veterinarian for a period of three (3) years.

>>(j)<< ~~[(g)]~~ The examination of each dog and cat by a veterinarian shall take place no more than thirty (30) days before the sale within the County.

>>(k)<< ~~[(h)]~~ No person may offer to sell or transfer any dog or cat that is less than eight (8) weeks of age.

>>(l) Exemptions. Public animal shelters<< ~~[[County-operated or City-operated animal control agencies]]~~ and animal rescue organizations shall be exempt from the requirements of this section.

>>(m) Municipal regulations authorized. Any municipality may adopt or enforce additional regulations governing the sales of animals within the boundaries of such municipality; provided that any such municipal regulation shall not conflict with the provisions of this chapter, and that the costs of the enforcement of such additional municipal regulations shall be borne by the municipality.<<

Section 4. Section 5-13 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 5-13. Kennel, >>breeder,<< pet dealer, pet care center, and hobby breeder license requirements; appeal procedures.

(a) No person shall act as or perform services as a kennel, >>breeder,<< pet dealer, pet care center, or hobby breeder in Miami-Dade County without first obtaining the applicable license from the Department. No person may keep, maintain, or otherwise harbor the number of dogs set forth in Section 5-1(17) of this chapter without first obtaining a kennel license as provided in this section; hobby breeders shall be subject to this requirement. Hobby breeders who sell more than two litters per year per household shall be deemed to be pet dealers and shall be regulated as such for purposes of this chapter.

(b) A separate license shall be required for each location that the services of a kennel, >>breeder,<< pet dealer, pet care center,

or hobby breeder are being performed~~[[5]]>>~~. ~~It is~~<< provided that, if multiple services are offered at the same location, only one license shall be required for that location >>, but the licensee shall pay the highest applicable license fee among the offered services<<. No license shall be issued unless the subject location is zoned or approved for that use by Chapter 33 of this Code or by the applicable municipal zoning code.

(c) Application for a license shall be on a form prescribed by the Director for a kennel, >>breeder,<< pet dealer, pet care center, or hobby breeder, respectively.

(d) Terms of licenses. Each license for a kennel, >>breeder,<< pet dealer, pet care center, or hobby breeder shall be renewed annually. All licenses shall expire on September 30 of each year. Each licensee shall be responsible for renewing his license on or before October first of each year as long as the kennel, >>breeder,<< pet dealer, pet care center, or hobby breeder operates in Miami-Dade County. Notwithstanding the foregoing, a person who validly registered as a hobby breeder with Miami-Dade County prior to >>February 21, 2008<< ~~[[the effective date of this ordinance]]~~ shall not be required ~~[[to annually renew the hobby breeder license or]]~~ to pay any additional license fee; it is provided, however, that such person shall otherwise comply with the requirements of this section >>and that the failure to annually renew the hobby breeder license within 60 days of the renewal deadline shall be deemed an abandonment of that license.<<

(e) Licenses shall not be transferable.

(f) The license fee for each type of license shall be established by implementing order approved by the Board of the County Commissioners. Animal control agencies operated by a municipality that are subject to this section shall be registered with the Department but shall be exempt from license fees.

(g) Premises on which animals are kept and records required to be maintained shall be subject to inspection by the Department for compliance with this chapter.

(1) Hobby breeders shall not be subject to the requirements of Section 5-9 of this chapter. It is provided, however, that upon request from the Department, hobby breeders shall provide records demonstrating that they have not exceeded the sales limit of two litters per year per household >>and the limit on how often each female dog may be bred<<. In addition, upon receipt of a complaint, the Department may inspect the premises on which a hobby breeder maintains animals for compliance with Section 5-4 of this chapter.

>>(h) License number required on written advertisements.

(a) No person may knowingly publish an advertisement identifying a business offering kennel, breeder, pet dealer,

pet care center, or hobby breeder services regulated by this chapter, unless the advertisement includes the number of the license issued pursuant to this chapter.

(b) For purposes of this section, advertisement includes, without limitation, announcements, listings, displays, entries, or other written statements containing the name of the licensee or identifying the services offered by the licensee or by a person regulated by this chapter, and that are placed in a magazine or periodical, newspaper or inserts, audio broadcasting or telephone directory, on the internet, or on vehicles or equipment, when such written statement describes or encompasses services regulated by this chapter.

