

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 1658

INTRODUCER: Senator Bullard

SUBJECT: Sale of Dogs and Cats

DATE: March 29, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Poole	AG	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	GA	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill amends the definition for the term “pet dealer” and provides that violators of this section will be subject to a misdemeanor of the first degree. Additionally, the bill addresses the following issues related to the powers and duties of the Department of Agriculture and Consumer Services (department):

- Authorizes the department to require the state attorney in any circuit or county to institute suits in order to implement this chapter and enforce the rules of the department established under this section;
- Authorizes the department to adopt rules to administer this section;
- Sets a maximum administrative fine of \$10,000 for violation of this section or any rule of the department established under this section ;
- Authorizes the department to create one full time position and provides funding for the purpose of carrying out this act.

This bill amends section 828.29 of the Florida Statutes.

II. Present Situation:

The United States Department of Agriculture (USDA) has an extensive licensing program for wholesale pet dealers. However, retail shops that sell pets directly to the public remain outside the jurisdiction of the USDA’s licensing authority.

The Department of Agriculture and Consumer Services (department) is statutorily bound through section 570.07, F.S., to work congruently with the USDA to ensure the application of the Animal Welfare Act. Currently any agent of the department, any agent of the USDA, any law

enforcement officer, any county agent, or any agent of a society or association for the prevention of cruelty to children or animals has authority to inspect all dogs and cats transported into or offered for sale in the state, along with the copies of certificate of inspection held by the sellers and veterinarians of the respective dogs and cats. The staff of the department reports that the department does not currently have explicit statutory authority to enforce the provisions of section 828.29, F.S., nor can it require the state attorney in any circuit or county to institute suits to enforce or implement the provisions of chapter 828, F.S., and the rules of the department under this section, in an effort to prevent violations.

The current definition of “pet dealer” specifies that the person, firm, partnership, corporation, or other association must sell more than two litters, or 20 or more dogs or cats, per year, whichever is greater, to the public. This includes breeders, hobby or otherwise, who sell these animals directly to the public.

III. Effect of Proposed Changes:

Section 1

- Authorizes the Department of Agriculture and Consumer Services (department) to enforce the health requirements and consumer guarantees of all dogs and cats transported or offered for sale in the state pursuant to section 828.29, F.S.
- Defines the term “pet dealer” as any person, firm, partnership, corporation, or other association that, in the ordinary course of business, engages in the sale of 20 or more dogs or cats per year to the public.
- Authorizes the department to enforce this section, as provided in chapter 570, F.S.
- Authorizes the department to require the state attorney in any circuit or county to institute suits in order to enforce this chapter and the rules of the department under this chapter. The department is authorized to adopt rules to administer this section.
- Authorizes the department to impose an administrative fine of up to \$10,000 and seek a first degree misdemeanor charge against violators of the provisions in the section.

Section 2

- Authorizes the department to add one full-time equivalent position, and appropriates \$82,669 from the General Revenue Fund to the department for fiscal year 2007-2008.

Section 3

- The provisions of this bill become effective July 1, 2007.

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:

Violators of section 828.29, F.S., or any rule of the Department of Agriculture and Consumer Services (department) created under this chapter, will be subject to an administrative fine of up to \$10,000, and may be prosecuted for a first degree misdemeanor charge, the punishment of which includes a prison sentence not to exceed one year and a fine of \$1,000.

C. Government Sector Impact:

This bill contains an appropriation of \$82,669 from the General Revenue Fund to the department for the purpose of creating one full-time equivalent position for the 2007-2008 fiscal year.

VI. Technical Deficiencies:

None.

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.
