

By the Committee on Community Affairs; and 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.; declaring as a commercial kennel any  
4           person owning, possessing, controlling, or otherwise  
5           having in custody 50 or more dogs at any one time;  
6           requiring a person who owns or otherwise has custody  
7           of 20 or more dogs that are 4 months of age or older  
8           to adhere to certain specified guidelines relating to  
9           proper and humane conditions, enclosure construction,  
10          compatibility of animals, access to food and water,  
11          and access to necessary veterinary care and services;  
12          authorizing an animal control officer, other  
13          authorized public health or safety official, or law  
14          enforcement officer, after receiving a complaint, to  
15          investigate any alleged violation of the act;  
16          providing that a violation of the act is a misdemeanor  
17          of the first degree; listing persons and organizations  
18          that are not subject to the act; providing an  
19          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 to  
24 read:

25           828.291 Commercial dog kenneling.-

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 if the primary  
29 purpose of the dogs is for breeding and selling the offspring as

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30 household pets.

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

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

38 (b) Provide each dog with a minimum of one exercise period  
39 during each day for a total of not less than 1 hour of exercise  
40 each day. The exercise regimen must include removing the dog  
41 from the dog's primary enclosure and leash-walking the dog or  
42 giving the dog access to an enclosure at least four times the  
43 size of the primary enclosure and allowing the dog free mobility  
44 for the entire exercise period. The exercise requirements in  
45 this paragraph do not apply to a dog that is certified by a  
46 doctor of veterinary medicine as being medically precluded from  
47 exercise.

48 (c) Maintain adequate housing facilities and primary  
49 enclosures. Housing facilities and primary enclosures must:

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

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

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59       3. Provide shelter and protection from extreme temperatures  
60 and weather conditions that may be uncomfortable or hazardous to  
61 the dogs.

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

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

68           a. Be flat;

69           b. Have spaces in between the slats which are no more than  
70 1/2 of an inch wide;

71           c. Have spaces between them which run the length of the  
72 floor;

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

74           e. Have level slats within a single enclosure;

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

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

79       6. Not be stacked more than three units high if the primary  
80 enclosures are crates. The entry of the highest crate may not be  
81 more than 48 inches above floor level. If crates are stacked,  
82 they must have a solid bottom or a solid removable tray in order  
83 to prevent soiling the animal below.

84       7. Be cleaned at least daily or more often if necessary, if  
85 enclosed, in order to prevent accumulation and reduce disease,  
86 hazards, insects, pests, and odors. Dogs must be removed from  
87 enclosures during cleaning.

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88       (d) Ensure that all dogs housed in the same housing or  
89 enclosure are compatible, as determined by observation by  
90 trained persons. Animals that have a vicious or aggressive  
91 disposition must be housed individually. Breeding females in  
92 heat may not be housed in the same enclosure with sexually  
93 mature males, except for breeding. Breeding females that have  
94 litters may not be housed in the same enclosure with other adult  
95 dogs. Puppies younger than 12 weeks of age may not be housed in  
96 the same enclosure with other adult dogs, other than the dam or  
97 foster dam.

98       (e) Ensure that all dogs have easy and convenient access to  
99 adequate amounts of clean food and water. If the primary  
100 enclosures are crates, the dogs must be allowed sufficient food  
101 and water at appropriate times although constant access may not  
102 be practicable. Food and water receptacles must be regularly  
103 cleaned and sanitized. Water provided to dogs must be potable  
104 water that is not frozen and must be free from debris, algal  
105 growth, and contamination.

106       (f) Provide veterinary care without undue delay when  
107 necessary. Ear cropping, debarking, or tail docking for animals  
108 over 10 days old and surgical births are prohibited except under  
109 anesthesia and must be performed by a licensed veterinarian.  
110 Animals requiring euthanasia may be euthanized by a licensed  
111 veterinarian or by a state-certified euthanasia technician.

112       (3) A person who violates this section commits a  
113 misdemeanor of the first degree, punishable as provided in s.  
114 775.082 or s. 775.083.

115       (4) This section does not apply to:

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

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117 shelter;

118 (b) A private, charitable, or not-for-profit humane  
119 society, animal adoption organization, or animal rescue  
120 organization;

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

123 (d) A veterinary facility;

124 (e) Any sporting dog field trial, competition, or show, or  
125 any versatile dog or working dog trial; or

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

129  
130 However, any such exempt facility shall maintain all animals  
131 held in the facility in a humane and sanitary manner.

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