

By Senator Aronberg

27-1021B-04

1 A bill to be entitled
2 An act relating to the purchase of dogs and
3 cats; amending s. 828.29, F.S.; providing
4 definitions; requiring that any cat or dog
5 offered for sale be accompanied by an
6 animal-purchase disclosure; defining the term
7 "animal-purchase disclosure"; prohibiting a pet
8 dealer from possessing a dog or cat younger
9 than a certain age; prohibiting a pet dealer
10 from refusing to reimburse veterinary costs
11 under certain circumstances; providing that
12 proper veterinary care of an animal returned
13 due to illness or disease may include
14 euthanasia; limiting reimbursement for
15 veterinary costs; deleting a provision
16 authorizing a purchaser to waive his or her
17 right to return a dog or cat for a congenital
18 or hereditary disorder; extending the period
19 during which a purchaser may notify the pet
20 dealer of a veterinarian's determination that
21 an animal is unfit; requiring that a pet dealer
22 post notice indicating where a dog or cat was
23 bred or brokered; providing that a waiver of
24 any right by the purchaser is void; providing
25 that a purchaser may initiate an action in
26 court if a pet dealer fails to make certain
27 reimbursements, refunds, or exchanges;
28 requiring that documents for registration with
29 a pedigree registry organization be provided to
30 the purchaser within a specified period if the
31 animal is registered; providing for a refund to

1 the purchaser if pedigree documents are not
2 received within a specified period; providing
3 penalties for violations of the act; providing
4 an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Section 828.29, Florida Statutes, is
9 amended to read:

10 828.29 Dogs and cats transported or offered for sale;
11 health requirements; consumer guarantee.--

12 (1)(a) For each dog transported into the state for
13 sale, the tests, vaccines, and anthelmintics required by this
14 section must be administered by or under the direction of a
15 veterinarian, licensed by the state of origin and accredited
16 by the United States Department of Agriculture, who issues the
17 official certificate of veterinary inspection. The tests,
18 vaccines, and anthelmintics must be administered no more than
19 30 days and no less than 14 days before the dog's entry into
20 the state. As used in this paragraph, the term "under the
21 direction of a veterinarian" means that a licensed doctor of
22 veterinary medicine is on the premises at the time the tests,
23 vaccines, and anthelmintics required by this section are
24 administered.~~The~~ Official certificate of veterinary
25 inspection certifying compliance with this section must
26 accompany each dog transported into the state for sale.

27 (b) For each dog offered for sale within the state,
28 the tests, vaccines, and anthelmintics required by this
29 section must be administered by or under the direction of a
30 veterinarian, licensed by the state and accredited by the
31 United States Department of Agriculture, who issues the

1 official certificate of veterinary inspection. The tests,
2 vaccines, and anthelmintics must be administered before the
3 dog is offered for sale in the state, unless the licensed,
4 accredited veterinarian certifies on the official certificate
5 of veterinary inspection that to inoculate or deworm the dog
6 is not in the best medical interest of the dog, in which case
7 the vaccine or anthelmintic may not be administered to that
8 particular dog. As used in this paragraph, the term "under the
9 direction of a veterinarian" means that a licensed doctor of
10 veterinary medicine is on the premises at the time the tests,
11 vaccines, and anthelmintics required by this section are
12 administered.Each dog must receive vaccines and anthelmintics
13 against the following diseases and internal parasites:

- 14 1. Canine distemper.
- 15 2. Leptospirosis.
- 16 3. Bordetella (by intranasal inoculation or by an
17 alternative method of administration if deemed necessary by
18 the attending veterinarian and noted on the health
19 certificate, which must be administered in this state once
20 before sale).
- 21 4. Parainfluenza.
- 22 5. Hepatitis.
- 23 6. Canine parvo.
- 24 7. Rabies, provided the dog is over 3 months of age
25 and the inoculation is administered by a licensed
26 veterinarian.
- 27 8. Roundworms.
- 28 9. Hookworms.

29
30 If the dog is under 4 months of age, the tests, vaccines, and
31 anthelmintics required by this section must be administered no

1 more than 21 days before sale within the state. If the dog is
2 4 months of age or older, the tests, vaccines, and
3 anthelmintics required by this section must be administered at
4 or after 3 months of age, but no more than 1 year before sale
5 within the state.

