

1 A bill to be entitled
 2 An act relating to commercial dog breeding; creating s.
 3 828.291, F.S.; prohibiting a person from owning,
 4 possessing, controlling, or otherwise having in custody 50
 5 or more dogs at any one time; requiring a person who owns
 6 or otherwise has custody of 10 or more dogs that are 4
 7 months of age or older to adhere to certain specified
 8 guidelines relating to exercise, kennel size, sanitary
 9 conditions, temperature control, enclosure construction,
 10 compatibility of animals, access to food and water, and
 11 access to necessary veterinary care and services;
 12 authorizing an animal control officer, other authorized
 13 public health or safety official, or law enforcement
 14 officer, after receiving a complaint or upon his or her
 15 own initiative, to investigate any alleged violation of
 16 the act; providing that a violation of the act is a
 17 misdemeanor of the first degree; listing persons and
 18 organizations that are not subject to the act; defining
 19 the term "retail pet store"; providing an effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Section 828.291, Florida Statutes, is created
 24 to read:

25 828.291 Commercial dog breeding.--

26 (1) A person may not own, possess, control, or otherwise
 27 have custody at any one time of 50 or more dogs that have intact
 28 sexual organs and that are 4 months of age or older.

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29 (2) A person who owns, possesses, controls, or otherwise
30 has custody of 10 or more dogs that are 4 months of age or older
31 shall:

32 (a) Provide sufficient space to allow each dog to turn
33 about freely and to stand, sit, and lie down.

34 1. The dog must be able to lie down while fully extended
35 without the head, tail, legs, face, or feet of the dog touching
36 any side of the enclosure and without touching any other dog in
37 the cage when all dogs are lying down simultaneously.

38 2. The interior height of the enclosure must be at least 6
39 inches higher than the head of the tallest dog in the enclosure
40 when that dog is in a normal standing position. Each cage must
41 be at least three times the length of the longest dog in the
42 cage, from tip of nose to base of tail.

43 (b) Provide each dog with a minimum of one exercise period
44 during each day for a total of not less than 1 hour of exercise
45 each day. The exercise regimen must include removing the dog
46 from the dog's primary enclosure and leash walking or giving the
47 dog access to an enclosure at least four times the size of the
48 primary enclosure and allowing the dog free mobility for the
49 entire exercise period. The exercise regimen may not include the
50 use of a treadmill, cat-mill, jenny-mill, slat-mill, or similar
51 device, unless prescribed by a licensed doctor of veterinary
52 medicine. The exercise requirements in this paragraph do not
53 apply to a dog that is certified by a doctor of veterinary
54 medicine as being medically precluded from exercise.

55 (c) Maintain adequate housing facilities and primary
56 enclosures. Housing facilities and primary enclosures must:

57 1. Be kept in a sanitary condition. Housing facilities
58 where dogs are kept must be sufficiently ventilated at all times
59 to minimize odors, drafts, and ammonia levels and to prevent
60 moisture condensation. Housing facilities must be equipped with
61 working smoke alarms and have a means of fire suppression, such
62 as functioning fire extinguishers or a sprinkler system on the
63 premises. The facilities must have sufficient lighting to allow
64 for observation of the dogs at any time during the day or night.

65 2. Enable all dogs to remain dry and clean.

66 3. Provide shelter and protection from extreme
67 temperatures and weather conditions that may be uncomfortable or
68 hazardous to the dogs. Ambient temperature must not fall below
69 50° Fahrenheit or rise above 85° Fahrenheit.

70 4. Provide sufficient shade to shelter all the dogs housed
71 in the primary enclosure at one time.

72 5. Have floors that are constructed in a manner that
73 protects the dogs' feet and legs from injury. Ground-level
74 kennels must be of poured concrete and sealed with an epoxy
75 sealant so that the runs can be properly cleaned and
76 disinfected. Raised kennels must be slatted with a solid resting
77 surface. Floors constructed of slats must:

78 a. Be flat;

79 b. Have spaces in between the slats that are no more than
80 1/2 of an inch wide;

81 c. Have spaces between them that run the length of the
82 floor;

83 d. Use slats of no less than 3/5 of an inch wide;

84 e. Have level slats within a single enclosure;

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85 f. Be strong enough so that the floor does not sag or bend
86 between structural supports; and

87 g. Be constructed of a material that is impervious to
88 moisture and can be cleaned and sanitized.