(i) Denial, Suspension, or Revocation.<< ~~[(h)]~~ The Director may deny, suspend, or revoke a license or renewal where the applicant/licensee:

(1) Has refused to allow the Department to inspect the premises on which animals are kept, the mobile unit in which services are provided to animals, or the records required to be maintained by this chapter or by state law, provided that the first such refusal shall result in suspension of the license until inspection is allowed;

(2) Has outstanding unpaid fines for violations of this chapter;

(3) Has been found guilty of repeat violations of this chapter;

(4) Has been found guilty of animal cruelty or neglect under this chapter, Chapter 828, Florida Statutes, or the laws of any other state;

(5) Has been an officer, principal, director, partner, division, shareholder owning or controlling ten (10) percent or more of the stock, or other organizational element of a business organization recognized by the State of Florida that meets any of the criteria specified in subsections (1) through (4) above; or

(6) Is a business organization recognized by the State of Florida, and any of its officers, principals, directors, partners, divisions, shareholders owning or controlling ten (10) percent or more of the stock, or other organizational elements meet any of the criteria specified in subsections (1) through (5) above.

>>(j) Appeals.<< ~~[(i)]~~ The applicant/licensee shall receive written notice of the Director's determination to deny, suspend, or revoke a license or renewal. The Director's determination may be appealed by providing, within seven (7) calendar days of receipt of the written notice, a written request for an administrative hearing; the request shall be delivered to the address provided on the

written notice. If a request for a hearing is received more than seven (7) calendar days from the date of the written notice, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. An administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this Code. No person aggrieved by a determination of the Director may apply to the Court for relief unless they have first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the Director's determination shall be stayed.

>>(k)<<[[j]] Operating as a kennel, >>breeder,<< pet dealer, pet care center, or hobby breeder after suspension, revocation, or denial of a license or renewal is a violation of this section.

Section 5. 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.

* * * *

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	* * * *	
5-9[[a]]	Inadequately maintained housing facility for animals	200.00
[[5-9(b)]]	Improperly stored food	100.00
[[5-9(c)]]	Inadequate ventilation	200.00
[[5-9(d)]]	Failure to meet primary enclosure standards	200.00
[[5-9(e)]]	Failure to clean primary enclosure	200.00
	>>Failure to microchip breeding female	500.00
	Breeding female more than once every 12 months	500.00<<
[[5-9(f)]]	Failure to quarantine animal or improper acceptance of sick animal	500.00
[[5-9(g)]]	Failure to maintain record >>of dog or cat<< [[s]]	>>500.00<< [[200.00]]
[[5-9(h)]]	Failure to meet standard[[s]] for grooming services	200.00
[[5-9(i)]]	Failure to meet standard[[s]] for toys and training articles	500.00

<i>Code Section</i>	<i>Description of Violation</i>	<i>Civil Penalty</i>
	>> <u>All other violations of 5-9</u>	500.00<<
>>5-10	<u>Dog or cat from unpermitted source</u>	500.00
	<u>Failure to display or provide certificate of source</u>	500.00<<
[[5-10(a)]]	Failure to administer required vaccine[[s-and]] >>or<< anthelmintic[[s]] to a dog or failure to test a dog for heartworm before offering it for sale	500.00
[[5-10(b)]]	Failure to administer required vaccine[[s-and]] >>or<< anthelmintic[[s]] to a cat or failure to test a cat for feline leukemia or FIV before offering it for sale	500.00
[[5-10(d)]]	Failure to administer required vaccine[[s-and]] >>or<< anthelmintic[[s]] at appropriate time prior to sale	500.00
[[5-10(e)]]	Failure to microchip a dog or cat prior to sale or failure to register microchip or failure to notify of sale	500.00
[[5-10(f)]]	Failure to have current official certificate of veterinary inspection at all times dog or cat is being offered for sale or is sold	500.00
	Failure to provide original certificate of veterinary inspection to buyer of dog or cat	500.00
	Failure to retain copy of certificate of veterinary inspection	500.00
[[5-10(g)]]	Failure to have dog or cat examined by veterinarian at appropriate time prior to sale	500.00
[[5-10(h)]]	Offering for sale or sale of a dog or cat prior to eight (8) weeks of age	500.00
	>> <u>All other violations of 5-10</u>	500.00<<
	* * * *	
5-13[[a)]]	Keeping in excess of permitted number of dogs on residential property without kennel license	250.00
	Keeping more than 2 guard dogs on vacant, industrial, or commercial property without kennel license	250.00
	Failure to obtain/renew [[kennel]] license	250.00
	[[Failure to obtain/renew pet dealer license	250.00
	Failure to obtain/renew pet care center license	250.00
	Failure to obtain/renew professional trainer license	250.00
	Failure to obtain hobby breeder license	250.00]]
[[5-13(e)]]	Using license of another or allowing another to use one's license	250.00
[[5-13(g)]]	Failure to permit inspection of records	500.00
	Failure to permit inspection of premises	500.00

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>
	>>Publication of advertisement without license number	500.00<<
[[5-13(j)]]	Operating after suspension, revocation, or denial of license or renewal	500.00
	>>All other violations of 5-13	250.00<<
	* * * *	

Section 6. 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 7. 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 a 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 8. 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: Vice Chair Lynda Bell