

As used in this chapter, unless otherwise provided, the following terms shall be defined as follows:

- (1) *Animal* means any non-human living creature, including without limitation dogs, cats, ferrets, rabbits, turtles, gerbils, hamsters, cows, horses, sheep, and other domestic animals or livestock.
- (2) *Animal Control Officer* means a person employed by the Department who meets the qualifications set forth in Section 828.27, Florida Statutes. Animal Control Officers shall be authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty, to issue citations for violations of this chapter, and to assist in criminal investigations relating to animal control or cruelty.
- (3) *Animal Rescue Organization* means a humane society, animal welfare society, society for the prevention of cruelty to animals, or other such not-for-profit corporation or other legal entity devoted to the welfare, protection, and humane treatment of dogs, cats, or other animals that is duly registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services, as applicable, and with the appropriate authority in the jurisdiction in which the not-for-profit legal entity is headquartered.
- (4) *At large* means off the responsible party's property, and not under the responsible party's physical custody and control.
- (5) *Breeder* means any person or entity that causes dogs or cats to reproduce, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes shall be classified as a breeder. It is provided, however, that this classification shall not apply to: a hobby breeder, as defined in this section; or to a pet owner who breeds his or her own pet and keeps all of the offspring, so long as the total number of dogs kept on the premises does not constitute a kennel. For purposes of land use or land development regulations, an establishment used by a breeder for the breeding of dogs, except for a hobby breeder as provided in this chapter, shall be regulated as a kennel. Breeders that sell directly to the public shall also be subject to regulation as pet dealers.
- (6) *Cat* includes both male and female.
- (7) *Control* means the possession, ownership, care, or custody of animals.
- (8) *Cruelty* means any neglect or act of torture or torment that causes pain or suffering to an animal.
- (9) *Department* means the Miami-Dade County Animal Services Department or its successor department.
- (10) *Director* means the Director of the Miami-Dade County Animal Services Department or its successor department.
- (11) *Dog* includes both male and female.
- (12) *Euthanasia technician* means an employee or agent of the Department that is certified to euthanize animals in accordance with Section 828.058(4)(a), Florida Statutes.
- (13) *Grooming* means caring for the appearance and hygiene of an animal, including, without limitation, bathing, clipping, dipping, brushing, pedicure services, expressing anal glands, and ear cleaning.
- (14) *Hobby breeder* means a person or entity that is an active member of a national, state, or local breeder organization and that houses or breeds dogs or cats at or adjoining a private residence for the purpose of: improving the breed; exhibiting dogs or cats at shows operated by a national, state, or local breeder organization; or raising service animals or animals used for law enforcement or other types of work. A hobby breeder may sell no more than two (2) litters of puppies or kittens per year per household, so long as the total number of dogs kept on the premises does not constitute a kennel as defined in this section. A hobby breeder that sells more than two litters per year per household shall be deemed to be a pet dealer.
- (15) *Housing facility* means the larger structure within which primary enclosures containing animals are stored.
- (16) *Intact* means that the animal has not been sterilized.
- (17) *Kennel*. The following uses shall constitute a kennel:
 - (i) The keeping of any dog or dogs, regardless of number, for sale, boarding, or treatment purposes, except by a hobby breeder as defined in this chapter or, as provided by law, in a dog hospital, dog beauty parlor, pet care center, pet shop, dog racing establishment, governmental agency, laboratory, or facility housing animals for medical research that is

approved by a federal agency; or

- (ii) The keeping of dogs, six (6) months of age or older, on premises used for residential purposes, in excess of the following numbers: (a) four (4) dogs on property that is less than 1 acre in gross area, or in any individual residence unit in a multifamily zoning district; (b) six (6) dogs on property that is at least 1 acre but less than 2 acres in gross area; and (c) eight (8) dogs on property that is 2 acres or more in gross area; or
- (iii) The keeping of more than four (4) guard dogs on vacant property or on property used for business or industrial purposes.

(18) *Kitten* means a cat that is less than four (4) months old.

(19) *Official certificate of veterinary inspection* means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows the age, sex, breed, color, and health record of the dog or cat, the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number. The official certificate of veterinary inspection must list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof, and must state that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks. The official certificate shall be on a form prescribed by the Florida Department of Agriculture and Consumer Services.

(20) *Person* means an individual or a corporation, proprietorship, partnership, trust, association, or other legal entity.

