

By Senator Bullard

39-168A-07

1 A bill to be entitled
 2 An act relating to the sale of dogs and cats;
 3 amending s. 828.29, F.S.; redefining the term
 4 "pet dealer" for purposes of provisions
 5 authorizing a purchaser to return an animal to
 6 the pet dealer and receive a refund, exchange
 7 animal, or reimbursement of expenses;
 8 authorizing the Department of Agriculture and
 9 Consumer Services to enforce statutory
 10 provisions related to the sale of dogs and
 11 cats; providing powers and duties of the
 12 department; providing for the adoption of
 13 rules; providing penalties; providing an
 14 appropriation; providing an effective date.
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16 Be It Enacted by the Legislature of the State of Florida:

17
 18 Section 1. Section 828.29, Florida Statutes, is
 19 amended to read:
 20 828.29 Dogs and cats transported or offered for sale;
 21 health requirements; consumer guarantee; enforcement by
 22 Department of Agriculture and Consumer Services.--

23 (1)(a) For each dog transported into the state for
 24 sale, 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 of origin and accredited
 27 by the United States Department of Agriculture, who issues the
 28 official certificate of veterinary inspection. The tests,
 29 vaccines, and anthelmintics must be administered no more than
 30 30 days and no less than 14 days before the dog's entry into
 31 the state. The official certificate of veterinary inspection

1 certifying compliance with this section must accompany each
2 dog transported into the state for sale.

3 (b) For each dog offered for sale within the state,
4 the tests, vaccines, and anthelmintics required by this
5 section must be administered by or under the direction of a
6 veterinarian, licensed by the state and accredited by the
7 United States Department of Agriculture, who issues the
8 official certificate of veterinary inspection. The tests,
9 vaccines, and anthelmintics must be administered before the
10 dog is offered for sale in the state, unless the licensed,
11 accredited veterinarian certifies on the official certificate
12 of veterinary inspection that to inoculate or deworm the dog
13 is not in the best medical interest of the dog, in which case
14 the vaccine or anthelmintic may not be administered to that
15 particular dog. Each dog must receive vaccines and
16 anthelmintics against the following diseases and internal
17 parasites:

- 18 1. Canine distemper.
- 19 2. Leptospirosis.
- 20 3. Bordetella (by intranasal inoculation or by an
21 alternative method of administration if deemed necessary by
22 the attending veterinarian and noted on the health
23 certificate, which must be administered in this state once
24 before sale).
- 25 4. Parainfluenza.
- 26 5. Hepatitis.
- 27 6. Canine parvo.
- 28 7. Rabies, provided the dog is over 3 months of age
29 and the inoculation is administered by a licensed
30 veterinarian.
- 31 8. Roundworms.

1 9. Hookworms.

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

10 (2)(a) For each cat transported into the state for
11 sale, the tests, vaccines, and anthelmintics required by this
12 section must be administered by or under the direction of a
13 veterinarian, licensed by the state of origin and accredited
14 by the United States Department of Agriculture, who issues the
15 official certificate of veterinary inspection. The tests,
16 vaccines, and anthelmintics must be administered no more than
17 30 days and no less than 14 days before the cat's entry into
18 the state. The official certificate of veterinary inspection
19 certifying compliance with this section must accompany each
20 cat transported into the state for sale.

21 (b) For each cat offered for sale within the state,
22 the tests, vaccines, and anthelmintics required by this
23 section must be administered by or under the direction of a
24 veterinarian, licensed by the state and accredited by the
25 United States Department of Agriculture, who issues the
26 official certificate of veterinary inspection. The tests,
27 vaccines, and anthelmintics must be administered before the
28 cat is offered for sale in the state, unless the licensed,
29 accredited veterinarian certifies on the official certificate
30 of veterinary inspection that to inoculate or deworm the cat
31 is not in the best medical interest of the cat, in which case

1 the vaccine or anthelmintic may not be administered to that
2 particular cat. Each cat must receive vaccines and
3 anthelmintics against the following diseases and internal
4 parasites:

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

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

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

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

23 (c) The examination of each dog and cat by a
24 veterinarian must take place no more than 30 days before the
25 sale within the state. The examination must include, but not
26 be limited to, a fecal test to determine if the dog or cat is
27 free of internal parasites, including hookworms, roundworms,
28 tapeworms, and whipworms. If the examination warrants, the dog
29 or cat must be treated with a specific anthelmintic. In the
30 absence of a definitive parasitic diagnosis, each dog or cat
31 must be given a broad spectrum anthelmintic. Each dog over 6

1 months of age must also be tested for heartworms. Each cat
2 must also be tested for feline leukemia before being offered
3 for sale in the state. All of these tests must be performed by
4 or under the supervision of a licensed veterinarian, and the
5 results of the tests must be listed on the official
6 certificate of veterinary inspection.

7 (d) All dogs and cats offered for sale and copies of
8 certificates held by the seller and veterinarian are subject
9 to inspection by any agent of the Department of Agriculture
10 and Consumer Services, any agent of the United States
11 Department of Agriculture, any law enforcement officer, or any
12 agent appointed under s. 828.03.

13 (4) A person may not transport into the state for sale
14 or offer for sale within the state any dog or cat that is less
15 than 8 weeks of age.

