

# MEMORANDUM

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Agenda Item No. 7(Q)  
(Second Reading 10-6-15)  
June 30, 2015

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

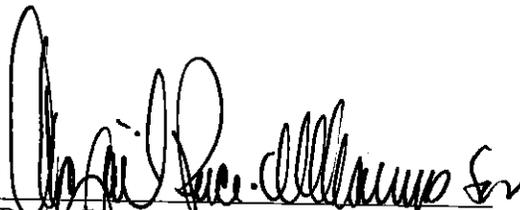
**DATE:**

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

**SUBJECT:** Ordinance pertaining to animals;  
amending regulations regarding  
cruelty to animals, adoption of  
animals from the department,  
vaccination and licensing of  
animals, sale of licenses by  
veterinarians and pet dealers,  
impoundment of animals,  
livestock at large, and  
microchipping; amending the  
Animal Services Director's  
delegated contracting authority;  
amending Sections 5-4, 5-5, 5-6,  
5-7, 5-11, 5-18, 5-19, and 8CC-  
10 of the Code providing  
authority for enforcement by  
civil penalty

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The accompanying ordinance was prepared by Animal Services Department and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.  
County Attorney

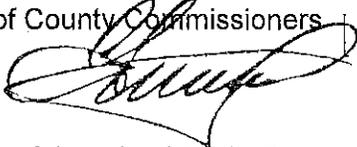
RAC/cp

# Memorandum



**Date:** October 6, 2015

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Revisions to Chapter 5 of the Miami-Dade County Code Pertaining to Animals

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## **Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the proposed amendments to Chapter 5 of the Miami-Dade County Code (Code) pertaining to animals; amending regulations regarding cruelty to animals, service animals, adoption of animals from the County, vaccination and licensing of animals, livestock at large, veterinarian reporting requirement, microchipping of impounded animals and biter dogs, and the Animal Services Director's delegated authority where there is no expenditure of additional funds, amending Sections 5-4, 5-5, 5-6, 5-7, 5-11, 5-18, 5-19, and 8CC-10 of the Code, and providing authority for enforcement by civil penalty.

## **Scope**

The proposed amendments to Chapter 5 of the Code address regulatory processes for pets Countywide and will allow the Animal Services Department (Department) to ensure responsible pet ownership, update the County Code to be consistent with Federal and State laws and clarify and improve reporting requirements and enhance public safety.

## **Fiscal Impact/Funding Source**

No additional resources will be needed as a result of the proposed recommendations. The Department projects these enforcement initiatives will have a positive fiscal impact from collections of civil violation penalties. However, the estimated fiscal impact cannot be quantified at this time. Enforcement activities can be absorbed with existing resources. The proposed Director's delegated authority to enter into an agreement that includes indemnification up to the statutory cap could result in a fiscal impact.

## **Track Record/Monitor**

The Department will continue to monitor and enforce Chapter 5 of the Miami-Dade County Code.

## **Background**

In an effort to create a more efficient Code, consistent with State Statutes and Federal law, the Department is proposing further revisions to Chapter 5 which pertain to animals. These revisions include, but are not limited to, clarifying the Code to resemble Florida Statutes, establishing reporting requirements, and eliminating Puppy Licenses. Additionally, as a result of an audit conducted by the Office of Inspector General (OIG) in 2010, some of the changes noted in Sections 5-7 and 5-11 were recommended by the OIG and supported by the Department to ensure the appropriate tracking and reporting of accounts and revenues. The Department continues to seek opportunities to improve its processes, including applicability of the Code in the delivery of service to the residents of Miami-Dade County (County) while ensuring that animals are cared for properly.

The recommendations are as follows:

**Section 5-4. Cruelty to animals.**

**Recommendation #1: Include language to clarify the requirements to provide "necessary sustenance" and to better define the types of parasites that require treatment.**

The current language gives the Department authority to pursue cases of animal cruelty if a pet owner has failed to provide their pet the proper medical attention for any illness, injury, infection, skin disorder and internal parasites. However, the Code does not address 'external' parasites. The proposed amendment would include 'external' parasites in addition to internal parasites. The proposed amendment also clarifies that the failure to provide each form of necessary sustenance constitutes a separate violation.