6 (2)(a) For each cat transported into the state for
7 sale, the tests, vaccines, and anthelmintics required by this
8 section must be administered by or under the direction of a
9 veterinarian, licensed by the state of origin and accredited
10 by the United States Department of Agriculture, who issues the
11 official certificate of veterinary inspection. As used in this
12 paragraph, the term "under the direction of a veterinarian"
13 means that a licensed doctor of veterinary medicine is on the
14 premises at the time the tests, vaccines, and anthelmintics
15 required by this section are administered.The tests,
16 vaccines, and anthelmintics must be administered no more than
17 30 days and no less than 14 days before the cat's entry into
18 the state. The official certificate of veterinary inspection
19 certifying compliance with this section must accompany each
20 cat transported into the state for sale.

21 (b) For each cat offered for sale within the state,
22 the tests, vaccines, and anthelmintics required by this
23 section must be administered by or under the direction of a
24 veterinarian, licensed by the state and accredited by the
25 United States Department of Agriculture, who issues the
26 official certificate of veterinary inspection. The tests,
27 vaccines, and anthelmintics must be administered before the
28 cat is offered for sale in the state, unless the licensed,
29 accredited veterinarian certifies on the official certificate
30 of veterinary inspection that to inoculate or deworm the cat
31 is not in the best medical interest of the cat, in which case

1 the vaccine or anthelmintic may not be administered to that
2 particular cat. Each cat must receive vaccines and
3 anthelmintics against the following diseases and internal
4 parasites:

- 5 1. Panleukopenia.
- 6 2. Feline viral rhinotracheitis.
- 7 3. Calici virus.
- 8 4. Rabies, if the cat is over 3 months of age and the
9 inoculation is administered by a licensed veterinarian.
- 10 5. Hookworms.
- 11 6. Roundworms.

12
13 If the cat is under 4 months of age, the tests, vaccines, and
14 anthelmintics required by this section must be administered no
15 more than 21 days before sale within the state. If the cat is
16 4 months of age or older, the tests, vaccines, and
17 anthelmintics required by this section must be administered at
18 or after 3 months of age, but no more than 1 year before sale
19 within the state.

20 (3)(a) Each dog or cat subject to subsection (1) or
21 subsection (2) must be accompanied by a current official
22 certificate of veterinary inspection and an animal-purchase
23 disclosure at all times while being offered for sale within
24 the state. The examining veterinarian must retain one copy of
25 the official certificate of veterinary inspection on file for
26 at least 1 year after the date of examination. At the time of
27 sale of the animal, one copy of the official certificate of
28 veterinary inspection must be given to the buyer. The seller
29 must retain one copy of the official certificate of veterinary
30 inspection on record for at least 1 year after the date of
31 sale.

1 (b) The term "official certificate of veterinary
2 inspection" means a legible certificate of veterinary
3 inspection signed by the examining veterinarian licensed by
4 the state of origin and accredited by the United States
5 Department of Agriculture, that shows the age, sex, breed,
6 color, and health record of the dog or cat, the printed or
7 typed names and addresses of the person or business from whom
8 the animal was obtained, the consignor or seller, the
9 consignee or purchaser, and the examining veterinarian, and
10 the veterinarian's license number. The official certificate
11 of veterinary inspection must list all vaccines and deworming
12 medications administered to the dog or cat, including the
13 manufacturer, vaccine, type, lot number, expiration date, and
14 the dates of administration thereof, and must state that the
15 examining veterinarian warrants that, to the best of his or
16 her knowledge, the animal has no sign of contagious or
17 infectious diseases and has no evidence of internal or
18 external parasites, including coccidiosis and ear mites, but
19 excluding fleas and ticks. The Department of Agriculture and
20 Consumer Services shall supply the official intrastate
21 certificate of veterinary inspection required by this section
22 at cost.

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

25 1. For dogs:

26 a. The breeder's name and address, if known, or if not
27 known, the source of the dog. If the person from whom the dog
28 was obtained is a dealer licensed by the United States
29 Department of Agriculture, the person's name, address, and
30 federal dealer identification number.

