

ORDINANCE #2014-36

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING THE CITY CODE BY CREATING ARTICLE III, "ASSISTANCE FOR SERVICE ANIMALS," IN CHAPTER 3, "ANIMALS", PROVIDING FOR TRANSPORTATION OF SERVICE ANIMALS AND THEIR DISABLED OWNERS IN THE EVENT OF AN EMERGENCY; PROVIDING FOR CONDITIONS; PROVIDING FOR TRAINING OF DESIGNATED CITY OF DORAL PERSONNEL; PROVIDING FOR INCORPORATION INTO THE CITY CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, as part of overall efforts to meeting the on-going needs of disabled person, the City of Doral (the "City") makes continuous efforts to adopt and implement policies, protocols, and programs that seeks to ensure the inclusion of disabled persons in all facets of the community; and

WHEREAS, it is acknowledged that Florida State § 413.08 provides that an individual with a disability has the right to be accompanied by a service animal in areas of public accommodation that an individual is normally permitted to occupy, which includes all public areas, institutions, commercial establishments, and residences, throughout the City; and

WHEREAS, an emergency situation involving a service animal within the City recently revealed that disabled residents and/or visitors who have service animals may be unable to transport his/her service animal to an emergency veterinarian in the event of an injury or serious illness; and

WHEREAS, though Fire and Medical Emergency First Responder service is currently provided by Miami-Dade County, it is recognized that the City Police

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Department provides emergency response services as part of its general law enforcement, maintenance of order, and protection services for the City; and

WHEREAS, the Mayor and the City Council believe that it is in the best interest of disabled residents and visitors, and therefore the entire community, that the City's Police Department be instructed, trained, and equipped to provide limited emergency assistance to disabled persons and their service animals in the event of emergency situations involving the health and well-being of a service animal.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above Recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Code Amended. The Code of Ordinances of the City of Doral is hereby amended by the addition of Article III, "Assistance to Service Animals," in Chapter 3, "Animals," which shall read as follows:

CHAPTER 3. ANIMALS

ARTICLE III – Assistance to Service Animals

Sec. 3-51. Legislative intent.

It is the intent of the City Council of the City of Doral, Florida, to enact by Ordinance, locals laws providing for a means by which the City, through its Police Department, may provide assistance to disabled individuals and their service animals, in the event of an emergency situation involving the health and well being of a service animal. In the absence of a first responder service provided by Miami-Dade County as an extension of its fire and medical emergency service, the intent of this Article is for the City to offer and provide emergency transportation, via personnel of the Police Department, of ailing service animals and their corresponding owner to one or more previously identified veterinary

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treatment facilities, in an effort to assist the disabled owners find urgent, emergent, and/or potentially life-saving care for their service animal. Though this Ordinance may be codified, it is in the intent of the City Council that this Ordinance be known as the “Kiddle’s Ordinance” in honor of Kiddle the Dog, the Service Animal that passed away following an emergency medical situation for which transportation was not available for his owner, a visually impaired individual.

Sec. 3-52. Definitions.

As used in this section, the following terms shall have the meaning provided in this section, which to extent to the extent applicable follow Florida Statute § 413.08, as may be amended from time to time:

- (1) “Individual with a Disability” means a person who is deaf, hard of hearing, blind, visually impaired, or otherwise physically disabled. As used in this paragraph, the term: “Hard of hearing” means an individual who has suffered a permanent hearing impairment that is severe enough to necessitate the use of amplification devices to discriminate speech sounds in verbal communication; and “Physically disabled” means any person who has a physical impairment that substantially limits one or more major life activities;
- (2) “Participating Veterinary Facility” means a veterinary clinic and/or hospital located in the City of Doral, validly operated by duly licensed veterinarian authorized to practice veterinary medicine in the State of Florida under Chapter 474, Florida Statutes, that has consented in writing to having Service Animals transported to it by personnel of the City of Doral Police Department for emergency treatment. Participating Veterinary Facility shall not include a “limited-service veterinary medical practice” or a “mobile veterinary establishment/clinic” as defined chapter 474, Florida Statutes.
- (3) “Public Accommodation” means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons;
- (4) “Service Animal” means an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or

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balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet.

Section 3-53. *Transporting Service Animals in an Emergency.*

In the event of an emergency situation where a Service Animal, owned and under the control of an Individual with a Disability, suffers a serious injury and/or sudden illness that may result in its death, and the Individual with a Disability does not have available means that may, under the circumstances, adequately provide timely transportation to him/herself and the Service Animal to veterinary care, the City of Doral Police Department shall, upon being called to respond to the emergency situation, duly respond to the emergency situation and, where deemed safe by the responding officer, provide transportation of the Service Animal and the Individual with a Disability to a Participating Veterinary Facility, provided that the conditions herein have been met.

Section 3-54. *Consent of Participating Veterinary Facility.*

Prior to implementation of this Article, the City of Doral Police Department shall contact veterinary clinics and/or hospitals within the City for the purposes of explaining the intent of this Article and soliciting, from each facility, the consent to have Service Animals transported to it via Police Department personnel for emergency treatment. Such consent shall be evidenced in a writing, shall be kept on file with the City of Doral Police Department, and shall designate the consenting clinic or hospital as a Participating Veterinary Facility. Any Participating Animal Facility may revoke such consent by providing the City written notice, which shall include an effective date and time that shall be no less than twenty-four hours from the time the revocation is received by the City.

Section 3-55. *Waiver of Liability Required.*

In recognition that personnel of the City of Doral Police Department are not trained in veterinary medicine and/or basic or advanced life support animal care, the Individual with a Disability who owns the Service Animal shall be required to execute a waiver of liability in favor of the City, prior to the emergency transportation of his/her Service Animal by a member of the City of Doral Police Department contemplated under this statute. The waiver of liability shall be of such form and legal sufficiency as deemed appropriate by the City Attorney. Individuals with a Disability may execute the waiver of liability and present same to the City of Doral Police Department, in advance of an emergency situation, or at the time of a police officer's response to an emergency situation.

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Section 3. Training. The Manager is hereby directed to require of, and arrange for, the personnel of the City's Police and Code Compliance Departments such training as may be necessary to educate the personnel regarding the requirements of the Americans with Disabilities Act, the provisions of Chapter 413, Florida Statutes, and such other prevailing law as may be applicable to Individuals with Disabilities and Service Animals, so as to in turn educate the public regarding same and address situations in the City. Such training shall not include any sort of veterinary treatment or care whatsoever that may be applicable to Service Animals.

Section 4. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 5. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word "ordinance" may be changes to "section," "article," or such other appropriate word or phrase in order to accomplish such intention.

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Section 6. **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. **Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 8. **Effective Date.** This Ordinance shall become effective immediately

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The foregoing Ordinance was offered by Councilmember Rodriguez Aguilera who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Christi Fraga	Not present at the time of the vote
Councilwoman Ana-Maria Rodriguez	Yes
Councilwoman Bettina Rodriguez Aguilera	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING THIS 10 day of September 2014.

PASSED AND ADOPTED on FIRST READING THIS 8 day of October 2014.



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK
connie Diaz, Deputy city clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY
FOR THE SOLE USE AND RELIANCE OF THE CITY OF DORAL



WEISS SEROTA HELFMAN PASTORIZA COLE & BONISKE, PL
CITY ATTORNEY

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