

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: CS/SB 2002

INTRODUCER: Community Affairs Committee and Senator Constantine

SUBJECT: Commercial Dog Breeding

DATE: April 14, 2009 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Murphy	Yeatman	CA	Fav/CS
2.			AG	
3.			GA	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This CS prohibits a person from owning, possessing, controlling, or otherwise having in custody 50 or more dogs meeting the specified criteria and whose primary purpose is for breeding and selling their offspring as household pets. This CS also requires a person who owns or otherwise has custody of 20 dogs meeting the specified criteria and whose primary purpose is for breeding and selling their offspring as household pets to adhere to certain specified guidelines. Such specified guidelines relate to exercise, kennel size, sanitary conditions, temperature control, enclosure construction, compatibility of animals, access to food and water, and access to necessary veterinary care and services. Any violation of this act would be deemed a first degree misdemeanor. The CS also provides for persons and organizations that are not subject to this act.

This CS shall take effect January 1, 2010.

This CS creates section 828.291 of the Florida Statutes.

II. Present Situation:

A “commercial breeder,” more popularly known as puppy mill breeders, have a commercial interest in selling puppies to make a living or to greatly supplement their income. To maximize profits, commercial breeders must often cut corners. In such instances, the dogs are kept in cages much of the time, enclosures are constructed only to meet minimum legal space allowed (six inches larger than the dog on all sides), females are bred as often as possible, and when dogs are no longer able to breed, they are discarded. It is estimated that 4 million dogs are bred by commercial breeders every year.¹

Currently only the USDA Animal Plant and Health Inspection Service/Animal Welfare inspects dog breeders, but their licensing and inspections are restricted to only those who sell wholesale or provide animals to research facilities, as defined in the Animal Welfare Act and Regulations. Additionally, breeders who sell puppies to pet stores must hold a USDA dealer license. However, the standards these commercial breeders must adhere to are little more than requiring food, water and shelter. It is legal for licensed breeders to own several hundred dogs, keep all dogs in cages for long periods at a time, and breed dogs as often as possible.

These regulations are set as a minimum and do not preclude states from having laws or regulations with more stringent requirements.² Presently, there is no state statute limiting a person from owning, possessing, controlling, or otherwise having custody of a certain amount of dogs at one time. Furthermore, state statute provides no additional criteria for persons having in their custody 20 or more dogs that are 4 months of age or older.

III. Effect of Proposed Changes:

Section 1 creates s. 828, F.S., providing that:

- 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 or older if the primary purpose of the dogs is for breeding and selling the offspring as household pets.
- Any person who owns, possesses, controls, or otherwise has custody of 20 or more dogs that have sexual organs intact and that are 4 months of age or older whose primary purpose is for breeding and selling the offspring as household pets shall:
 - Provide sufficient space to allow each dog to turn about freely and to stand, sit, and lie down.
 - Provide each dog with a minimum of one hour of exercise daily.
 - Maintain adequate housing facilities and primary enclosures.
 - Stack primary enclosure crates no more than three units high, provided that the entry of the highest crate is no more than 48 inches above floor level, and if stacked the crates must have solid bottoms or removable trays to prevent soiling on the animal below.
 - Ensure that primary enclosures or enclosed exercise areas must be cleaned daily or more often if necessary to prevent accumulation and to reduce disease, insects, pests, and odors.

¹ Statistics from the National Puppy Mill Awareness Day Website

² Information sourced from the ACA Analysis for SB 2002

- Ensure that all dogs housed in the same housing or enclosure are compatible, as determined by observation by trained persons.
- Provide dogs with easy and convenient access to adequate amounts of clean food and water.
- Provide veterinary care without delay when necessary.
- Maintain that ear cropping, tail docking, and debarking for animals over 10 days old, and surgical births are prohibited except under anesthesia and must be performed by a licensed veterinarian.
- Maintain that animals requiring euthanasia may be euthanized only by a licensed veterinarian or Florida Certified Euthanasia Technician.
- A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S.
- This section does not apply to:
 - A publicly operated animal control facility or animal shelter;
 - A private, charitable, or not-for-profit humane society, animal adoption organization, or animal rescue organization;
 - A facility defined in s. 550.002(23), F.S., or handling dogs as defined in s. 550.002 (29), F.S.;
 - Veterinary facility;
 - Any sporting dog field trial, competition or show, or any versatile dog or workout dog trial; or
 - Any event, activity or designated recreational area on public or private lands where the use or containment of hunting or sporting dogs is permitted;

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

Section 2 provides for an effective date of January 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Commercial breeders may see a negative financial impact due to the increased breeding standards set forth by this bill.

C. Government Sector Impact:

Designated government officials would have the authority to regulate the standards set forth by this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on April 14, 2009:

The CS adds that the provisions of this bill apply to dogs whose primary purpose is for breeding and selling the offspring as household pets. The specified guidelines provided for in the CS apply to persons having custody of 20 or more dogs rather than 10. The CS amends these specified guidelines (See Analysis).

B. Amendments:

None.