31

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

6 c. If the dog is being sold as being capable of
7 registration, the names and registration numbers of the sire
8 and dam and the litter number, if known.

9 d. A record of any veterinarian treatment or
10 medication received by the dog while in the possession of the
11 pet dealer.

12 2. For cats:

13 a. The breeder's and broker's name and address, if
14 known, or if not known, the source of the cat. If the person
15 from whom the cat was obtained is a dealer licensed by the
16 United States Department of Agriculture, the person's name,
17 address, and federal dealer identification number.

18 b. The date of the cat's birth, unless unknown because
19 of the source of the cat and the date the dealer received the
20 cat.

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

24 d. A record of any veterinarian treatment or
25 medication received by the cat while in the possession of the
26 pet dealer.

27 (d)(c) The examination of each dog and cat by a
28 veterinarian must take place no more than 30 days before the
29 sale within the state. The examination must include, but not
30 be limited to, a fecal test to determine if the dog or cat is
31 free of internal parasites, including hookworms, roundworms,

1 tapeworms, and whipworms. If the examination warrants, the dog
2 or cat must be treated with a specific anthelmintic. In the
3 absence of a definitive parasitic diagnosis, each dog or cat
4 must be given a broad spectrum anthelmintic. Each dog over 6
5 months of age must also be tested for heartworms. Each cat
6 must also be tested for feline leukemia before being offered
7 for sale in the state. All of these tests must be performed by
8 or under the supervision of a licensed veterinarian, and the
9 results of the tests must be listed on the official
10 certificate of veterinary inspection.

11 (e)~~(d)~~ All dogs and cats offered for sale and copies
12 of certificates held by the seller and veterinarian are
13 subject to inspection by any agent of the Department of
14 Agriculture and Consumer Services, any agent of the United
15 States Department of Agriculture, any law enforcement officer,
16 or any agent appointed under s. 828.03.

17 (4) A person may not transport into the state for sale
18 or offer for sale within the state any dog or cat that is less
19 than 8 weeks of age. A pet dealer may not possess a dog or cat
20 that is less than 8 weeks old if the dealer is not the breeder
21 of the animal.

22 (5)(a) If, within 14 days following the sale by a pet
23 dealer of an animal subject to this section, a licensed
24 veterinarian of the consumer's choosing certifies that, at the
25 time of the sale, the animal was unfit for purchase due to
26 illness or disease, the presence of symptoms of a contagious
27 or infectious disease, or the presence of internal or external
28 parasites, excluding fleas and ticks; or if, within 1 year
29 following the sale of an animal subject to this section, a
30 licensed veterinarian of the consumer's choosing certifies
31 such animal to be unfit for purchase due to a congenital or

1 hereditary disorder that ~~which~~ adversely affects the health of
2 the animal; or if, within 1 year following the sale of an
3 animal subject to this section, the breed, sex, or health of
4 such animal is found to have been misrepresented to the
5 consumer, the pet dealer shall afford the consumer the right
6 to choose one of the following options:

7 1.(a) The right to return the animal and receive a
8 refund of the purchase price, including the sales tax, and
9 reimbursement for reasonable veterinary costs directly related
10 to the veterinarian's examination and certification that the
11 dog or cat is unfit for purchase pursuant to this section and
12 directly related to necessary emergency services and treatment
13 undertaken to relieve suffering;

14 2.(b) The right to return the animal and receive an
15 exchange dog or cat of the consumer's choice of equivalent
16 value, and reimbursement for reasonable veterinary costs
17 directly related to the veterinarian's examination and
18 certification that the dog or cat is unfit for purchase
19 pursuant to this section and directly related to necessary
20 emergency services and treatment undertaken to relieve
21 suffering; or

22 3.(c) The right to retain the animal and receive
23 reimbursement for reasonable veterinary costs for necessary
24 services and treatment related to the attempt to cure or
25 curing of the dog or cat.

26 (b) A pet dealer may not refuse to reimburse
27 veterinary costs because the consumer did not use a
28 veterinarian designated by the pet dealer.

29 (c) If a dog or cat is returned to a pet dealer due to
30 illness, disease, or a congenital or hereditary condition
31 requiring veterinary care, the pet dealer shall provide the

1 animal with proper veterinary care that may include humanely
2 euthanizing the animal.