**Recommendation #2: Include language against bestiality for all animals.**

A recently enacted Florida Statute, Section 828.126, outlaws bestiality. This amendment updates the definition of animal cruelty in the County Code to include a prohibition on bestiality to mirror state law.

**Section 5-5. Adoption of animals from the Department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.**

**Recommendation #3: Amending the Code to reflect recent changes made by the BCC as it pertains to the definition of a rescue organization.**

On September 3, 2014, the Board of County Commission approved Ordinance 14-76 which amended the definition of a rescue organization to no longer require that rescue organizations be properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code. The proposed amendment clarifies the Code by deleting this prerequisite from Section 5-5 of the Code, which sets forth the requirements for rescue organizations to receive animals transferred from the Department.

**Recommendation #4: Director's delegated authority.**

The Director is hereby delegated the authority to negotiate and enter into agreements with other persons to encourage the adoption of animals or to provide for animals in the custody of the Department including agreements indemnifying such persons up to the statutory cap on claims or judgments set forth in Fla. Stat. § 768.28, provided that the agreements otherwise require no expenditure of additional funds by the County, and subject to the approval of the County Attorney.

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

**Recommendation #5: Incorporate updates in Florida State Statute 828 regarding mailing of notice to pet owners 45-days prior to license/vaccine expiration date.**

Although the Department already provides courtesy renewal notices to dog owners 45 to 60 days prior to the expiration of their pet license/vaccination, this section is being revised to

reflect changes to Florida State Statute 828.30. The same provision is being added to Chapter 5-7 for licensing. The amendment also updated information required as evidence of vaccination.

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

**Recommendation #6: Change the word 'tag' to 'license'.**

Throughout Chapter 5, the words 'tag' and 'license' have been used interchangeably. This has caused some confusion with the public. It is now being recommended that the term 'license' be used exclusively when referring to a dog. This change is made throughout Chapter 5. This proposed amendment also eliminates an obsolete provision relating to licenses that had been issued several years ago at reduced fees.

**Recommendation #7: Establish owner responsibilities for reporting changes.**

Each year, violations are voided because the owner is no longer in possession of their dog and did not update their records with the Department. This change in status may include a transfer to another owner, a move, the death of a pet or when the pet is lost. This generates an enormous amount of unnecessary work for not only the Department, but the Clerk of the Courts, Finance Credit and Collections, and increases expenses due to the additional research, closing/updating of violations and records.

This recommendation would require the owner to update their account accordingly in order to remain in compliance with the County Code. Additionally, this revision was recommended in a 2010 OIG Audit Report to ensure an accurate database thus reducing the number of erroneous violations issued. The amendment also requires that the registered owner be at least 18 years old.

**Recommendation #8: Eliminates the requirement of issuing Puppy Tags.**

The monthly puppy certificate provided by Pet Stores provides the necessary information to track the sales of puppies. The purchase and issuance of puppy tags by the Department is an unnecessary expense.

**Recommendation #9: Replace the word 'indigent' with 'low income' throughout this section.**

The word 'indigent' is being changed to "low income" as it provides for a better description of those that qualify for reduced-cost services.

**Section 5-11. Report and sale of license.**

**Recommendation #10: Eliminates the requirement of issuing licenses by Pet Dealers**

As a result of eliminating the issuance of puppy tags, the requirement of pet dealers to carry licenses is no longer necessary. However, Veterinarians will still be required to offer licenses for sale.

**Recommendation #11: Return of unsold licenses by veterinarians.**

To increase the number of dog licenses that are issued and registered with the County, the Department requires for veterinarians to sell licenses at their places of business. New licenses are issued to veterinarians each fiscal year. This recommendation would require

that unsold licenses, which are obsolete, be returned to the Department no later than October 10 of each year. This would allow the Department to properly keep inventory of licenses and reconcile the associated revenues. Additionally, this revision was recommended in a 2010 OIG Audit Report to ensure the accurate collection and reconciliation of accounts.

**Recommendation #12: Euthanasia and Disposal reporting by Veterinarians.**

The revision ensures the timely reporting of a pet's euthanasia to the Department by the Veterinarian or its disposal. If disposal is handled by the pet owner, the pet owner would be required to report their pet as deceased. The intent is to reduce the number of erroneous citations and renewal notices mailed out annually as a result of the Department not receiving this information on a timely basis. This revision was also recommended in the 2010 OIG Audit Report.