89 6. For primary enclosures, be placed no higher than 42
90 inches above the floor and not be placed over or stacked on top
91 of another cage or primary enclosure.

92 (d) Remove feces, hair, dirt, debris, and food waste from
93 the housing and enclosures. The housing or primary enclosure
94 must be cleaned at least daily or more often if necessary to
95 prevent accumulation and to reduce disease, hazards, insects,
96 pests, and odors. Dogs must be removed from enclosures during
97 cleaning.

98 (e) Ensure that all dogs housed in the same housing or
99 enclosure are compatible, as determined by observation by
100 trained persons. Animals that have a vicious or aggressive
101 disposition must be housed individually. Breeding females in
102 heat may not be housed in the same enclosure with sexually
103 mature males, except for breeding. Breeding females that have
104 litters may not be housed in the same enclosure with other adult
105 dogs. Puppies younger than 12 weeks of age may not be housed in
106 the same enclosure with other adult dogs, other than the dam or
107 foster dam.

108 (f) Provide dogs with easy and convenient access to
109 adequate amounts of clean food and water. Food and water
110 receptacles must be regularly cleaned and sanitized. Enclosures
111 must contain potable water that is not frozen, is free from
112 debris, and is readily accessible to all dogs at all times.

113 (g) Provide veterinary care without delay when necessary.
114 A male unaltered dog must be examined by a veterinarian at least
115 once a year, and a female unaltered dog must be examined by a
116 veterinarian at least once a year or before each attempt to
117 breed, whichever occurs more frequently. The veterinarian shall
118 use appropriate methods to prevent, control, diagnose, and treat
119 diseases and injuries. A dog may not be bred if a veterinarian
120 determines that the animal is unfit for breeding purposes. Only
121 dogs between the ages of 18 months and 8 years of age may be
122 used for breeding. Female dogs may be allowed to whelp only one
123 litter per year. Ear cropping, tail docking, debarking, and
124 surgical births are prohibited except under anesthesia and must
125 be performed by a licensed veterinarian. Animals requiring
126 euthanasia may be euthanized only by a licensed veterinarian.

127 (3) An animal control officer, other authorized public
128 health or safety official, or law enforcement officer may, upon
129 receiving a complaint or upon his or her own initiative,
130 investigate any alleged violation of this section. The
131 investigation may include:

132 (a) The inspection of the books and records of any person
133 or business that is subject to the provisions of this section;
134 and

135 (b) The inspection of any place where dogs are bred or
136 maintained. In conducting the inspection, the officer or
137 official may enter any premises where animals may be bred or
138 maintained during daytime hours. A person or business that is
139 the subject of an investigation under this section shall provide
140 assistance to the officer or official in making any inspection

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141 authorized by this section.

142 (4) A person who violates this section commits a
143 misdemeanor of the first degree, punishable as provided in s.
144 775.082 or s. 775.083.

145 (5) This section does not apply to:

146 (a) A publicly operated animal control facility or animal
147 shelter;

148 (b) A private, charitable, or not-for-profit humane
149 society, animal adoption organization, or animal rescue
150 organization;

151 (c) A veterinary facility;

152 (d) A retail pet store;

153 (e) A research institution; or

154 (f) A boarding facility.

155

156 As used in this subsection, the term "retail pet store" means a
157 commercial establishment that engages in the for-profit business
158 of selling at retail cats, dogs, or other animals to be kept as
159 household pets. The term does not include any person or
160 establishment that breeds or raises animals to sell, exchange,
161 or broker or who otherwise transfers the animals to the public
162 as household pets.

163 Section 2. This act shall take effect January 1, 2010.