3 (d) Reimbursement for veterinary costs may not exceed
4 150 percent of the purchase price of the animal. The cost of
5 veterinary services is reasonable if comparable to the cost of
6 similar services rendered by other licensed veterinarians in
7 proximity to the treating veterinarian and the services
8 rendered are appropriate for the certification by the
9 veterinarian.

10 ~~(6) A consumer may sign a waiver relinquishing his or~~
11 ~~her right to return the dog or cat for congenital or~~
12 ~~hereditary disorders. In the case of such waiver, the consumer~~
13 ~~has 48 normal business hours, excluding weekends and holidays,~~
14 ~~in which to have the animal examined by a licensed~~
15 ~~veterinarian of the consumer's choosing. If the veterinarian~~
16 ~~certifies that, at the time of sale, the dog or cat was unfit~~
17 ~~for purchase due to a congenital or hereditary disorder, the~~
18 ~~pet dealer must afford the consumer the right to choose one of~~
19 ~~the following options:~~

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

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

28 (6)(7) A pet dealer may specifically state at the time
29 of sale, in writing to the consumer, the presence of specific
30 congenital or hereditary disorders, in which case the consumer
31 has no right to any refund or exchange for those disorders.

1 ~~(7)(8)~~ The refund or exchange required by subsection
2 (5) ~~or subsection (6)~~ shall be made by the pet dealer not
3 later than 10 business days following receipt of a signed
4 veterinary certification as required in subsection (5) ~~or~~
5 ~~subsection (6)~~. The consumer must notify the pet dealer
6 within 7 ~~2~~ business days after the veterinarian's
7 determination that the animal is unfit. The written
8 certification of unfitness must be presented to the pet dealer
9 not later than 10 ~~3~~ business days following receipt thereof by
10 the consumer.

11 ~~(8)(9)~~ An animal may not be determined unfit for sale
12 on account of an injury sustained or illness contracted after
13 the consumer takes possession of the animal except as provided
14 in subsection (5). A veterinary finding of intestinal or
15 external parasites is not grounds for declaring a dog or cat
16 unfit for sale unless the animal is clinically ill because of
17 that condition.

18 ~~(9)(10)~~ If a pet dealer wishes to contest a demand for
19 veterinary expenses, refund, or exchange made by a consumer
20 under this section, the dealer may require the consumer to
21 produce the animal for examination by a licensed veterinarian
22 designated by the dealer. Upon such examination, if the
23 consumer and the dealer are unable to reach an agreement that
24 constitutes one of the options set forth in subsection (5) ~~or~~
25 ~~subsection (6)~~ within 10 business days following receipt of
26 the animal for such examination, the consumer may initiate an
27 action in a court of competent jurisdiction to recover or
28 obtain reimbursement of veterinary expenses, refund, or
29 exchange.

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31

1 (10)~~(11)~~ This section does not in any way limit the
2 rights or remedies that are otherwise available to a consumer
3 under any other law.

4 (11)~~(12)~~ Every pet dealer who sells an animal to a
5 consumer must provide the consumer at the time of sale with a
6 written notice, printed or typed, which reads as follows:

7
8 It is the consumer's right, pursuant to section
9 828.29, Florida Statutes, to receive a
10 certificate of veterinary inspection with each
11 dog or cat purchased from a pet dealer. Such
12 certificate shall list all vaccines and
13 deworming medications administered to the
14 animal and shall state that the animal has been
15 examined by a Florida-licensed veterinarian who
16 certifies that, to the best of the
17 veterinarian's knowledge, the animal was found
18 to have been healthy at the time of the
19 veterinary examination. In the event that the
20 consumer purchases the animal and finds it to
21 have been unfit for purchase as provided in
22 section 828.29(5), Florida Statutes, the
23 consumer must notify the pet dealer within 7 ~~2~~
24 business days of the veterinarian's
25 determination that the animal was unfit. The
26 consumer has the right to retain, return, or
27 exchange the animal and receive reimbursement
28 for certain related veterinary services
29 rendered to the animal, subject to the right of
30 the dealer to have the animal examined by
31 another veterinarian.