**Section 5-18 (a)(1) and 5-18 (g). Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals.**

**Recommendation #13: This recommendation would allow for livestock found at large or a dog to be impounded by the Department if found as a stray.**

The current language gives the Department authority to impound stray animals generally, but this amendment specifies that the Department may impound livestock. In order to comply with Florida State Statute Sections 828.27 and 588.17-24, and as approved by Resolution No. R-81-11, currently the County has an agreement with South Florida Society for the Prevention of Cruelty to Animals, a non-profit organization, to transport, impound and care for large animals that are victim of cruelty and neglect.

**Section 5-18(c). Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals.**

**Recommendation #14: This recommendation reduces the stray holding period from five days to three days allowing animals to be fast tracked to adoption or rescue.** This is consistent with the practices of other local governments in Florida, including Broward County. Reducing an animal's length of stay is key to reducing stress and disease in the shelter population. Best efforts will be made to reunite lost dogs and owners in this shortened reunification period. Very few animals are reunited with owners based on the total amount of pets received annually. This would increase the ability to save more animals.

**Section 5-18(c)(2). Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals.**

**Recommendation #15: This recommendation eliminates the 24 hour holding period for kittens, making them available for adoption or rescue immediately.** Shelter experience has shown that kittens are not reclaimed at the shelter.

**Section 5-18(d). Redemption of Impounded animals, and Section 5-19(f). Rabies quarantine; report of animal bites.**

**Recommendation #16:** This recommendation would require the responsible party to microchip and register with the applicable microchip registry a dog that has been impounded at the shelter or that has been involved in a dog bite. The microchip number will enable the Department to reunite the dog with its owner in the future or to identify a dog, regardless of ownership, as a biter dog.

**Section 8CC-10. Schedule of civil penalties.**

**Recommendation #17: Amend the schedule of civil penalties, in Section 8CC of the Code, to reflect the proposed text changes listed above and to correct scrivener's errors in cross-referencing.**

To provide for enforcement of these new requirements, further revisions to the schedule of civil penalties outlined in Section 8CC-10 of the Code are also being recommended:

- Provide false reporting of status change: \$250.00
- Failure to have a dog wear license: \$100.00
- Failure to timely return unsold licenses (OIG study 2010): \$250.00
- Livestock at large, stray, or released without authority: \$500.00
- Failure to implant or register microchip after rabies quarantine: \$100.00.

The proposed fines are based on penalties for related offenses that are already provided for in 8CC-10 of the Code. The Department compared the proposed fines associated with these penalties with those of other large localities and found that in many instances the fines being proposed were lower than other large localities. For example, Orange County issues fines that increase from the first, second and third offenses of any violation of their Code.

The proposed changes will allow the Department to better advance responsible pet ownership, abide by updated Federal and State laws, increase return to owner rates and enhance public safety.

AH.

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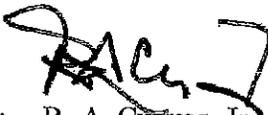
Alina T. Hudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** October 6, 2015

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

**SUBJECT:** Agenda Item No. 7(Q)

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(Q)  
10-6-15

ORDINANCE NO. \_\_\_\_\_

ORDINANCE PERTAINING TO ANIMALS; AMENDING REGULATIONS REGARDING CRUELTY TO ANIMALS, ADOPTION OF ANIMALS FROM THE DEPARTMENT, VACCINATION AND LICENSING OF ANIMALS, SALE OF LICENSES BY VETERINARIANS AND PET DEALERS, IMPOUNDMENT OF ANIMALS, LIVESTOCK AT LARGE, AND MICROCHIPPING; AMENDING THE ANIMAL SERVICES DIRECTOR'S DELEGATED CONTRACTING AUTHORITY; AMENDING SECTIONS 5-4, 5-5, 5-6, 5-7, 5-11, 5-18, 5-19, AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; 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 5-4 of the Code of Miami-Dade County is hereby amended to read as follows:<sup>1</sup>

**Sec. 5-4. Cruelty to animals.**

\* \* \*

(b) *Acts deemed cruelty to animals.* It shall be unlawful to commit any act that constitutes cruelty to animals. The following acts shall be deemed cruelty to animals (see Sections 828.12, 828.13 and 828.16, Florida Statutes):

\* \* \*

(3) To deprive an animal >> whether by neglect or refusal << of >> any of the following forms of << necessary sustenance [;]

<sup>1</sup> 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.

