



732146

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Community Affairs (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

828.291 Commercial dog kenneling.-

(1) A person may not own, possess, control, or otherwise  
have custody at any one time of 50 or more dogs that have intact  
sexual organs and that are 4 months of age if the primary  
purpose of the dogs is for breeding and selling the offspring as



732146

12 household pets.

13 (2) A person who owns, possesses, controls, or otherwise  
14 has custody of 20 or more dogs that have intact sexual organs  
15 and that are 4 months of age or older and whose primary purpose  
16 is for breeding and selling their offspring as household pets,  
17 shall:

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

20 (b) Provide each dog with a minimum of one exercise period  
21 during each day for a total of not less than 1 hour of exercise  
22 each day. The exercise regimen must include removing the dog  
23 from the dog's primary enclosure and leash walking or giving the  
24 dog access to an enclosure at least four times the size of the  
25 primary enclosure and allowing the dog free mobility for the  
26 entire exercise period. The exercise requirements in this  
27 paragraph do not apply to a dog that is certified by a doctor of  
28 veterinary medicine as being medically precluded from exercise.

29 (c) Maintain adequate housing facilities and primary  
30 enclosures. Housing facilities and primary enclosures must:

31 1. Be kept in a sanitary condition. Housing facilities  
32 where dogs are kept must be sufficiently ventilated at all times  
33 to minimize odors, drafts, and ammonia levels and to prevent  
34 moisture condensation. Housing facilities must be equipped with  
35 working smoke alarms and have a means of fire suppression, such  
36 as functioning fire extinguishers or a sprinkler system on the  
37 premises. The facilities must have sufficient lighting to allow  
38 for observation of the dogs at any time during the day or night.

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

40 3. Provide shelter and protection from extreme temperatures



732146

41 and weather conditions that may be uncomfortable or hazardous to  
42 the dogs.

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

45 5. Have floors that are constructed in a manner that  
46 protects the dogs' feet and legs from injury. Raised kennels  
47 must be slatted with a solid resting surface. Floors constructed  
48 of slats must:

49 a. Be flat;

50 b. Have spaces in between the slats that are no more than  
51 1/2 of an inch wide;

52 c. Have spaces between them that run the length of the  
53 floor;

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

55 e. Have level slats within a single enclosure;

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

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

60 6. If the primary enclosures are crates they may be stacked  
61 no more than three units high, provided the entry of the highest  
62 crate is no more than 48 inches above floor level. If crates are  
63 stacked they must have either a solid bottom or a solid  
64 removable tray to prevent soiling of the animal below.

65 7. The housing or primary enclosure and exercise areas, if  
66 enclosed, must be cleaned at least daily or more often if  
67 necessary to prevent accumulation and to reduce disease,  
68 hazards, insects, pests, and odors. Dogs must be removed from  
69 enclosures during cleaning.



732146

70           8. All dogs housed in the same housing or enclosure must be  
71 compatible, as determined by observation by trained persons.  
72 Animals that have a vicious or aggressive disposition must be  
73 housed individually. Breeding females in heat may not be housed  
74 in the same enclosure with sexually mature males, except for  
75 breeding. Breeding females that have litters may not be housed  
76 in the same enclosure with other adult dogs. Puppies younger  
77 than 12 weeks of age may not be housed in the same enclosure  
78 with other adult dogs, other than the dam or foster dam.

79           9. All dogs must have easy and convenient access to  
80 adequate amounts of clean food and water. If the primary  
81 enclosures are crates the dogs must be allowed sufficient food  
82 and water at appropriate times although constant access may not  
83 be practicable. Food and water receptacles must be regularly  
84 cleaned and sanitized. Water provided to dogs must be potable  
85 water that is not frozen and free from debris, algal growth or  
86 contamination.

87           10. Dogs shall be provided veterinary care without undue  
88 delay when necessary. Ear cropping, debarking, and/or tail  
89 docking for animals over 10 days old, and surgical births are  
90 prohibited except under anesthesia and must be performed by a  
91 licensed veterinarian. Animals requiring euthanasia may be  
92 euthanized by a licensed veterinarian or Florida Certified  
93 Euthanasia Technician.

94           (3) A person who violates this section commits a  
95 misdemeanor of the first degree, punishable as provided in s.  
96 775.082 or s. 775.083.

97           (4) This section does not apply to:

98           (a) A publicly operated animal control facility or animal



732146

99 shelter;

100 (b) A private, charitable, or not-for-profit humane  
101 society, animal adoption organization, or animal rescue  
102 organization;

103 (c) A facility defined in s. 550.002(23) or handling dogs  
104 as defined in s. 550.002(29);

105 (d) A veterinary facility;

106 (e) Any sporting dog field trial, competition or show, or  
107 any versatile dog or working dog trial.

108 (f) Any event, activity or designated recreational area on  
109 public or private lands where the use or containment of hunting  
110 or sporting dogs is permitted.

111  
112 However, any such exempted facility shall still be required to  
113 maintain all animals held there in a humane and sanitary manner.

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

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117 ===== T I T L E A M E N D M E N T =====

118 And the title is amended as follows:

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120 Delete everything before the enacting clause  
121 and insert:

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123 A bill to be entitled  
124 An act relating to commercial dog breeding; creating  
125 s. 828.291, F.S.; declaring as a commercial kennel any  
126 person owning, possessing, controlling, or otherwise  
127 having in custody 50 or more dogs at any one time;  
requiring a person who owns or otherwise has custody



732146

128 of 50 or more dogs that are 4 months of age or older  
129 to adhere to certain specified guidelines relating to  
130 proper and humane conditions, enclosure construction,  
131 compatibility of animals, access to food and water,  
132 and access to necessary veterinary care and services;  
133 authorizing an animal control officer, other  
134 authorized public health or safety official, or law  
135 enforcement officer, after receiving a complaint, to  
136 investigate any alleged violation of the act;  
137 providing that a violation of the act is a misdemeanor  
138 of the first degree; listing persons and organizations  
139 that are not subject to the act; providing an  
140 effective date.