(21) *Pet care center* means an establishment, operating during daytime hours only, that provides supervised care for cats or dogs in an air-conditioned indoor facility for the purpose of the animal's general well-being, including supervised interaction with other cats or dogs, boarding, feeding, and grooming services. A pet care center shall not include breeding services. For purposes of this chapter, this classification shall include dog beauty parlors and mobile facilities that provide grooming services.

(22) *Pet dealer* means any person that engages in the sale to the public of dogs or cats, regardless of number. This classification shall include pet shops as well as breeders who sell directly to the consumer. Animal rescue organizations and hobby breeders shall be exempt from this classification.

(23) *Pet shop* means a retail establishment that, in the ordinary course of business, engages in the sale of dogs or cats.

(24) *Primary enclosure* means a structure where an animal is housed and maintained, including without limitation cages, pens, and runs.

(25) *Professional* means to provide a product or service, in commerce, for compensation or profit.

(25.1) *Public animal shelter* means a facility that is used for housing or containing dogs or cats or other animals and that is operated by or on behalf of a state, county, municipality, or other governmental entity.

(26) *Puppy* means a dog that is less than six (6) months old.

(27) *Responsible party* means any person owning, harboring, or having custody or control of an animal. Wherever the term "owner" is used in this chapter, it shall mean responsible party.

(28) *Sale* means the transfer of ownership in exchange for compensation or profit, including money, goods, and services. This definition shall not include adoption fees charged by an animal rescue organization.

(29) *Service animal* means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability (as defined in the Americans with Disabilities Act of 1990, 42 U.S.C. § 12102, and in 28 C.F.R. § 35.104, as may be amended from time to time).

(30) *Shelter* means a structure, including without limitation a dog house or a stable, that protects an animal from sun, rain, and other inclement weather or environmental conditions.

(31) *Sterilize* means to remove an animal's reproductive organs, whether by spaying or castration.

(32)

Structurally sound means that the physical condition of the structure meets the construction standards established by the applicable building code or the manufacturing industry.

(33) *Veterinarian* means a person who is licensed to engage in the practice of veterinary medicine under Chapter 474, Florida Statutes, and is accredited by the United States Department of Agriculture.

(Ord. No. 08-10, § 1, 1-22-08; Ord. No. 14-76, § 1, 9-3-14; Ord. No. 20-42, § 2, 5-5-20)

Sec. 5-9. - Standards of care for kennels, breeders, pet dealers, and pet care centers.

In addition to complying with the provisions of Section 5-4 of this Code regarding cruelty to animals, all kennels, breeders, pet dealers, and pet care centers, including providers of mobile grooming services, located in or engaging in business in Miami-Dade County shall comply with the following minimum standards for the care of animals:

- (a) *Housing facilities.* Indoor and outdoor housing facilities for animals shall be maintained so as to contain the animal on the property at all times and to protect the animal from injury.
- (b) *Storage of food.* Supplies of food shall be stored in sealed containers or other containers which protect the food against insect and vermin infestation and contamination. Refrigeration shall be provided where necessary to prevent the spoiling of food.
- (c) *Ventilation.* Indoor housing facilities for animals shall be ventilated with fresh air by means of windows, doors, vents, fans, or air-conditioning to provide for the animals' health, comfort and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ambient temperature in an indoor housing facility shall be maintained between fifty (50) degrees and eighty-five (85) degrees Fahrenheit.
- (d) *Primary enclosures.* All primary enclosures for animals shall conform to the following minimum requirements, except where indicated otherwise in writing by a licensed veterinarian for medical reasons.
 - (1) Primary enclosures shall be structurally sound and constructed so as to permit the animal within them to remain dry.
 - (2) The floors of the primary enclosure shall be a solid surface that is impervious to moisture, does not sag to the weight of a dog or cat, and protects each animal's feet and toes from injury; and newspaper or a receptacle containing litter shall be provided to contain excreta.
 - (3) Primary enclosures shall be maintained in good repair and shall not have sharp points or edges that could injure an animal.
 - (4) Separation. The following restrictions apply to primary enclosures that house multiple dogs and cats:
 - (i) Intact females in heat (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes.
 - (ii) Puppies or kittens shall not be housed in the same primary enclosure with adult dogs or cats other than their dams or surrogate dams.
 - (iii) Dogs shall not be housed in the same primary enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animal.
 - (5) Primary enclosures shall not be placed on top of or below another animal's primary enclosure; it is provided, however, that primary enclosures manufactured in stacked units may be utilized, provided that each individual unit complies with the requirements of this section.
- (e) *Sanitation.* Housing facilities shall be cleaned at least daily. Primary enclosures, including top, sides, floor, grate, and door, shall be cleaned with soap and disinfectant at least daily. Pet care centers shall clean each primary enclosure after each animal occupant departs for the day.
- (f) *Breeding.* Each female dog or cat that is used for breeding shall be microchipped. No female dog or cat shall be bred to cause the birth of more than one (1) litter once every twelve (12) months unless certified in writing by a licensed veterinarian to be necessary and in the best medical interest of the animal. Animals shall not be bred while they are injured or ill, and animals that have known or obvious congenital or hereditary diseases shall not be used for breeding.