~~whether by neglect or refusal. For purposes of this section, “necessary sustenance” means]]: food and water that is of sufficient quantity and nutritive value to meet the minimal daily requirements for the condition and size of the animal as set forth by the commercial food industry or by a licensed veterinarian; food and water that is free of contaminants and vermin and insect infestation; and proper medical attention for any illness, injury, infection, skin disorder, and internal >>or external<< parasite. Feeding a cow on feed that produces impure or unwholesome milk shall be deemed to be a violation of this section.~~

\* \* \*

>>(10) To knowingly engage in any sexual conduct or sexual contact with an animal; or to knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal; or to knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under one’s charge or control; or to knowingly engage in organizing, promoting, conducting, advertising, aiding, abetting, participating in as an observer, or performing any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose; or to knowingly photograph or film, for the purposes of sexual gratification, a person engaged in any sexual conduct or sexual contact with an animal, or sell or transmit such a photograph or film. For purposes of this section: “sexual conduct” means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal for the purpose of sexual gratification or arousal of the person; “sexual contact” means any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or any penetration, however slight, of any part of the body of the person into the sex organ or anus of an animal, or any penetration of the sex organ or anus of the person into the mouth of the animal, for the purpose of sexual gratification or sexual arousal of the person; “photograph” or “film” means the making of a photograph, motion picture film, videotape, digital image, or any other visual recording. This subsection does not apply to accepted animal husbandry practices, conformation judging practices, or accepted veterinary medical practices.<<

\* \* \*

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

to read as follows:

**Sec. 5-5. Adoption of animals from the Department; sterilization requirements; requirements for animal rescue organizations; authority to negotiate and enter into agreements.**

\* \* \*

(c) The Department may, at its discretion, transfer animals to an animal rescue organization for medical care, for adoption, for adoption to third parties, or for any other lawful purpose, in accordance with the following provisions:

(1) The animal rescue organization shall be registered with the Department and shall provide proof that it is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services ~~[[and properly organized as a charitable organization under § 501(c)(3) of the Internal Revenue Code]].~~

\* \* \*

(d) *[Authority.]* The Director is hereby delegated the authority to negotiate and enter into agreements ~~[[, which require no expenditure of additional funds by the County,]]~~ with other persons to encourage the adoption of animals or to provide for animals in the custody of the Department >>, including agreements indemnifying such persons up to the statutory cap on claims or judgments set forth in Fla. Stat. § 768.28, provided that the agreements otherwise require no expenditure of additional funds by the County, and subject to the approval of the County Attorney.<<

**Section 3.** Section 5-6 of the Code of Miami-Dade County is hereby amended

to read as follows:

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

\* \* \*

(b) Evidence of vaccination shall consist of an official certificate prescribed for that purpose by the State of Florida Department of Agriculture and Consumer Services, and signed by the licensed veterinarian administering the vaccine. The certificate in triplicate shall show:

- (1) The date ~~[[and type]]~~ of vaccination ~~>>~~, product name, manufacturer, serial number, and term of vaccine ~~<<~~;
- (2) The name ~~>>~~, phone number, ~~<<~~ and address of the owner;
- (3) ~~>>~~The Veterinarian's name, license number, and address;
- (4) ~~<<~~ For dogs and cats, the ~~>>~~predominant ~~<<~~ breed, age, ~~>>~~predominant ~~<<~~ color ~~>>~~/markings, weight/size, ~~<<~~ and sex, and the ~~[[year and ]]~~ serial number ~~>>~~and term ~~<<~~ of the ~~>>~~license ~~<<~~ ~~[[registration tag]]~~, if applicable; and
- ~~>>~~(5) ~~<<~~ ~~[[4]]~~ The microchip number, if applicable, and other pertinent data for proper identification of the dog, cat, or ferret.

\* \* \*

(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.

