

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.)

Prepared By: Agriculture Committee

BILL: SB 674

INTRODUCER: Senator Bullard

SUBJECT: Licensing Pet Dealers

DATE: March 20, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Weidenbenner	Poole	AG	Pre-meeting
2.	_____	_____	CM	_____
3.	_____	_____	CA	_____
4.	_____	_____	GA	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill establishes procedures for licensing pet dealers and inspecting their sales facilities. It provides civil penalties for violation of the act and a method for a pet dealer to challenge actions adversely affecting him.

This bill substantially creates a new, yet unnumbered section of the Florida Statutes.

II. Present Situation:

Pet Dealers must comply with regulations contained in s. 828.29, F.S., which regulates the sale of dogs and cats. Violators are subject to the possibility of an injunction or a first degree misdemeanor charge.

III. Effect of Proposed Changes:

Section 1

A. defines the following terms for purposes of this bill:

- Animal – any living dumb creature.
- Consumer – an individual who purchases an animal from a pet dealer.
- Department – Department of Agriculture and Consumer Services (department).
- Pet dealer – by reference to s. 828.29(13), F.S.; any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public.

B. sets forth licensing requirements as follows:

- Person must obtain a license from the department to operate as a pet dealer except that those persons already operating on the effective date of this act may continue to operate without a license until the department declines to grant one.
- Application must be on a form supplied by the department and filed at least 30 days prior to beginning of a license year.
- Fee for initial license or renewal license is \$25 if fewer than 25 animals are sold and \$100 if 25 or more animals are sold.
- Fee revenue goes to the General Revenue Fund.
- Pet dealer's facility must be inspected before license can be issued or renewed.
- Department shall issue a license upon approval of application.
- License number must be on each publication or advertisement for sale of an animal except that those persons already operating on the effective date of this agreement may publish or advertise without reference to a license number until the department declines to grant a license.
- Pet dealer must conspicuously display license on premises where animals are kept for sale.

C. describes factors relating to denial, suspension, or revocation of license:

- License can be denied, suspended, or revoked because of material misstatements in the application, falsification of records, refusal to allow inspections, violation of licensing act, or conviction of laws aimed at protecting animals from inhumane or cruel treatment.
- Pet dealer may contest action taken by the department that adversely affects his substantial interests by a proceeding under the Florida Administrative Procedure Act.
- Violation of this act can result in a civil penalty ranging from \$50 to \$1,000.
- Enforcement may be by the department or by the county or municipality to whom the department has delegated licensing and inspection authority. Any penalty collected stays with the enforcing agency.

D. Each pet dealer's facility must be inspected once a year by a person specifically trained in the proper care of dogs and cats and in the investigation and identification of cruelty to animals.

E. The department may delegate to a county or municipality the authority to issue licenses to pet dealers and inspect their facilities and to enforce 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:

The department responsible for implementing this bill estimates the fiscal impact will be as shown below.

	FY 06-07	FY 07-08	FY 08-09
Revenues	\$350,000	\$350,000	\$350,000
Expenditures	\$1,124,636	\$824,172	\$824,172
Deficit	\$774,124,636	\$474,172	\$474,172

B. Private Sector Impact:

Pet dealers will incur additional expenses to obtain a license in the amount of Revenues shown above.

C. Government Sector Impact:

The department is authorized to delegate the licensing and inspection duties to counties or municipalities. Some local governments may not be inclined to assume these duties because they may already have their own inspection program or because of the financial burden that will accompany these duties.

VI. Technical Deficiencies:

The format for the application form and standards for inspection are not spelled out.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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