

HB 1173

2004

1 A bill to be entitled

2 An act relating to the purchase of dogs and cats; amending
3 s. 828.29, F.S.; providing definitions; requiring that any
4 cat or dog offered for sale be accompanied by an animal-
5 purchase disclosure; defining the term "animal-purchase
6 disclosure"; prohibiting a pet dealer from possessing a
7 dog or cat younger than a certain age; prohibiting a pet
8 dealer from refusing to reimburse veterinary costs under
9 certain circumstances; providing that proper veterinary
10 care of an animal returned due to illness or disease may
11 include euthanasia; limiting reimbursement for veterinary
12 costs; deleting a provision authorizing a purchaser to
13 waive his or her right to return a dog or cat for a
14 congenital or hereditary disorder; extending the period
15 during which a purchaser may notify the pet dealer of a
16 veterinarian's determination that an animal is unfit;
17 requiring that a pet dealer post notice indicating where a
18 dog or cat was bred or brokered; providing that a waiver
19 of any right by the purchaser is void; providing that a
20 purchaser may initiate an action in court if a pet dealer
21 fails to make certain reimbursements, refunds, or
22 exchanges; requiring that a pet dealer fulfill certain
23 duties; requiring that documents for registration with a
24 pedigree registry organization be provided to the
25 purchaser within a specified period if the animal is
26 registered; providing for a refund to the purchaser if
27 pedigree documents are not received within a specified
28 period; providing penalties for violations of the act;
29 providing an effective date.

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

Section 1. Section 828.29, Florida Statutes, is amended to read:

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee.--

(1)(a) For each dog transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered no more than 30 days and no less than 14 days before the dog's entry into the state. As used in this paragraph, the term "under the direction of a veterinarian" means a licensed doctor of veterinary medicine is on the premises at the time the tests, vaccines, and anthelmintics required by this section are administered. ~~The~~ Official certificate of veterinary inspection certifying compliance with this section must accompany each dog transported into the state for sale.

(b) For each dog offered for sale within the state, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines, and anthelmintics must be administered before the dog is offered for

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59 sale in the state, unless the licensed, accredited veterinarian
 60 certifies on the official certificate of veterinary inspection
 61 that to inoculate or deworm the dog is not in the best medical
 62 interest of the dog, in which case the vaccine or anthelmintic
 63 may not be administered to that particular dog. As used in this
 64 paragraph, the term "under the direction of a veterinarian"
 65 means that a licensed doctor of veterinary medicine is on the
 66 premises at the time the tests, vaccines, and anthelmintics
 67 required by this section are administered. Each dog must receive
 68 vaccines and anthelmintics against the following diseases and
 69 internal parasites:

- 70 1. Canine distemper.
- 71 2. Leptospirosis.
- 72 3. Bordetella (by intranasal inoculation or by an
 73 alternative method of administration if deemed necessary by the
 74 attending veterinarian and noted on the health certificate,
 75 which must be administered in this state once before sale).
- 76 4. Parainfluenza.
- 77 5. Hepatitis.
- 78 6. Canine parvo.
- 79 7. Rabies, provided the dog is over 3 months of age and
 80 the inoculation is administered by a licensed veterinarian.
- 81 8. Roundworms.
- 82 9. Hookworms.

83
 84 If the dog is under 4 months of age, the tests, vaccines, and
 85 anthelmintics required by this section must be administered no
 86 more than 21 days before sale within the state. If the dog is 4
 87 months of age or older, the tests, vaccines, and anthelmintics

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88 required by this section must be administered at or after 3
 89 months of age, but no more than 1 year before sale within the
 90 state.

91 (2)(a) For each cat transported into the state for sale,
 92 the tests, vaccines, and anthelmintics required by this section
 93 must be administered by or under the direction of a
 94 veterinarian, licensed by the state of origin and accredited by
 95 the United States Department of Agriculture, who issues the
 96 official certificate of veterinary inspection. As used in this
 97 paragraph, the term "under the direction of a veterinarian"
 98 means that a licensed doctor of veterinary medicine is on the
 99 premises at the time the tests, vaccines, and anthelmintics
 100 required by this section are administered. The tests, vaccines,
 101 and anthelmintics must be administered no more than 30 days and
 102 no less than 14 days before the cat's entry into the state. The
 103 official certificate of veterinary inspection certifying
 104 compliance with this section must accompany each cat transported
 105 into the state for sale.

