

By Senator Constantine

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

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 828.291, Florida Statutes, is created to
26 read:

27 828.291 Commercial dog breeding.-

28 (1) A person may not own, possess, control, or otherwise
29 have custody at any one time of 50 or more dogs that have intact

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30 sexual organs and that are 4 months of age or older.

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

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

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

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

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

57 (c) Maintain adequate housing facilities and primary
58 enclosures. Housing facilities and primary enclosures must:

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

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

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

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

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

80 a. Be flat;

81 b. Have spaces in between the slats that are no more than
82 1/2 of an inch wide;

83 c. Have spaces between them that run the length of the
84 floor;

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

86 e. Have level slats within a single enclosure;

87 f. Be strong enough so that the floor does not sag or bend

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88 between structural supports; and

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

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

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

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

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

115 (g) Provide veterinary care without delay when necessary. A
116 male unaltered dog must be examined by a veterinarian at least

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117 once a year, and a female unaltered dog must be examined by a
118 veterinarian at least once a year or before each attempt to
119 breed, whichever occurs more frequently. The veterinarian shall
120 use appropriate methods to prevent, control, diagnose, and treat
121 diseases and injuries. A dog may not be bred if a veterinarian
122 determines that the animal is unfit for breeding purposes. Only
123 dogs between the ages of 18 months and 8 years of age may be
124 used for breeding. Female dogs may be allowed to whelp only one
125 litter per year. Ear cropping, tail docking, debarking, and
126 surgical births are prohibited except under anesthesia and must
127 be performed by a licensed veterinarian. Animals requiring
128 euthanasia may be euthanized only by a licensed veterinarian.

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

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

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

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

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146 775.082 or s. 775.083.

147 (5) This section does not apply to:

148 (a) A publicly operated animal control facility or animal
149 shelter;

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

153 (c) A veterinary facility;

154 (d) A retail pet store;

155 (e) A research institution; or

156 (f) A boarding facility.

157

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

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