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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Judiciary (Constantine) recommended the following:

Senate Amendment (with title amendment)

Delete lines 325 - 327
and insert:
the 2009-2010 fiscal year for the purpose of carrying out the amendments made by this act to section 828.29, Florida Statutes.

Section 3. Effective January 1, 2010, 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



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13 purpose of the dogs is for breeding and selling the offspring as
14 household pets.

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

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

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

31 (c) Maintain adequate housing facilities and primary
32 enclosures. Housing facilities and primary enclosures must:

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

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



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42 3. Provide shelter and protection from extreme temperatures
43 and weather conditions that may be uncomfortable or hazardous to
44 the dogs.

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

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

51 a. Be flat;

52 b. Have spaces in between the slats that are no more than
53 1/2 of an inch wide;

54 c. Have spaces between them that run the length of the
55 floor;

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

57 e. Have level slats within a single enclosure;

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

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

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

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



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71 enclosures during cleaning.

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

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

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

96 (3) A person who violates this section commits a
97 misdemeanor of the first degree, punishable as provided in s.
98 775.082 or s. 775.083.

99 (4) This section does not apply to:



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100 (a) A publicly operated animal control facility or animal
101 shelter;

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

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

107 (d) A veterinary facility;

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

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

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

116 Section 4. Except as otherwise expressly provided in this
117 act, this act shall take effect July 1, 2009.

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

121 And the title is amended as follows:

122 Delete line 16

123 and insert:

124 and authorizing an additional position; creating s.
125 828.291, F.S.; declaring as a commercial kennel any person
126 owning, possessing, controlling, or otherwise having in custody
127 50 or more dogs at any one time; requiring a person who owns or
128 otherwise has custody of 50 or more dogs that are 4 months of



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