

# MEMORANDUM

Agenda Item No. 7(C)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

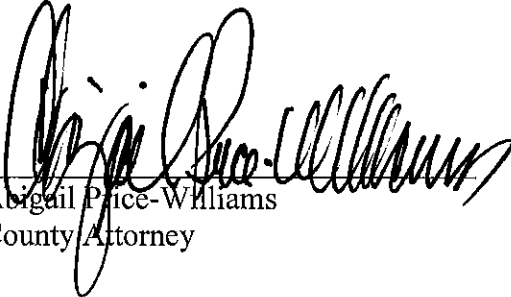
**DATE:** June 4, 2019

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance relating to animals;  
amending sections 5-1 and 8CC-  
10 of the Code; creating section  
5-13.2 of the Code; clarifying  
that amateur breeders, amateur  
pet dealers, and amateur kennel  
operators are subject to  
regulation under chapter 5 of  
the Code; increasing civil  
penalties for certain violations  
of the licensing requirements  
of chapter 5 of the Code

**This item was amended at the 5-16-19 Parks, Recreation and Cultural Affairs Committee to clarify that the definition of "Kennel" merely defines what a kennel is, and does not grant permission to operate a kennel.**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

  
Abigail Price-Williams  
County Attorney

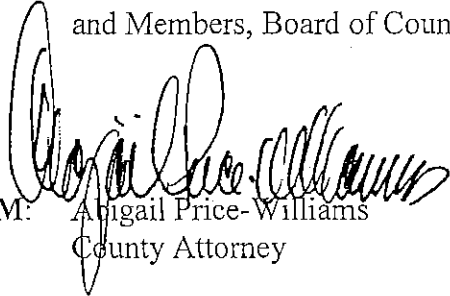
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**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**DATE:** June 4, 2019

**FROM:**   
Abigail Price-Williams  
County Attorney

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

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
- Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

# Memorandum



**Date:** June 4, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

**Subject:** Fiscal Impact Statement for Ordinance Relating to Animals; Amateur Breeders, Pet Dealers and Kennels

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as it will not result in additional staffing needs or future operational costs. The clarification language will have no impact on existing regulatory or enforcement efforts associated with breeders, pet dealers or kennels. Although it is difficult to determine at this time, the proposed ordinance may have a positive fiscal impact to the County based on revenues received from the proposed civil citations.

A handwritten signature in black ink, appearing to read "Alina Hudak", written over a horizontal line.

Alina Hudak  
Deputy Mayor

FIs03319 190663

# Memorandum



**Date:** June 4, 2019

**To:** Honorable Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive, flowing style.

**Subject:** Social Equity Statement for Ordinance Relating To Animals Clarifying Existing  
Language By Amending Section 5-1 and Creating Section 5-13.2

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The proposed ordinance amends Chapter 5, Section 1, of the Code of Miami-Dade County by clarifying the existing definitions of a breeder, hobby breeder, pet dealer and kennel. The addition of section 5-13.2 provides clarification related to existing licensing and regulation requirements related to individuals or business entities operating as a breeder, pet dealer or kennel.

There is no social equity impact as the proposed ordinance clarifies the prohibitions for individuals and establishments to conduct these type of businesses in Miami-Dade County, closing the loop hole of unauthorized pet sales.



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Alina T. Hudak  
Deputy Mayor

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(C)

6-4-19

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

ORDINANCE RELATING TO ANIMALS; AMENDING SECTIONS 5-1 AND 8CC-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING SECTION 5-13.2 OF THE CODE; CLARIFYING THAT AMATEUR BREEDERS, AMATEUR PET DEALERS, AND AMATEUR KENNEL OPERATORS ARE SUBJECT TO REGULATION UNDER CHAPTER 5 OF THE CODE; INCREASING CIVIL PENALTIES FOR CERTAIN VIOLATIONS OF THE LICENSING REQUIREMENTS OF CHAPTER 5 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**WHEREAS**, various provisions of chapter 5 of the Code of Miami-Dade County regulate the breeding, selling, and kenneling of dogs and cats in Miami-Dade County; and

**WHEREAS**, subject to a limited exception for pet owners who keep all of their pet's offspring, chapter 5 requires persons who cause dogs or cats to reproduce to obtain a license from the County in order to operate as either a "breeder" or "hobby breeder"; and