\* \* \*

**Section 4.** Section 5-7 of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 5-7.** ~~>>~~Licenses ~~<<~~ ~~[[License tags]]~~ **required for all dogs; conditions for issuance of** ~~>>~~licenses ~~<<~~ ~~[[tags]]~~.

- (a) Every person owning, keeping, or harboring any dog over four (4) months of age within Miami-Dade County, Florida, or bringing any dog over four (4) months of age into this County shall, within thirty (30) days of the dog entering this County, register the dog with the Department and obtain a license ~~[[tag]]~~, which the dog shall wear at all times. ~~>>~~The registered owner must be at least 18 years of age. ~~<<~~
- (b) The Department shall require, as a prerequisite to the issuance of a license ~~[[tag]]~~ for any dog, satisfactory proof that such dog has been vaccinated against rabies in accordance with the provisions of Section 5-6. The official certificate prescribed pursuant to Section 5-6 shall be accepted as conclusive evidence as to the fact and time of vaccination, or a

certificate providing that vaccination for rabies would endanger the health of the particular dog, as provided by Section 5-6 of this chapter, may be accepted.

(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 ~~>>registered owner<<~~ ~~[[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) 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;
- (3) Dog between 4 months old and 12 months old ("*Junior* ~~>>license<<~~ ~~[[tag]]~~");
- (4) ~~[[Dog less than 4 months old ("*Puppy tag*")], which shall be provided free of charge;~~
- (5) Dog owned by ~~>>a low-income<<~~ ~~[[an indigent]]~~ person as defined by implementing order approved by the Board of County Commissioners; and
- ~~[[6]]>>(5)<<~~ Replacement for a lost or damaged license ~~[[tag]]~~;
- ~~[[7]]>>(6)<<~~ Service animals and working police dogs and fire rescue dogs shall be exempt from license fees.

(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.

\* \* \*

~~[[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.]]~~

\* \* \*

>>(g) Requirement to Provide Notice of Change of Ownership or other Status Change.

(1) The registered owner shall notify the Department, prior to the license renewal deadline, of any change in status of the dog, such as if the animal has been moved to a new address, lost, stolen, sold, or given away or has died.

(2) Prior to transferring ownership of a dog, the registered owner shall submit to the Department, on forms prescribed by the Director, the name, address, and telephone number of the new owner and an acknowledgment, signed by the new owner, that the new owner shall be responsible for complying with the requirements of this chapter.

(3) It shall be a violation of this section to falsely report a change in status. In addition to any other applicable criminal and civil penalties, any civil violation notices that were closed, voided, or otherwise resolved may be reinstated against a registered owner who falsely claims a status change.<<

**Section 5.** 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 ~~[[tag]].~~**

(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]]~~ >>licenses<< 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, including address and other contact information, refusing to purchase these ~~[[license tags]]~~ >>licenses<<. ~~[[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]] >>licenses<< required by Section 5-7 >>, and to report to the Department, together with the vaccination certificate required by this chapter, whether the responsible party declined to purchase a license from the veterinarian<< [[available for purchase at the time and place of vaccination]]. All veterinarians shall also have Miami-Dade County [[license tags]] >>licenses<< 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]] >>license<< no more than the value of the [[tag]] >>license<< as established by Miami-Dade County, and a maximum premium of twenty (20) percent of the value of the [[tag]] >>license<< [[, except that puppy tags shall be provided free of charge]]. Veterinarians [[and pet dealers]] shall be responsible for the value of all [[tags]] >>licenses<< 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]] >>licenses<<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]] >>licenses<< 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.

>>(f)<<[[~~(g)~~]] 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) Each euthanasia or disposal of a dead dog performed or overseen by a Veterinarian shall be reported to the Department no later than the 10<sup>th</sup> day of the following month.<<

(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.

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

**Section 6.** Section 5-18 of the Code of Miami-Dade County is hereby amended

to read as follows:

**Sec. 5-18. - Impounding; animals found in distress; redeeming by owner; disposition of unredeemed animals >> livestock at large <<.**

(a) The Department may impound an animal at a place maintained or designated for that purpose whenever:

(1) An animal is a stray or >>livestock is found at large in any manner or a dog<< has been found at large in any manner in violation of Section 5-20; or

\* \* \*

(c) *Confinement period.* Animals impounded pursuant to this section shall be confined by the Department for a period of [[~~five (5)~~]] >>three (3)<< days, except as provided herein.