106 (b) For each cat offered for sale within the state, the
 107 tests, vaccines, and anthelmintics required by this section must
 108 be administered by or under the direction of a veterinarian,
 109 licensed by the state and accredited by the United States
 110 Department of Agriculture, who issues the official certificate
 111 of veterinary inspection. The tests, vaccines, and
 112 anthelmintics must be administered before the cat is offered for
 113 sale in the state, unless the licensed, accredited veterinarian
 114 certifies on the official certificate of veterinary inspection
 115 that to inoculate or deworm the cat is not in the best medical
 116 interest of the cat, in which case the vaccine or anthelmintic

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117 may not be administered to that particular cat. Each cat must
 118 receive vaccines and anthelmintics against the following
 119 diseases and internal parasites:

- 120 1. Panleukopenia.
- 121 2. Feline viral rhinotracheitis.
- 122 3. Calici virus.
- 123 4. Rabies, if the cat is over 3 months of age and the
 124 inoculation is administered by a licensed veterinarian.
- 125 5. Hookworms.
- 126 6. Roundworms.

127
 128 If the cat is under 4 months of age, the tests, vaccines, and
 129 anthelmintics required by this section must be administered no
 130 more than 21 days before sale within the state. If the cat is 4
 131 months of age or older, the tests, vaccines, and anthelmintics
 132 required by this section must be administered at or after 3
 133 months of age, but no more than 1 year before sale within the
 134 state.

135 (3)(a) Each dog or cat subject to subsection (1) or
 136 subsection (2) must be accompanied by a current official
 137 certificate of veterinary inspection and an animal-purchase
 138 disclosure at all times while being offered for sale within the
 139 state. The examining veterinarian must retain one copy of the
 140 official certificate of veterinary inspection on file for at
 141 least 1 year after the date of examination. At the time of sale
 142 of the animal, one copy of the official certificate of
 143 veterinary inspection must be given to the buyer. The seller
 144 must retain one copy of the official certificate of veterinary
 145 inspection on record for at least 1 year after the date of sale.

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146 (b) The term "official certificate of veterinary
 147 inspection" means a legible certificate of veterinary inspection
 148 signed by the examining veterinarian licensed by the state of
 149 origin and accredited by the United States Department of
 150 Agriculture, that shows the age, sex, breed, color, and health
 151 record of the dog or cat, the printed or typed names and
 152 addresses of the person or business from whom the animal was
 153 obtained, the consignor or seller, the consignee or purchaser,
 154 and the examining veterinarian, and the veterinarian's license
 155 number. The official certificate of veterinary inspection must
 156 list all vaccines and deworming medications administered to the
 157 dog or cat, including the manufacturer, vaccine, type, lot
 158 number, expiration date, and the dates of administration
 159 thereof, and must state that the examining veterinarian warrants
 160 that, to the best of his or her knowledge, the animal has no
 161 sign of contagious or infectious diseases and has no evidence of
 162 internal or external parasites, including coccidiosis and ear
 163 mites, but excluding fleas and ticks. The Department of
 164 Agriculture and Consumer Services shall supply the official
 165 intrastate certificate of veterinary inspection required by this
 166 section at cost.

167 (c) The term "animal-purchase disclosure" means a legible
 168 certificate containing the following information:

169 1. For dogs:

170 a. The breeder's name and address, if known, or if not
 171 known, the source of the dog. If the person from whom the dog
 172 was obtained is a dealer licensed by the United States
 173 Department of Agriculture, the person's name, address, and
 174 federal dealer identification number.

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175 b. The date of the dog's birth and the date the dealer
 176 received the dog. If the dog is from a source licensed by the
 177 United States Department of Agriculture, the individual
 178 identifying tag, tattoo, or collar number for that animal. If
 179 the breed is unknown or mixed, the record shall so indicate.

180 c. If the dog is being sold as being capable of
 181 registration, the names and registration numbers of the sire and
 182 dam and the litter number, if known.

183 d. A record of any veterinarian treatment or medication
 184 received by the dog while in the possession of the pet dealer.

185 2. For cats:

186 a. The breeder's and broker's name and address, if known,
 187 or if not known, the source of the cat. If the person from whom
 188 the cat was obtained is a dealer licensed by the United States
 189 Department of Agriculture, the person's name, address, and
 190 federal dealer identification number.

191 b. The date of the cat's birth, unless unknown because of
 192 the source of the cat and the date the dealer received the cat.

