

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: Agriculture Committee

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BILL: SB 470

INTRODUCER: Senator Bullard

SUBJECT: Purchase of Dogs and Cats

DATE: March 9, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Albee	Poole	AG	<b>Favorable</b>
2.	_____	_____	CM	_____
3.	_____	_____	RI	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

A person who buys a dog or cat from a pet dealer has certain rights as a buyer. This bill provides further buyer protection by requiring that any dog or cat offered for sale be accompanied by an animal-purchase disclosure, which is a certificate that contains certain information about the animal. It prohibits a pet dealer from possessing a dog or cat that is less than eight weeks old if the dealer is not the breeder of the animal. It requires a pet dealer to provide veterinary care for an animal returned due to illness or disease and allows that care to include euthanasia.

If a dog or cat is returned because a veterinarian has determined that, at the time of sale, the animal was unfit for purchase due to illness or disease, reimbursement of veterinary costs may not exceed 150 percent of the purchase price of the animal. This bill deletes a provision that permits a purchaser to waive his or her right to return a dog or cat for congenital or hereditary disorders. It requires the consumer to notify and present to the pet dealer a veterinarian's determination of the unfitness of an animal within seven days, rather than two days after purchase. The written certification of unfitness must be presented to the pet dealer no later than 10 business days, rather than 3 business days after being received by the consumer.

This bill allows a consumer to initiate an action in court if a pet dealer fails to make a reimbursement, refund, or exchange within ten business days after notification by the consumer that an animal has been declared unfit for sale. It prohibits a pet dealer to state, promise, or represent to a consumer that a dog is registered, or capable of being registered, with an animal pedigree registry organizations unless the pet dealer provides the consumer with the documents for registration within 120 days following the date of sale.

This bill amends s. 828.29, Florida Statutes.

## II. Present Situation:

Chapter 828, Florida Statutes, requires dogs and cats offered for sale in Florida to be accompanied by an official certificate of veterinary inspection. The animal must have received certain vaccinations and health tests and it must be at least eight weeks of age. The health certificate is valid for 30 days. All dogs and cats offered for sale and copies of certificates held by the seller and veterinarian are subject to inspection by the Department of Agriculture and Consumer Services, the United States Department of Agriculture, any law enforcement officer, any agent of a county, or the agent of any society or association for the prevention of cruelty to children or animals.

If, within 14 days following the sale by a pet dealer, a licensed veterinarian determines that the pet was unfit for purchase due to illness or disease, there are several options available to the buyer. These options include the right to exchange the animal, receive a refund of purchase price including sales tax and, in some cases, certain veterinary costs. A buyer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the buyer has 48 business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the buyer's choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must either allow the buyer to return the animal and receive a refund of the purchase price including sales tax, or exchange the animal for a dog or cat of the buyer's choice of equivalent value.

## III. Effect of Proposed Changes:

### Section 1. Amends s. 828.29, F.S.:

- Defines the term “under the direction of a veterinarian” to mean that a licensed doctor of veterinary medicine is on the premises at the time that tests, vaccines, and anthelmintics required by this section are administered.
- Requires that any dog or cat offered for sale must be accompanied by an animal-purchase disclosure.
- Defines the term “animal-purchase disclosure” to mean a legible certificate containing specified information for dogs and cats.
- Prohibits a pet dealer from possessing a dog or cat that is less than eight weeks old if the dealer is not the breeder of the animal.
- Prohibits a pet dealer from refusing to reimburse veterinary costs because the buyer did not use a veterinarian designated by the pet dealer.
- Requires a pet dealer to provide veterinary care to an animal that is returned due to illness, disease, or a congenital or hereditary condition.
- Provides that reimbursement of veterinary costs may not exceed 150 percent of the purchase price of the animal.
- Deletes a provision that permits a purchaser to waive his or her right to return a dog or cat for congenital or hereditary disorders.
- Requires the buyer to notify and present to the pet dealer a veterinarian's determination of the unfitness of an animal within seven days, rather than two days after purchase.

- Requires the written certification of unfitness to be presented to the pet dealer no later than 10 business days, rather than 3 business days after being received by the buyer.
- Requires the pet dealer to post a notice in a conspicuous location on the cage of each dog or cat indicating the state where the dog or cat was bred and brokered.
- Provides that any agreement or contract by a buyer to waiver of any right of the purchase is void.
- Provides that a buyer may initiate an action in court if a pet dealer fails to make a reimbursement, refund, or exchange within ten business days after notification by the buyer that an animal has been declared unfit for sale.
- Prohibits a pet dealer to state, promise, or represent to a buyer that a dog is registered, or capable of being registered, with an animal pedigree registry organization unless the pet dealer provides the buyer with the documents for registration within 120 days following the date of sale.
- Entitles the buyer to retain the animal and receive a partial refund of 75 percent of the purchase price if a pet dealer fails to provide the documents necessary for registration within 6 months.
- Provides penalties for violations of this act.

**Section 2:** Provides that this act shall take effect July 1, 2006.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services has indicated that there is no fiscal impact from this proposed legislation.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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