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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(16)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	September 3, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging Congress to amend the Animal Welfare Act to impose heightened standards for commercial breeders of cats and dogs and to increase funding for enforcement of the Animal Welfare Act Resolution No. R-784-14

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

R. A. Cuevas, Jr.
County Attorney

RAC/cp

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. 11(A)(16)

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. 11(A)(16)
9-3-14

RESOLUTION NO. R-784-14

RESOLUTION URGING CONGRESS TO AMEND THE ANIMAL WELFARE ACT TO IMPOSE HEIGHTENED STANDARDS FOR COMMERCIAL BREEDERS OF CATS AND DOGS AND TO INCREASE FUNDING FOR ENFORCEMENT OF THE ANIMAL WELFARE ACT

WHEREAS, the Animal Welfare Act, 7 U.S.C.A. §2131 et seq. and the Regulations issued thereto (the "AWA"), currently define the standards to be followed by commercial breeders of cats and dogs; and

WHEREAS, many commercial breeders of cats and dogs continue to operate "puppy mills" and "kitten factories" throughout the United States; and

WHEREAS, "puppy mills" and "kitten factories" are cruel, inhumane and unsanitary breeding facilities, in which parent animals are kept in cages for the majority of their lives, breeding litter after litter of puppies and kittens; and

WHEREAS, according to reports from the United States Department of Agriculture (the "USDA"), 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 approximately 10,000 "puppy mills" are operating throughout the United States; and

WHEREAS, the Humane Society of the United States also estimates that over 2,000,000 puppies are produced at "puppy mills" each year in the United States; and

WHEREAS, many of the animals bred in "puppy mills" and "kitten factories" are sold to retail pet stores throughout the United States for individual purchase; and

WHEREAS, this Board is currently working in conjunction with the Humane Society to draft amendments to the Miami-Dade County Code, which would impose heightened standards upon commercial breeders of cats and dogs, operating within Miami-Dade County, in order to better ensure the humane treatment of animals in those facilities; and

WHEREAS, this Board believes that Congress should also adopt heightened standards of care for commercial breeders of cats and dogs, in order to ensure that breeding animals are treated humanely, thereby promoting animal welfare, fostering a more humane environment, saving animals' lives and reducing the cost to the public of sheltering and caring for animals; and

WHEREAS, Section 2149(b) of the AWA currently places a cap on the penalty for each violation of the AWA at $10,000.00, but provides no minimum amount for such a penalty; and

WHEREAS, the penalties assessed against violators of the AWA can be reduced significantly at the discretion of the USDA; and

WHEREAS, in 2010, the United States Office of Inspector General conducted an audit of the AWA and its enforcement by the USDA's Animal and Plant Health Inspection Service; and

WHEREAS, the audit raised significant concerns about deficiencies in the enforcement of the AWA, including, but not limited to, the inspection process, reporting of violations and large reductions in the assessment of penalties against violators; and

WHEREAS, this Board would like to express its support for amendments to the AWA to impose stricter standards for the commercial breeding of cats and dogs, and to ensure that these animals are treated humanely,

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

Section 1. Urges Congress to amend the AWA to impose heightened standards of care for commercial breeders of cats and dogs, to ensure that breeding animals are treated humanely, including but not limited to, language such as the following:

1. *Primary Enclosures* – Ensuring that all primary enclosures for animals conform to the following minimum requirements, except where indicated otherwise in writing by a licensed veterinarian for medical reasons:
    a. Primary enclosures shall be structurally sound and constructed so as to permit the animal within them to remain dry and protected from the elements;
    b. Floors must be composed entirely of a solid surface that is impervious to moisture, does not sag to the weight of the animal, and protects each animal's feet and toes from injury;
    c. Primary enclosures shall not be stacked or otherwise placed on top or below another animal's enclosure;
    d. Newspaper or a receptacle containing litter shall be provided to contain excreta;
    e. Primary enclosures shall be maintained in good repair and shall not have sharp points or edges that could injure an animal;
2. *Exercise* – In addition to any primary enclosure, each dog shall have an outdoor ground-level exercise area that must:
    a. Contain an entryway to allow for constant and unfettered access for dogs from their primary enclosure unless the enclosure is closed for active cleaning;
    b. Permit all dogs contained in the outdoor area to achieve a running strike;

c. Have adequate means to prevent dogs from escaping; and

d. Be cleaned of feces, urine and other harmful debris at least once daily.

3. *USDA License* – A breeder shall not be eligible for a class "A" license under 9 C.F.R. ch. 1, subch. A. pt. 1 if:

a. That breeder has been found by the United States Department of Agriculture (USDA) to have committed any "direct" or "no access" violation of the Animal Welfare Act during the past three (3) years.

b. A "direct" violation means a violation of the Animal Welfare Act, 7 U.S.C.A. §2131, et seq. or the regulations issued thereto, that has a high potential for adversely affecting the health of an animal, as defined by the Federal Animal and Plant Health Inspection Service, Dealer Inspection Guide, ch. 7.6.1. (April 2000), and a "no access" violation means access to the property has been denied to inspectors enforcing such laws and regulations.

Section 2. Urges Congress to amend the AWA as follows:

a. Increase the available penalty for violation of the AWA; and

b. Require a minimum number of inspections of each licensee per year; and

c. Require the imposition of a minimum penalty for any violation of the AWA; and

d. Increase funding for the enforcement of the AWA.

Section 3. Urges the Secretary of Agriculture to impose stricter regulations under the AWA as follows:

a. Increase the number of inspections performed of each licensee under the AWA; and

b. Increase the number of inspectors charged with enforcement of the AWA; and

c. Increase the penalties assessed for violations of the AWA, in particular against repeat offenders.

Section 4. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation and the United States Secretary of Agriculture.

Section 5. Directs the County's federal lobbyists to advocate for the action set for in Sections 1 through 3 above, and authorizes the Office of Intergovernmental Affairs to amend the 2014 Federal Legislative Package to include this item and to include this item in the 2015 Federal Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Lynda Bell. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**absent**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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

HARVEY RUVIN, CLERK

By: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Sabrina Levin