193 c. A record of any known disease or sickness that the cat
 194 is afflicted with at the time of sale. This information shall be
 195 orally disclosed to the purchaser.

196 d. A record of any veterinarian treatment or medication
 197 received by the cat while in the possession of the pet dealer.

198 (d)(e) The examination of each dog and cat by a
 199 veterinarian must take place no more than 30 days before the
 200 sale within the state. The examination must include, but not be
 201 limited to, a fecal test to determine if the dog or cat is free
 202 of internal parasites, including hookworms, roundworms,
 203 tapeworms, and whipworms. If the examination warrants, the dog

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204 or cat must be treated with a specific anthelmintic. In the
 205 absence of a definitive parasitic diagnosis, each dog or cat
 206 must be given a broad spectrum anthelmintic. Each dog over 6
 207 months of age must also be tested for heartworms. Each cat must
 208 also be tested for feline leukemia before being offered for sale
 209 in the state. All of these tests must be performed by or under
 210 the supervision of a licensed veterinarian, and the results of
 211 the tests must be listed on the official certificate of
 212 veterinary inspection.

213 ~~(e)(d)~~ All dogs and cats offered for sale and copies of
 214 certificates held by the seller and veterinarian are subject to
 215 inspection by any agent of the Department of Agriculture and
 216 Consumer Services, any agent of the United States Department of
 217 Agriculture, any law enforcement officer, or any agent appointed
 218 under s. 828.03.

219 (4) A person may not transport into the state for sale or
 220 offer for sale within the state any dog or cat that is less than
 221 8 weeks of age. A pet dealer may not possess a dog or cat that
 222 is less than 8 weeks old if the dealer is not the breeder of the
 223 animal.

224 (5)(a) If, within 14 days following the sale by a pet
 225 dealer of an animal subject to this section, a licensed
 226 veterinarian of the consumer's choosing certifies that, at the
 227 time of the sale, the animal was unfit for purchase due to
 228 illness or disease, the presence of symptoms of a contagious or
 229 infectious disease, or the presence of internal or external
 230 parasites, excluding fleas and ticks; or if, within 1 year
 231 following the sale of an animal subject to this section, a
 232 licensed veterinarian of the consumer's choosing certifies such

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233 animal to be unfit for purchase due to a congenital or
 234 hereditary disorder that ~~which~~ adversely affects the health of
 235 the animal; or if, within 1 year following the sale of an animal
 236 subject to this section, the breed, sex, or health of such
 237 animal is found to have been misrepresented to the consumer, the
 238 pet dealer shall afford the consumer the right to choose one of
 239 the following options:

240 1.(a) The right to return the animal and receive a refund
 241 of the purchase price, including the sales tax, and
 242 reimbursement for reasonable veterinary costs directly related
 243 to the veterinarian's examination and certification that the dog
 244 or cat is unfit for purchase pursuant to this section and
 245 directly related to necessary emergency services and treatment
 246 undertaken to relieve suffering;

247 2.(b) The right to return the animal and receive an
 248 exchange dog or cat of the consumer's choice of equivalent
 249 value, and reimbursement for reasonable veterinary costs
 250 directly related to the veterinarian's examination and
 251 certification that the dog or cat is unfit for purchase pursuant
 252 to this section and directly related to necessary emergency
 253 services and treatment undertaken to relieve suffering; or

254 3.(c) The right to retain the animal and receive
 255 reimbursement for reasonable veterinary costs for necessary
 256 services and treatment related to the attempt to cure or curing
 257 of the dog or cat.

258 (b) A pet dealer may not refuse to reimburse veterinary
 259 costs because the consumer did not use a veterinarian designated
 260 by the pet dealer.

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261 (c) If a dog or cat is returned to a pet dealer due to
262 illness, disease, or a congenital or hereditary condition
263 requiring veterinary care, the pet dealer shall provide the
264 animal with proper veterinary care that may include humanely
265 euthanizing the animal.

266 (d) Reimbursement for veterinary costs may not exceed 150
267 percent of the purchase price of the animal. The cost of
268 veterinary services is reasonable if comparable to the cost of
269 similar services rendered by other licensed veterinarians in
270 proximity to the treating veterinarian and the services rendered
271 are appropriate for the certification by the veterinarian.