- (1) *Exercise.* In addition to a primary enclosure that complies with the requirements of this section, each dog used for breeding shall have access to an outdoor, ground-level exercise area.
- (g) *Quarantine.* Animals under quarantine or treatment for a communicable disease shall be housed according to generally accepted veterinary medical requirements, except that a pet care center shall not accept any animal that has a known or suspected communicable or infectious disease.
- (h) *USDA License.* If a breeder or pet dealer is subject to the licensing requirements of the United States Department of Agriculture (USDA), the breeder or pet dealer shall be prohibited from selling, or supplying for sale, dogs or cats in Miami-Dade County if, within the preceding three (3) years, the breeder or pet dealer has received a final inspection report documenting, or has otherwise been found to have committed: a "direct noncompliance" of the Animal Welfare Act, 7 U.S.C. Ch. 54, or regulations promulgated pursuant thereto, 9 C.F.R. Ch. I, Subch. A.; or a "refusal of inspection." A "direct" noncompliance means a noncompliance, as defined in the USDA Animal and Plant Health Inspection Service, Animal Welfare Inspection Guide at 2-5 (2013), that is currently adversely affecting the health and well-being of the animal, or has the high potential to adversely affect the health and well-being of the animal in the near or immediate future. A "refusal of inspection" means, as defined in the Animal Welfare Inspection Guide at 2-11, a refusal to allow a USDA inspector to inspect the premises, as required pursuant to 9 C.F.R. § 2.126.
- (i) *Records and medical release forms.*
- (1) For all animals currently on the premises, records identifying the animal, including any license tag and microchip information, and containing the owner's name, address, and emergency telephone number shall be maintained.
- (2) Breeders shall maintain records of each instance in which a female dog or cat is bred. Each female dog or cat shall be identified by microchip, and records of each date the animal gave birth and the number of offspring produced shall be maintained.
- (3) Pet care centers, kennels, and pet dealers keeping an animal that is the property of a third party shall also obtain from the owner of each animal a medical emergency release form providing that emergency treatment may be provided if the animal shows signs of illness or is injured while in the care and custody of the pet care center, kennel, or pet dealer. The medical release form shall include the owner's name, address, emergency telephone number, veterinarian, and veterinarian's telephone number.
- (j) *Grooming.* Where grooming services are provided:
- (1) Clippers, combs, brushes and any other grooming equipment shall be disinfected after each animal.
- (2) Clean, separate drying towels shall be used for each animal.
- (3) Grooming bathtubs shall be cleaned with soap and disinfectant and rinsed after each animal and shall be maintained free of mold and mildew.
- (4) All grooming equipment shall be maintained in good repair.
- (k) *Exemptions.* Public animal shelters, animal rescue organizations that do not operate kennels, and hobby breeders as provided in Section 5-13 of this chapter, shall be exempt from this section. It is provided, however, that a hobby breeder shall not use a female dog for breeding more than once every 12 months.

(Ord. No. 08-10, § 1, 1-22-08; Ord. No. 12-80, § 3, 10-2-12; Ord. No. 14-76, § 2, 9-3-14)

Sec. 5-13. - Kennel, breeder, pet dealer, pet care center, and hobby breeder license requirements; appeal procedures.

- (a) No person shall act as or perform services as a kennel, breeder, pet dealer, pet care center, or hobby breeder in Miami-Dade County without first obtaining the applicable license from the Department. No person may keep, maintain, or otherwise harbor the number of dogs set forth in Section 5-1(17) of this chapter without first obtaining a kennel license as provided in this section; hobby breeders shall be subject to this requirement. Hobby breeders who sell more than two litters per year per household shall be deemed to be pet dealers and shall be regulated as such for purposes of this chapter.
- (b)

A separate license shall be required for each location that the services of a kennel, breeder, pet dealer, pet care center, or hobby breeder are being performed. It is provided that, if multiple services are offered at the same location, only one license shall be required for that location, but the licensee shall pay the highest applicable license fee among the offered services. No license shall be issued unless the subject location is zoned or approved for that use by Chapter 33 of this Code or by the applicable municipal zoning code.