(1) The confinement period shall be >>three (3)<< [[~~five~~]] business days for: animals impounded because the owner is unable to care for the animal due to injury, illness, incarceration, or other

involuntary absence; and animals received from a law enforcement agency >>where there is a known owner<<.

(2) The confinement period for puppies ~~[[and kittens]]~~ shall be 24 hours >>, except as provided in subsection (1) above<<.

\* \* \*

>>(5) Cats shall not be subject to any minimum confinement period, except as provided in Section 5-18(c)(1) above.<<

(d) >>Redemption of Impounded Animals.<< Animals impounded by the Department shall be released to their owners upon presentation of proof of ownership and after proper vaccination, licensing, >>implantation and registration of a microchip in dogs.<< and payment of impounding fees and redemption charges established by implementing order approved by the Board of County Commissioners. An owner's agent may redeem an animal upon presentation of the foregoing information as well as proof of agency.

\* \* \*

>>(g) Livestock Running at Large. It shall be unlawful for any owner of livestock to unlawfully, intentionally, knowingly, or negligently permit the livestock to run at large or stray or to release livestock, after being impounded, without authority of the impounder.<<

**Section 7.** Section 5-19 of the Code of Miami-Dade County is hereby amended to read as follows:

**Sec. 5-19. - Rabies quarantine; report of animal bites.**

\* \* \*

(f) Upon completion of the quarantine period, the responsible party shall take the animal to a licensed veterinarian for certification that the animal is in good health and that its rabies vaccinations are current. The responsible party shall provide the veterinarian's certification to the Department within ten (10) days of the veterinary examination. >>In addition, the responsible party shall ensure that the dog has been implanted with a microchip, the microchip has been registered with the national registry applicable to the microchip, and the microchip number and other identifying information have been provided to the Department.<<

\* \* \*

**Section 8.** 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 <del>[(a)]</del>	Failure to >>register or renew<< <del>[[obtain]]</del> license <del>[[tag]]</del> for sterilized dog	50.00	No change
	Failure to >>register or renew<< <del>[[obtain]]</del> license <del>[[tag]]</del> for intact dog	150.00	No change
	>>Failure to have dog wear license	<u>100.00</u>	
	False claim of status change	<u>250.00</u> <<	
	* * *		
5-11 <del>[(b)]</del>	Failure of veterinarians to timely report vaccination	250.00	No change
<del>[[5-11(e)]]</del>	Failure of veterinarians to >>offer<< <del>[[have license tags]]</del> >>licenses<< <del>[[available]]</del> for sale	250.00	No change
<del>[[5-11(d)]]</del>	Failure of pet dealer to have license tags available for sale	<del>250.00]]</del>	
<del>[[5-11(e)]]</del>	Failure to sell puppy tags upon transfer of ownership of puppy	<del>250.00]]</del>	
<del>[[5-11(e)]]</del>	Overcharging for license <del>[[tag]]</del> <del>[[or puppy tag]]</del>	250.00	No change
<del>[[5-11(g)]]</del>	Failure to timely remit payment <del>[[for]]</del> or timely file reports <del>[[of license tags or puppy tags]]</del>	250.00	No change
	>>Failure to timely return unsold licenses	<u>250.00</u> <<	

<u>Code Section</u>	<u>Description of Violation</u>	<u>Civil Penalty</u>	
[[5-11(h)]]	Failure >>to inform of license requirements or<< to provide County literature	250.00	No change
	* * *		
>>5-18	<u>Livestock at large, stray, or released without authority</u>	<u>500.00&lt;&lt;</u>	
5-19[[e)]]	Failure to confine animal during rabies quarantine	500.00	No change
[[5-19(f)]]	Failure to provide veterinary certification after rabies quarantine	100.00	No change
	>>Failure to implant or register microchip after rabies quarantine	<u>100.00&lt;&lt;</u>	
	* * *		

**Section 9.** 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 10.** 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 11.** 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:

ADW

Prepared by:

DAK

Dennis A. Kerbel