272 ~~(6) A consumer may sign a waiver relinquishing his or her~~
273 ~~right to return the dog or cat for congenital or hereditary~~
274 ~~disorders. In the case of such waiver, the consumer has 48~~
275 ~~normal business hours, excluding weekends and holidays, in which~~
276 ~~to have the animal examined by a licensed veterinarian of the~~
277 ~~consumer's choosing. If the veterinarian certifies that, at the~~
278 ~~time of sale, the dog or cat was unfit for purchase due to a~~
279 ~~congenital or hereditary disorder, the pet dealer must afford~~
280 ~~the consumer the right to choose one of the following options:~~

281 ~~(a) The right to return the animal and receive a refund of~~
282 ~~the purchase price, including sales tax, but excluding the~~
283 ~~veterinary costs related to the certification that the dog or~~
284 ~~cat is unfit; or~~

285 ~~(b) The right to return the animal and receive an exchange~~
286 ~~dog or cat of the consumer's choice of equivalent value, but not~~
287 ~~a refund of the veterinary costs related to the certification~~
288 ~~that the dog or cat is unfit.~~

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289 ~~(6)~~(7) A pet dealer may specifically state at the time of
 290 sale, in writing to the consumer, the presence of specific
 291 congenital or hereditary disorders, in which case the consumer
 292 has no right to any refund or exchange for those disorders.

293 ~~(7)~~(8) The refund or exchange required by subsection (5)
 294 ~~or subsection (6)~~ shall be made by the pet dealer not later than
 295 10 business days following receipt of a signed veterinary
 296 certification as required in subsection (5) ~~or subsection (6)~~.
 297 The consumer must notify the pet dealer within 7 ~~2~~ business days
 298 after the veterinarian's determination that the animal is unfit.
 299 The written certification of unfitness must be presented to the
 300 pet dealer not later than 10 ~~3~~ business days following receipt
 301 thereof by the consumer.

302 ~~(8)~~(9) An animal may not be determined unfit for sale on
 303 account of an injury sustained or illness contracted after the
 304 consumer takes possession of the animal except as provided in
 305 subsection (5). A veterinary finding of intestinal or external
 306 parasites is not grounds for declaring a dog or cat unfit for
 307 sale unless the animal is clinically ill because of that
 308 condition.

309 ~~(9)~~(10) If a pet dealer wishes to contest a demand for
 310 veterinary expenses, refund, or exchange made by a consumer
 311 under this section, the dealer may require the consumer to
 312 produce the animal for examination by a licensed veterinarian
 313 designated by the dealer. Upon such examination, if the
 314 consumer and the dealer are unable to reach an agreement that
 315 constitutes one of the options set forth in subsection (5) ~~or~~
 316 ~~subsection (6)~~ within 10 business days following receipt of the
 317 animal for such examination, the consumer may initiate an action

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318 in a court of competent jurisdiction to recover or obtain
 319 reimbursement of veterinary expenses, refund, or exchange.

320 (10)~~(11)~~ This section does not in any way limit the rights
 321 or remedies that are otherwise available to a consumer under any
 322 other law.

323 (11)~~(12)~~ Every pet dealer who sells an animal to a
 324 consumer must provide the consumer at the time of sale with a
 325 written notice, printed or typed, which reads as follows:
 326

327 It is the consumer's right, pursuant to section
 328 828.29, Florida Statutes, to receive a certificate of
 329 veterinary inspection with each dog or cat purchased
 330 from a pet dealer. Such certificate shall list all
 331 vaccines and deworming medications administered to the
 332 animal and shall state that the animal has been
 333 examined by a Florida-licensed veterinarian who
 334 certifies that, to the best of the veterinarian's
 335 knowledge, the animal was found to have been healthy
 336 at the time of the veterinary examination. In the
 337 event that the consumer purchases the animal and finds
 338 it to have been unfit for purchase as provided in
 339 section 828.29(5), Florida Statutes, the consumer must
 340 notify the pet dealer within 7 ~~2~~ business days of the
 341 veterinarian's determination that the animal was
 342 unfit. The consumer has the right to retain, return,
 343 or exchange the animal and receive reimbursement for
 344 certain related veterinary services rendered to the
 345 animal, subject to the right of the dealer to have the
 346 animal examined by another veterinarian.

347
 348 ~~(12)(13)~~ For the purposes of subsections (5)-(11) ~~(5)-(12)~~
 349 and (16), the term "pet dealer" means any person, firm,
 350 partnership, corporation, or other association that ~~which~~, in
 351 the ordinary course of business, engages in the sale of more
 352 than two litters, or 20 dogs or cats, per year, whichever is
 353 greater, to the public. This definition includes breeders of
 354 animals who sell such animals directly to a consumer.

