Florida Senate - 2006

By Senator Bullard

39-506-06

1	A bill to be entitled
2	An act relating to the licensing of pet
3	dealers; providing definitions; prohibiting a
4	person from operating as a pet dealer unless
5	the person holds a license issued by the
6	Department of Agriculture and Consumer
7	Services; requiring a person to file an
8	application for a pet dealer license on a form
9	supplied by the department; requiring that the
10	application fees collected by the department be
11	deposited in the General Revenue Fund;
12	prohibiting the department from issuing or
13	renewing the license until the facility of the
14	pet dealer is inspected; prohibiting the pet
15	dealer from publishing or advertising the sale
16	or availability of any animal unless the
17	publication or advertisement is accompanied by
18	the license number of the pet dealer; requiring
19	each pet dealer to conspicuously display the
20	license on the premises where the animals are
21	kept for sale; providing that a license may be
22	denied, suspended, or revoked under certain
23	circumstances; providing a civil penalty;
24	requiring the department to inspect each
25	facility of a pet dealer at least annually;
26	requiring each person conducting an inspection
27	of a facility or responding to a complaint
28	concerning a pet dealer to be specifically
29	trained in the proper care of cats and dogs;
30	authorizing the department to delegate to a
31	county or municipality authority to issue a

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1 license to a pet dealer, inspect facilities, 2 and enforce the act; requiring that the delegation of authority be evidenced by a 3 4 written agreement between the department and 5 the county or municipality; providing an б effective date. 7 Be It Enacted by the Legislature of the State of Florida: 8 9 10 Section 1. Pet dealers .--(1) DEFINITIONS.--As used in this section, the term: 11 12 (a) "Animal" means any living dumb creature. 13 (b) "Consumer" means an individual who purchases an animal from a pet dealer. A pet dealer is not a consumer. 14 (c) "Department" means the Department of Agriculture 15 16 and Consumer Services. 17 (d) "Pet dealer" has the same meaning as in s. 18 828.29(13), Florida Statutes. Animal control agencies and registered nonprofit humane organizations operated by a county 19 or municipality are exempt from this section. 2.0 21 (2) LICENSE.--22 (a) A person may not operate as a pet dealer unless 23 the person holds a license issued by the department. However, a pet dealer operating in this state on or before July 1, 2.4 2006, who files an application for an initial license as 25 required by this section may operate without a license until 26 27 the department, after notice and opportunity to be heard, 2.8 declines to grant the license. (b) Each application for a license must be made on a 29 30 form supplied by the department and must contain the information required by the department. An application for 31

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1 renewal must be submitted to the department at least 30 days 2 before the beginning of the next license year. 3 (c) Each application for an initial license must be 4 accompanied by a nonrefundable fee of \$100 in the case of a 5 pet dealer who sells 25 or more animals per year. A pet dealer 6 who sells fewer than 25 animals per year shall pay a 7 nonrefundable fee of \$25. 8 (d) Money received by the department from application fees under this section shall be deposited in the General 9 10 Revenue Fund. (e) A license may not be issued or renewed until the 11 12 facility of the pet dealer is inspected by the department. 13 (f) Upon approval of the application, the department shall issue a pet dealer's license to the pet dealer. The 14 department shall provide a copy of the license to the 15 qualified pet dealer and shall retain a copy of the license. 16 17 (q) A pet dealer may not publish or advertise the sale 18 or availability of any animal unless the publication or advertisement is accompanied by the license number of the pet 19 20 dealer. However, a pet dealer operating in this state on or 21 before July 1, 2006, who files an application for an initial license as required in this section may publish or advertise 2.2 23 the sale or availability of any animal without the publication or advertisement being accompanied by the license number of 2.4 the pet dealer until the department, after notice and 25 opportunity to be heard, declines to grant the license. 26 27 (h) The license of a pet dealer may be renewed 2.8 annually upon payment of a nonrefundable fee of \$100 for a pet dealer selling 25 or more animals per year. A pet dealer who 29 sells fewer than 25 animals per year shall pay a nonrefundable 30 <u>fee of \$25.</u> 31

