

MEMORANDUM

Agenda Item No. 11(A)(14)

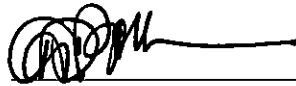
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners


DATE: February 4, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution opposing Senate
Bill 1698, House Bill 1237,
the Florida Pet Protection Act,
or similar legislation that would
preempt local governments from
regulating pet sales

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



Abigail Price-Williams
County Attorney 

APW/smm



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- 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

Approved _____ Mayor

Agenda Item No. 11(A)(14)

Veto _____

2-4-20

Override _____

RESOLUTION NO. _____

RESOLUTION OPPOSING SENATE BILL 1698, HOUSE BILL 1237, THE FLORIDA PET PROTECTION ACT, OR SIMILAR LEGISLATION THAT WOULD PREEMPT LOCAL GOVERNMENTS FROM REGULATING PET SALES

WHEREAS, regulating the sale of dogs and cats, including the sale of dogs and cats in retail pet stores, is vital to the health, safety, and welfare of the animals and people of Miami-Dade County; and

WHEREAS, chapter 5 of the Code of Miami-Dade County has numerous provisions regulating the sale of dogs and cats in the County, including but not limited to:

- The limitation that pet dealers and pet shops can sell only those dogs and cats that are obtained from certain sources, such as qualified breeders or public animal shelters;
- The requirement that pet dealers and pet shops ensure that a dog or cat has been administered certain tests, vaccines, and anthelmintics before the dog or cat is offered for sale;
- The requirement that pet dealers and pet shops provide a certificate of source and a current certificate of veterinary inspection for any dog or cat offered for sale;
- The requirement that all dogs and cats be implanted with a microchip before being sold;
- The requirement that the seller of a dog or cat provide to the County’s Animal Services Department (the “Department”) the pet’s microchip number, as well as contact information for the pet’s new owner, to aid the Department in enforcing other regulations pertaining to responsible pet ownership, such as pet registration requirements, rabies vaccination requirements, provisions relating to lost and stray animals, and provisions relating to animal neglect and cruelty;
- The prohibition against pet leasing;
- The prohibition against selling dogs or cats that are dyed or artificially colored; and
- The requirement that pet dealers and pet shops be licensed with the Department; and

WHEREAS, Senate Bill (SB) 1698 and House Bill (HB) 1237, both entitled the Florida Pet Protection Act (the “Act”), were filed for consideration during the 2020 session of the Florida Legislature by Senator Manny Diaz (R – Hialeah Gardens) and Representative Bryan Avila (R – Hialeah), respectively; and

WHEREAS, the Act would establish statewide standards for the sale of dogs and cats within pet stores, and the Act would generally define a “pet store” as “a retail store that sells or offers for sale household pets to the public”; and

WHEREAS, although many of the Act’s standards are laudable insofar as they promote the health of dogs and cats in pet stores and protect consumers against unfair or deceptive pet sale practices, the Act nevertheless also significantly curtails the County’s home rule by preempting “any local ordinance or regulation of a county or municipality which prohibits or regulates pet stores”; and

WHEREAS, if this preemption were to be enacted, County regulations governing pet sales would no longer apply to retail pet stores and the County could no longer regulate retail pet stores; and

WHEREAS, the principle underlying home rule is that the government closest to the people knows best what the needs of the people are and how best to respond to those needs; and

WHEREAS, the County has a history of regulating pet sales to ensure that the pets and pet owners of Miami-Dade County are protected by the animal-welfare standards that the people of Miami-Dade County consider appropriate; and

WHEREAS, the County recognizes the role that pet stores can play in Miami-Dade County, both in terms of protecting animal welfare and contributing to our economy; and

WHEREAS, nevertheless, some pet stores, including those notoriously known as “puppy mills” and “kitten factories,” have little or no desire to protect pets and pet owners; and

WHEREAS, the people of Miami-Dade County know best how pet stores should be treating the pets and pet owners of this community, and therefore pet stores operating in Miami-Dade County should be subject to the animal-welfare and consumer-protection standards that the people of Miami-Dade County consider appropriate; and

WHEREAS, the preemption provision of the Florida Pet Protection Act would override the will of the people of Miami-Dade County and allow pet stores to operate in Miami-Dade County under statewide, as opposed to local, standards; and

WHEREAS, the Act would similarly strip the County’s Animal Services Department of authority to enforce animal-welfare laws against pet stores that mistreat pets and consumers; and

WHEREAS, while this Board applauds the Florida Legislature for establishing statewide standards governing pet stores, this Board also urges the Florida Legislature not to preempt local governments from establishing local regulations of pet stores that are even more protective of pets and pet owners; and

WHEREAS, for the health, safety, and welfare of the animals and people of Miami-Dade County, and in furtherance of the County’s home rule, this Board therefore opposes the Florida Pet Protection Act or similar legislation that would preempt local governments from regulating pet sales,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes SB 1698, HB 1237, the Florida Pet Protection Act, or similar legislation that would preempt local governments from regulating pet sales.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, the Senate President, the House Speaker, Senator Manny Diaz, Representative Bryan Avila, and the Chair and remaining Members of the Miami-Dade County State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate against the legislation described in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2020 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	
Rebeca Sosa, Vice Chairwoman	
Esteban L. Bovo, Jr.	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Eileen Higgins	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of February, 2020. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

CJW

Christopher J. Wahl