355 (13) Each pet dealer shall post in a conspicuous location
 356 on the cage of each dog or cat offered for sale a notice
 357 indicating the state where the dog or cat was bred and brokered.

358 (14) The state attorney may bring an action to enjoin any
 359 violator of this section or s. 828.12 or s. 828.13 from being a
 360 pet dealer.

361 (15) County-operated or city-operated animal control
 362 agencies and registered nonprofit humane organizations are
 363 exempt from this section.

364 (16) A pet dealer may not knowingly misrepresent the
 365 breed, sex, ~~or~~ health, or origin of any dog or cat offered for
 366 sale within the state.

367 (17) A pet dealer may not refuse to reimburse veterinary
 368 costs because the consumer did not use a veterinarian specified
 369 by the pet dealer.

370 (18) Any agreement or contract by a consumer to waive any
 371 right under this section is void and unenforceable.

372 (19) If a pet dealer fails to make any reimbursement,
 373 refund, or exchange required under subsection (5) within 10
 374 business days after notification by the consumer that the animal
 375 has been declared unfit for sale, the consumer may initiate an

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376 action in a court of competent jurisdiction to recover or obtain
377 reimbursement of veterinary expenses, a refund of the purchase
378 price, or a reasonable exchange, including reasonable attorney's
379 fees.

380 (20) A pet dealer shall:

381 (a) Maintain facilities where the dogs and cats are kept
382 in a sanitary condition.

383 (b) Provide the dogs and cats with adequate nutrition and
384 potable water.

385 (c) Provide adequate space appropriate to the age, size,
386 weight, and breed of the dog or cat. Adequate space means
387 sufficient space for the dog or cat to stand up, sit down, and
388 turn about freely using normal body movements, without the head
389 touching the top of the cage, and to lie in a natural position.

390 (d) Provide dogs or cats housed on wire flooring with a
391 rest board, floormat, or similar device that can be maintained
392 in a sanitary condition.

393 (e) Provide animals with adequate socialization and
394 exercise. As used in this paragraph, the term "socialization"
395 means physical contact with other animals or with human beings.

396 (f) Wash hands before and after handling each infectious
397 or contagious dog or cat.

398 (g) Maintain either:

399 1. A fire alarm system that is connected to a central
400 reporting station that alerts the local fire department of fire;
401 or

402 2. A fire suppression sprinkler system.

403 (h) Provide veterinary care without delay when necessary.

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404 (21)(a) A pet dealer may not state, promise, or represent
 405 to the purchaser, directly or indirectly, that a dog is
 406 registered, or capable of being registered, with an animal
 407 pedigree registry organization unless the pet dealer provides
 408 the purchaser with the documents necessary for that registration
 409 within 120 days following the date of sale of the dog.

410 (b) If a pet dealer fails to provide the documents
 411 necessary for registration within 120 days following the date of
 412 sale in violation of paragraph (a), the purchaser shall, upon
 413 written notice to the pet dealer, be entitled to retain the
 414 animal and receive a partial refund of 75 percent of the
 415 purchase price of the animal, plus sales tax, or return the
 416 animal along with all documentation previously provided the
 417 purchaser for a full refund, including sales tax.

418 (22)(17) Except as otherwise provided in this chapter, a
 419 person who violates any provision of this section commits a
 420 misdemeanor of the first degree, punishable as provided in s.
 421 775.082 or s. 775.083, and such person may also be assessed a
 422 civil penalty of up to \$1,000, and may be prohibited from
 423 selling dogs or cats at retail in this state for up to 30 days.
 424 For a second violation, the pet dealer is subject to a civil
 425 penalty of up to \$2,500 and may be prohibited from selling dogs
 426 or cats at retail in this state for up to 90 days. For a third
 427 violation, the pet dealer is subject to a civil penalty of up to
 428 \$5,000 and may be prohibited from selling dogs or cats at retail
 429 in this state for up to 6 months. For a fourth or subsequent
 430 violation, the pet dealer is subject to a civil penalty of up to
 431 \$10,000 and may be prohibited from selling dogs or cats at
 432 retail in this state for up to 1 year. The state attorney may

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433 bring an action to impose a civil penalty for a violation of
434 this section and may seek a court order enjoining the person
435 from engaging in the business of selling dogs or cats at retail
436 in this state for the period set forth in this subsection.

437 Section 2. This act shall take effect July 1, 2004.