

1 license to a pet dealer, inspect facilities,
2 and enforce the act; requiring that the
3 delegation of authority be evidenced by a
4 written agreement between the department and
5 the county or municipality; providing an
6 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Pet dealers.--

11 (1) DEFINITIONS.--As used in this section, the term:

12 (a) "Animal" means any living dumb creature.

13 (b) "Consumer" means an individual who purchases an
14 animal from a pet dealer. A pet dealer is not a consumer.

15 (c) "Department" means the Department of Agriculture
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
19 registered nonprofit humane organizations operated by a county
20 or municipality are exempt from this section.

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,
24 a pet dealer operating in this state on or before July 1,
25 2006, who files an application for an initial license as
26 required by this section may operate without a license until
27 the department, after notice and opportunity to be heard,
28 declines to grant the license.

29 (b) Each application for a license must be made on a
30 form supplied by the department and must contain the
31 information required by the department. An application for

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
9 fees under this section shall be deposited in the General
10 Revenue Fund.

11 (e) A license may not be issued or renewed until the
12 facility of the pet dealer is inspected by the department.

13 (f) Upon approval of the application, the department
14 shall issue a pet dealer's license to the pet dealer. The
15 department shall provide a copy of the license to the
16 qualified pet dealer and shall retain a copy of the license.

17 (g) A pet dealer may not publish or advertise the sale
18 or availability of any animal unless the publication or
19 advertisement is accompanied by the license number of the pet
20 dealer. However, a pet dealer operating in this state on or
21 before July 1, 2006, who files an application for an initial
22 license as required in this section may publish or advertise
23 the sale or availability of any animal without the publication
24 or advertisement being accompanied by the license number of
25 the pet dealer until the department, after notice and
26 opportunity to be heard, declines to grant the license.

27 (h) The license of a pet dealer may be renewed
28 annually upon payment of a nonrefundable fee of \$100 for a pet
29 dealer selling 25 or more animals per year. A pet dealer who
30 sells fewer than 25 animals per year shall pay a nonrefundable
31 fee of \$25.

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
6 may suspend or revoke, a license of a pet dealer if the pet
7 dealer:

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 denying, suspending, revoking, or not renewing a pet dealer's
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 subject to judicial review under s. 120.68, Florida Statutes.

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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1 (d) This section may be enforced concurrently by the
2 department or by the county or municipality to whom the
3 department has delegated licensing and inspection authority
4 under this section. Any penalty collected by a county or
5 municipality shall be retained by the county or municipality.

6 (4) INSPECTION OF A FACILITY OF A PET DEALER.--

7 (a) The department shall, at a minimum, inspect each
8 facility of a pet dealer once each year.

9 (b) A person conducting an inspection of a facility of
10 a pet dealer or responding to a complaint concerning a pet
11 dealer must be specifically trained in the proper care of cats
12 and dogs and in the investigation and identification of
13 cruelty to animals.

14 (5) COUNTY AND MUNICIPAL JURISDICTION.--

15 (a) The department may delegate to a county or
16 municipality the authority to issue a license to a pet dealer,
17 to inspect facilities, and to enforce this section. The
18 delegation of authority must be evidenced by a written
19 agreement between the department and the county or
20 municipality.

21 (b) If the department delegates to a county or
22 municipality the authority to issue a license under this
23 section, the licensing agency within the county or
24 municipality must, on or before the fifth day of each month,
25 remit to the appropriate county or municipal financial officer
26 the pet dealers' license fees collected during the preceding
27 month. The remittance must be accompanied by a report of
28 license sales made during the month. A copy of the report must
29 be simultaneously sent to the department. All license fees
30 remitted are the property of the county or municipality and
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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.
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11 SENATE SUMMARY

12 Prohibits a person from operating as a pet dealer unless
13 the person holds a license issued by the Department of
14 Agriculture and Consumer Services. Requires that a person
15 file an application for a pet dealer's license on a form
16 supplied by the department. Requires that the application
17 fees collected by the department be deposited in the
18 General Revenue Fund. Prohibits the department from
19 issuing or renewing a license until the facility of the
20 pet dealer is inspected. Prohibits the pet dealer from
21 publishing or advertising the sale or availability of any
22 animal unless the publication or advertisement is
23 accompanied by the license number of the pet dealer.
24 Requires each pet dealer to conspicuously display the
25 license on the premises where the animals are kept for
26 sale. Provides that the license of a pet dealer may be
27 denied, suspended, or revoked under certain
28 circumstances. Provides a civil penalty. Requires the
29 department to inspect each facility of a pet dealer at
30 least annually. Requires that each person conducting an
31 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
the department to delegate to a county or municipality
authority to issue a license to a pet dealer, inspect
facilities, and enforce the law. Requires that the
delegation of authority be evidenced by a written
agreement between the department and the county or
municipality.