- (c) Application for a license shall be on a form prescribed by the Director for a kennel, breeder, pet dealer, pet care center, or hobby breeder, respectively.
- (d) Terms of licenses. Each license for a kennel, breeder, pet dealer, pet care center, or hobby breeder shall be renewed annually. All licenses shall expire on September 30 of each year. Each licensee shall be responsible for renewing his license on or before October first of each year as long as the kennel, breeder, pet dealer, pet care center, or hobby breeder operates in Miami-Dade County. Notwithstanding the foregoing, a person who validly registered as a hobby breeder with Miami-Dade County prior to February 21, 2008 shall not be required to pay any additional license fee; it is provided, however, that such person shall otherwise comply with the requirements of this section and that the failure to annually renew the hobby breeder license within 60 days of the renewal deadline shall be deemed an abandonment of that license.
- (e) Licenses shall not be transferable.
- (f) The license fee for each type of license shall be established by implementing order approved by the Board of the County Commissioners. Animal control agencies operated by a municipality that are subject to this section shall be registered with the Department but shall be exempt from license fees.
- (g) Premises on which animals are kept and records required to be maintained shall be subject to inspection by the Department for compliance with this chapter.
 - (1) Hobby breeders shall not be subject to the requirements of Section 5-9 of this chapter. It is provided, however, that upon request from the Department, hobby breeders shall provide records demonstrating that they have not exceeded the sales limit of two litters per year per household and the limit on how often each female dog may be bred. In addition, upon receipt of a complaint, the Department may inspect the premises on which a hobby breeder maintains animals for compliance with Section 5-4 of this chapter.
- (h) *License number required on written advertisements.*
 - (1) No person may knowingly publish an advertisement identifying a business offering kennel, breeder, pet dealer, pet care center, or hobby breeder services regulated by this chapter, unless the advertisement includes the number of the license issued pursuant to this chapter.
 - (2) For purposes of this section, advertisement includes, without limitation, announcements, listings, displays, entries, or other written statements containing the name of the licensee or identifying the services offered by the licensee or by a person regulated by this chapter, and that are placed in a magazine or periodical, newspaper or inserts, audio broadcasting or telephone directory, on the internet, or on vehicles or equipment, when such written statement describes or encompasses services regulated by this chapter.
- (i) *Denial, suspension, or revocation.* The Director may deny, suspend, or revoke a license or renewal where the applicant/licensee:
 - (1) Has refused to allow the Department to inspect the premises on which animals are kept, the mobile unit in which services are provided to animals, or the records required to be maintained by this chapter or by state law, provided that the first such refusal shall result in suspension of the license until inspection is allowed;
 - (2) Has outstanding unpaid fines for violations of this chapter;
 - (3) Has been found guilty of repeat violations of this chapter;
 - (4) Has been found guilty of animal cruelty or neglect under this chapter, Chapter 828, Florida Statutes, or the laws of any other state;
 - (5) Has been an officer, principal, director, partner, division, shareholder owning or controlling ten (10) percent or more of the stock, or other organizational element of a business organization recognized by the State of Florida that meets any of the criteria specified in subsections (1) through (4) above; or

- (6) Is a business organization recognized by the State of Florida, and any of its officers, principals, directors, partners, divisions, shareholders owning or controlling ten (10) percent or more of the stock, or other organizational elements meet any of the criteria specified in subsections (1) through (5) above.
- (j) *Appeals*. The applicant/licensee shall receive written notice of the Director's determination to deny, suspend, or revoke a license or renewal. The Director's determination may be appealed by providing, within seven (7) calendar days of receipt of the written notice, a written request for an administrative hearing; the request shall be delivered to the address provided on the written notice. If a request for a hearing is received more than seven (7) calendar days from the date of the written notice, the hearing officer shall be precluded from exercising jurisdiction, and the appeal shall be dismissed as untimely. An administrative hearing shall be conducted in accordance with the provisions set forth in Chapter 8CC of this Code. No person aggrieved by a determination of the Director may apply to the Court for relief unless they have first exhausted the remedies provided for herein and taken all available steps provided in this section. While an appeal is pending, the Director's determination shall be stayed.
- (k) Operating as a kennel, breeder, pet dealer, pet care center, or hobby breeder after suspension, revocation, or denial of a license or renewal is a violation of this section.

(Ord. No. 08-10, § 1, 1-22-08; Ord. No. 12-80, § 4, 10-2-12; Ord. No. 14-76, § 4, 9-3-14)