1
2 ~~(12)(13)~~ For the purposes of subsections (5)-(11)
3 ~~(5)-(12)~~and (16), the term "pet dealer" means any person,
4 firm, partnership, corporation, or other association that
5 ~~which~~, in the ordinary course of business, engages in the sale
6 of more than two litters, or 20 dogs or cats, per year,
7 whichever is greater, to the public. This definition includes
8 breeders of animals who sell such animals directly to a
9 consumer.

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

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

17 (15) County-operated or city-operated animal control
18 agencies and registered nonprofit humane organizations are
19 exempt from this section.

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

23 (17) A pet dealer may not refuse to reimburse
24 veterinary costs because the consumer did not use a
25 veterinarian specified by the pet dealer.

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

28 (19) If a pet dealer fails to make any reimbursement,
29 refund, or exchange required under subsection (5) within 10
30 business days after notification by the consumer that the
31 animal has been declared unfit for sale, the consumer may

1 initiate an action in a court of competent jurisdiction to
2 recover or obtain reimbursement of veterinary expenses, a
3 refund of the purchase price, or a reasonable exchange,
4 including reasonable attorney's fees.

5 (20)(a) A pet dealer may not state, promise, or
6 represent to the purchaser, directly or indirectly, that a dog
7 is registered, or capable of being registered, with an animal
8 pedigree registry organization unless the pet dealer provides
9 the purchaser with the documents necessary for that
10 registration within 120 days following the date of sale of the
11 dog.

12 (b) If a pet dealer fails to provide the documents
13 necessary for registration within 6 months following the date
14 of sale in violation of paragraph (a), the purchaser shall,
15 upon written notice to the pet dealer, be entitled to retain
16 the animal and receive a partial refund of 75 percent of the
17 purchase price of the animal, plus sales tax, or return the
18 animal along with all documentation previously provided the
19 purchaser for a full refund, including sales tax.

20 (21)(17) Except as otherwise provided in this chapter,
21 a person who violates any provision of this section commits a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083, and such person may also be assessed a
24 civil penalty of up to \$1,000, and may be prohibited from
25 selling dogs or cats at retail in this state for up to 30
26 days. For a second violation, the pet dealer is subject to a
27 civil penalty of up to \$2,500 and may be prohibited from
28 selling dogs or cats at retail in this state for up to 90
29 days. For a third violation, the pet dealer is subject to a
30 civil penalty of up to \$5,000 and may be prohibited from
31 selling dogs or cats at retail in this state for up to 6

1 months. For a fourth or subsequent violation, the pet dealer
2 is subject to a civil penalty of up to \$10,000 and may be
3 prohibited from selling dogs or cats at retail in this state
4 for up to 1 year. The state attorney may bring an action to
5 impose a civil penalty for a violation of this section and may
6 seek a court order enjoining the person from engaging in the
7 business of selling dogs or cats at retail in this state for
8 the period set forth in this subsection.

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

10 *****

11 SENATE SUMMARY

12
13 Requires that any cat or dog offered for sale must be
14 accompanied by an animal-purchase disclosure. Prohibits a
15 pet dealer from possessing a dog or cat under a certain
16 age. Prohibits a pet dealer from refusing to reimburse
17 veterinary costs under certain conditions. Requires a pet
18 dealer to provide veterinary care to an animal that is
19 returned due to illness or disease. Provides that
20 reimbursement of veterinary costs may not exceed a
21 certain percentage of the purchase price. Deletes the
22 provision that permits a purchaser to waive his or her
23 right to return a dog or cat for congenital or hereditary
24 disorders. Requires that the purchaser notify and present
25 to the pet dealer a veterinarian's determination of the
26 unfitness of an animal within 7 days after purchase.
27 Requires the pet dealer to post a notice indicating where
28 the dog or cat was bred or brokered. Provides that a
29 waiver of any right of the purchase is void. Provides
30 that a purchaser may initiate an action in court if a pet
31 dealer fails to make a reimbursement, refund, or exchange
as required. Requires that documents for registration
with a pedigree registry organization be provided to the
purchaser within a certain period if the animal is
registered or capable of being registered. Provides for a
refund to the purchaser if pedigree documents are not
received within a certain period. Provides penalties for
violations of the act. (See bill for details.)