

1 animal is registered; providing for a refund to
2 the purchaser if pedigree documents are not
3 received within a specified period; providing
4 penalties for violations of the act; providing
5 an effective date.
6

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

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

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

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

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

1 United States Department of Agriculture, who issues the
2 official certificate of veterinary inspection. The tests,
3 vaccines, and anthelmintics must be administered before the
4 dog is offered for sale in the state, unless the licensed,
5 accredited veterinarian certifies on the official certificate
6 of veterinary inspection that to inoculate or deworm the dog
7 is not in the best medical interest of the dog, in which case
8 the vaccine or anthelmintic may not be administered to that
9 particular dog. As used in this paragraph, the term "under the
10 direction of a veterinarian" means that a licensed doctor of
11 veterinary medicine is on the premises at the time the tests,
12 vaccines, and anthelmintics required by this section are
13 administered. Each dog must receive vaccines and anthelmintics
14 against the following diseases and internal parasites:
15 1. Canine distemper.
16 2. Leptospirosis.
17 3. Bordetella (by intranasal inoculation or by an
18 alternative method of administration if deemed necessary by
19 the attending veterinarian and noted on the health
20 certificate, which must be administered in this state once
21 before sale).
22 4. Parainfluenza.
23 5. Hepatitis.
24 6. Canine parvo.
25 7. Rabies, provided the dog is over 3 months of age
26 and the inoculation is administered by a licensed
27 veterinarian.
28 8. Roundworms.
29 9. Hookworms.
30
31

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

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

23 | (b) For each cat offered for sale within the state,
24 | the tests, vaccines, and anthelmintics required by this
25 | section must be administered by or under the direction of a
26 | veterinarian, licensed by the state and accredited by the
27 | United States Department of Agriculture, who issues the
28 | official certificate of veterinary inspection. The tests,
29 | vaccines, and anthelmintics must be administered before the
30 | cat is offered for sale in the state, unless the licensed,
31 | accredited veterinarian certifies on the official certificate

1 of veterinary inspection that to inoculate or deworm the cat
2 is not in the best medical interest of the cat, in which case
3 the vaccine or anthelmintic may not be administered to that
4 particular cat. Each cat must receive vaccines and
5 anthelmintics against the following diseases and internal
6 parasites:

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

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

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

1 inspection on record for at least 1 year after the date of
2 sale.

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

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

27 1. For dogs:

28 a. The breeder's name and address, if known, or if not
29 known, the source of the dog. If the person from whom the dog
30 was obtained is a dealer licensed by the United States
31

1 Department of Agriculture, the person's name, address, and
2 federal dealer identification number.

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

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

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

14 2. For cats:

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

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

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

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

29 ~~(d)(e)~~ The examination of each dog and cat by a
30 veterinarian must take place no more than 30 days before the
31 sale within the state. The examination must include, but not

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

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

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

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

1 licensed veterinarian of the consumer's choosing certifies
2 such animal to be unfit for purchase due to a congenital or
3 hereditary disorder ~~that which~~ adversely affects the health of
4 the animal; or if, within 1 year following the sale of an
5 animal subject to this section, the breed, sex, or health of
6 such animal is found to have been misrepresented to the
7 consumer, the pet dealer shall afford the consumer the right
8 to choose one of the following options:

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

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

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

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

31

1 (c) If a dog or cat is returned to a pet dealer due to
2 illness, disease, or a congenital or hereditary condition
3 requiring veterinary care, the pet dealer shall provide the
4 animal with proper veterinary care that may include humanely
5 euthanizing the animal.

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

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

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

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

31

1 ~~(6)(7)~~ A pet dealer may specifically state at the time
2 of sale, in writing to the consumer, the presence of specific
3 congenital or hereditary disorders, in which case the consumer
4 has no right to any refund or exchange for those disorders.

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

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

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

1 obtain reimbursement of veterinary expenses, refund, or
2 exchange.

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

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

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

1 the dealer to have the animal examined by
2 another veterinarian.

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

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

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

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

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

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

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

30 (19) If a pet dealer fails to make any reimbursement,
31 refund, or exchange required under subsection (5) within 10

1 business days after notification by the consumer that the
2 animal has been declared unfit for sale, the consumer may
3 initiate an action in a court of competent jurisdiction to
4 recover or obtain reimbursement of veterinary expenses, a
5 refund of the purchase price, or a reasonable exchange,
6 including reasonable attorney's fees.

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

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

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

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

11 Section 2. This act shall take effect July 1, 2007.

12
13 *****

14 SENATE SUMMARY

15 Requires that any cat or dog offered for sale must be
16 accompanied by an animal-purchase disclosure. Prohibits a
17 pet dealer from possessing a dog or cat under a certain
18 age. Prohibits a pet dealer from refusing to reimburse
19 veterinary costs under certain conditions. Requires a pet
20 dealer to provide veterinary care to an animal that is
21 returned due to illness or disease. Provides that
22 reimbursement of veterinary costs may not exceed a
23 certain percentage of the purchase price. Deletes the
24 provision that permits a purchaser to waive his or her
25 right to return a dog or cat for congenital or hereditary
26 disorders. Requires that the purchaser notify and present
27 to the pet dealer a veterinarian's determination of the
28 unfitness of an animal within 7 days after purchase.
29 Requires the pet dealer to post a notice indicating where
30 the dog or cat was bred or brokered. Provides that a
31 waiver of any right of the purchaser is void. Provides
that a purchaser may initiate an action in court if a pet
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.)