**WHEREAS**, subject to a limited exception for animal rescue organizations, chapter 5 requires persons who sell dogs or cats to the public to obtain a license from the County in order to operate as either a "pet dealer" or "hobby breeder"; and

**WHEREAS**, chapter 5 also requires persons or entities that act or perform services as a "kennel" to obtain a license from the County; and

**WHEREAS**, these and the related licensing requirements set forth in section 5-13 are designed to protect the health, safety, and welfare of dogs, cats, and the public at large; and

**WHEREAS**, in accordance with section 8CC, civil penalties may be imposed on breeders and sellers of dogs and cats, as well as on persons and entities who operate kennels, for failure to comply with the licensing requirements set forth in section 5-13; and

**WHEREAS**, notwithstanding the foregoing regulations, persons and entities in Miami-Dade County, some of whom may be referred to colloquially as “backyard breeders,” and who do not operate as formal business entities, continue to breed, sell, and kennel dogs and cats without having obtained a proper license from Miami-Dade County; and

**WHEREAS**, the unlicensed breeding, selling, and kenneling of dogs and cats frustrates Miami-Dade County’s regulatory oversight of the breeding, selling, and kenneling of dogs and cats; and

**WHEREAS**, the unlicensed breeding, selling, and kenneling of dogs and cats therefore poses a threat to the health, safety, and welfare of dogs, cats, and the public at large; and

**WHEREAS**, this Board wishes to clarify that, unless they fall within one of chapter 5’s specific exceptions, all individuals who breed, sell, or kennel dogs and cats are subject to the licensing and other requirements of chapter 5, regardless of whether those individuals operate as formal business entities; and

**WHEREAS**, this Board wishes to further discourage the unlicensed breeding, selling, and kenneling of dogs and cats in Miami-Dade County by amending chapter 8CC-10 to increase the civil penalty for certain violations of the licensing requirements of chapter 5,

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

**Section 1.** The foregoing recitals are approved and incorporated herein.

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**Section 2.** Section 5-1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 5-1. – Definitions.

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

\* \* \*

- (5) *Breeder* means any person or entity that causes dogs or cats to reproduce, 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. It is provided, however, that this classification shall 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 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. >>A person or entity is a breeder regardless of whether the person or entity operates as a formal business entity.<<

\* \* \*

- (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

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<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.

more than two litters per year per household shall be deemed to be a pet dealer. >>A person or entity does not qualify as a hobby breeder merely because the person or entity does not operate as a formal business entity.<<

\* \* \*

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

\* \* \*

>>A person or entity may<<>>be deemed to<<<sup>2</sup>>> operate a kennel regardless of whether the person or entity operates as a formal business entity.<<

(22) *Pet dealer* means any person that engages in the sale to the public of dogs or cats, regardless of number. 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. >>A person is a pet dealer regardless of whether the person operates as a formal business entity.<<

\* \* \*

**Section 3.** Section 5-13.2 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

>>Sec. 5-13.2. – Amateur breeders, amateur pet dealers, and amateur kennel operators.

A person or entity that falls within the definition of a breeder or pet dealer, as defined in this chapter, or that operates a kennel, as defined in this chapter, is subject to the licensing requirements and other regulations of this chapter applicable to breeders, pet dealers, or kennels, as is applicable, regardless of whether the person or entity is a formal business entity.<<

**Section 4.** Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

<sup>2</sup> Committee amendments are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, and words double underlined and/or >>double arrowed<< are added.



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>
	* * *	
5-13	Keeping in excess of permitted number of dogs on residential property without kennel license	[[250.00]] >>500.00<<
	Keeping more than 2 guard dogs on vacant, industrial, or commercial property without kennel license	[[250.00]] >>500.00<<
	Failure to obtain/renew license	[[250.00]] >>500.00<<
	Using license of another or allowing another to use one's license	[[250.00]] >>500.00<<
	Failure to permit inspection of records	500.00
	Failure to permit inspection of premises	500.00
	Publication of advertisement without license number	500.00
	Operating after suspension, revocation, or denial of license or renewal	500.00
	All other violations of 5-13	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 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 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:

APW

Prepared by:

CJW

Christopher J. Wahl

Prime Sponsor: Commissioner Daniella Levine Cava