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1	(i) Each pet dealer shall conspicuously display the
2	license on the premises where the animals are kept for sale so
3	that the license may be readily seen by potential consumers.
4	(3) LICENSE DENIAL, SUSPENSION, OR REVOCATION
5	(a) The department may decline to issue or renew, or
б	may suspend or revoke, a license of a pet dealer if the pet
7	<u>dealer:</u>
8	1. Materially misstates information in the license
9	application or renewal form.
10	2. Materially misstates or falsifies records or fails
11	or refuses to allow the department or an authorized agent of
12	the department to inspect the records or facility of the pet
13	dealer.
14	3. Violates this section; or is convicted of violating
15	any law pertaining to the humane treatment of animals, cruelty
16	to animals, or endangering the life or health of an animal; or
17	violates any federal, state, or local law pertaining to the
18	care, treatment, sale, possession, or handling of animals or
19	relating to the endangerment of the life or health of an
20	animal.
21	(b) If the department takes any action that adversely
22	affects the substantial interests of a pet dealer, including
23	<u>denying, suspending, revoking, or not renewing a pet dealer's</u>
24	license, the action is subject to a hearing. Any proceeding
25	contesting the action shall be conducted in accordance with
26	chapter 120, Florida Statutes. Any action of the department is
27	<u>subject to judicial review under s. 120.68, Florida Statutes.</u>
28	(c) If a pet dealer violates this section, the pet
29	dealer is subject to a civil penalty, which may not be less
30	than \$50 and not more than \$1,000 for each violation.
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2department or by the county or municipality to whom the3department has delegated licensing and inspection authority4under this section. Any penalty collected by a county or5municipality shall be retained by the county or municipality.6(4) INSPECTION OF A FACILITY OF A PET DEALER7(a) The department shall, at a minimum, inspect each8facility of a pet dealer once each year.9(b) A person conducting an inspection of a facility of10a pet dealer or responding to a complaint concerning a pet11dealer must be specifically trained in the proper care of cats12and dogs and in the investigation and identification of13cruelty to animals.14(5) COUNTY AND MUNICIPAL JURISDICTION15(a) The department may delegate to a county or16municipality the authority to issue a license to a pet dealer.17to inspect facilities, and to enforce this section. The18delegation of authority must be evidenced by a written19agreement between the department and the county or10municipality.12(b) If the department delegates to a county or13municipality must, on or before the fifth day of each month.14pet dealers' license fees collected during the preceding15month. The remittance must be accompanied by a report of16license sales made during the month. A copy of the report must17be simultaneously sent to the department. All license fees18license the property of t	1	(d) This section may be enforced concurrently by the
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1 shall be used solely for the purpose of carrying out and 2 enforcing this section. 3 (c) The county or municipality must provide a copy of 4 the pet dealer's license to the pet dealer and send a copy of 5 the license to the department. The county or municipality 6 shall retain a copy of the pet dealer's license in its 7 records. 8 Section 2. This act shall take effect July 1, 2006. 9 10 SENATE SUMMARY 11 12 Prohibits a person from operating as a pet dealer unless the person holds a license issued by the Department of 13 Agriculture and Consumer Services. Requires that a person file an application for a pet dealer's license on a form supplied by the department. Requires that the application 14 fees collected by the department be deposited in the 15 General Revenue Fund. Prohibits the department from issuing or renewing a license until the facility of the pet dealer is inspected. Prohibits the pet dealer from 16 publishing or advertising the sale or availability of any 17 animal unless the publication or advertisement is accompanied by the license number of the pet dealer. 18 Requires each pet dealer to conspicuously display the license on the premises where the animals are kept for sale. Provides that the license of a pet dealer may be 19 denied, suspended, or revoked under certain 20 circumstances. Provides a civil penalty. Requires the department to inspect each facility of a pet dealer at 21 least annually. Requires that each person conducting an inspection of a facility of a pet dealer or responding to a complaint concerning a pet dealer be specifically trained in the proper care of cats and dogs. Authorizes 2.2 23 the department to delegate to a county or municipality authority to issue a license to a pet dealer, inspect 2.4 facilities, and enforce the law. Requires that the delegation of authority be evidenced by a written 25 agreement between the department and the county or municipality. 26 27 2.8 29 30 31

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