16 (5) If, within 14 days following the sale by a pet
17 dealer of an animal subject to this section, a licensed
18 veterinarian of the consumer's choosing certifies that, at the
19 time of the sale, the animal was unfit for purchase due to
20 illness or disease, the presence of symptoms of a contagious
21 or infectious disease, or the presence of internal or external
22 parasites, excluding fleas and ticks; or if, within 1 year
23 following the sale of an animal subject to this section, a
24 licensed veterinarian of the consumer's choosing certifies
25 such animal to be unfit for purchase due to a congenital or
26 hereditary disorder which adversely affects the health of the
27 animal; or if, within 1 year following the sale of an animal
28 subject to this section, the breed, sex, or health of such
29 animal is found to have been misrepresented to the consumer,
30 the pet dealer shall afford the consumer the right to choose
31 one of the following options:

1 (a) The right to return the animal and receive a
2 refund of the purchase price, including the sales tax, and
3 reimbursement for reasonable veterinary costs directly related
4 to the veterinarian's examination and certification that the
5 dog or cat is unfit for purchase pursuant to this section and
6 directly related to necessary emergency services and treatment
7 undertaken to relieve suffering;

8 (b) The right to return the animal and receive an
9 exchange dog or cat of the consumer's choice of equivalent
10 value, and reimbursement for reasonable veterinary costs
11 directly related to the veterinarian's examination and
12 certification that the dog or cat is unfit for purchase
13 pursuant to this section and directly related to necessary
14 emergency services and treatment undertaken to relieve
15 suffering; or

16 (c) The right to retain the animal and receive
17 reimbursement for reasonable veterinary costs for necessary
18 services and treatment related to the attempt to cure or
19 curing of the dog or cat.

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21 Reimbursement for veterinary costs may not exceed the purchase
22 price of the animal. The cost of veterinary services is
23 reasonable if comparable to the cost of similar services
24 rendered by other licensed veterinarians in proximity to the
25 treating veterinarian and the services rendered are
26 appropriate for the certification by the veterinarian.

27 (6) A consumer may sign a waiver relinquishing his or
28 her right to return the dog or cat for congenital or
29 hereditary disorders. In the case of such waiver, the consumer
30 has 48 normal business hours, excluding weekends and holidays,
31 in which to have the animal examined by a licensed

1 | veterinarian of the consumer's choosing. If the veterinarian
2 | certifies that, at the time of sale, the dog or cat was unfit
3 | for purchase due to a congenital or hereditary disorder, the
4 | pet dealer must afford the consumer the right to choose one of
5 | the following options:

6 | (a) The right to return the animal and receive a
7 | refund of the purchase price, including sales tax, but
8 | excluding the veterinary costs related to the certification
9 | that the dog or cat is unfit; or

10 | (b) The right to return the animal and receive an
11 | exchange dog or cat of the consumer's choice of equivalent
12 | value, but not a refund of the veterinary costs related to the
13 | certification that the dog or cat is unfit.

14 | (7) A pet dealer may specifically state at the time of
15 | sale, in writing to the consumer, the presence of specific
16 | congenital or hereditary disorders, in which case the consumer
17 | has no right to any refund or exchange for those disorders.

18 | (8) The refund or exchange required by subsection (5)
19 | or subsection (6) shall be made by the pet dealer not later
20 | than 10 business days following receipt of a signed veterinary
21 | certification as required in subsection (5) or subsection (6).
22 | The consumer must notify the pet dealer within 2 business days
23 | after the veterinarian's determination that the animal is
24 | unfit. The written certification of unfitness must be
25 | presented to the pet dealer not later than 3 business days
26 | following receipt thereof by the consumer.

27 | (9) An animal may not be determined unfit for sale on
28 | account of an injury sustained or illness contracted after the
29 | consumer takes possession of the animal. A veterinary finding
30 | of intestinal or external parasites is not grounds for
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1 declaring a dog or cat unfit for sale unless the animal is
2 clinically ill because of that condition.

3 (10) If a pet dealer wishes to contest a demand for
4 veterinary expenses, refund, or exchange made by a consumer
5 under this section, the dealer may require the consumer to
6 produce the animal for examination by a licensed veterinarian
7 designated by the dealer. Upon such examination, if the
8 consumer and the dealer are unable to reach an agreement that
9 constitutes one of the options set forth in subsection (5) or
10 subsection (6) within 10 business days following receipt of
11 the animal for such examination, the consumer may initiate an
12 action in a court of competent jurisdiction to recover or
13 obtain reimbursement of veterinary expenses, refund, or
14 exchange.

15 (11) This section does not in any way limit the rights
16 or remedies that are otherwise available to a consumer under
17 any other law.

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

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22 It is the consumer's right, pursuant to section
23 828.29, Florida Statutes, to receive a
24 certificate of veterinary inspection with each
25 dog or cat purchased from a pet dealer. Such
26 certificate shall list all vaccines and
27 deworming medications administered to the
28 animal and shall state that the animal has been
29 examined by a Florida-licensed veterinarian who
30 certifies that, to the best of the
31 veterinarian's knowledge, the animal was found

1 to have been healthy at the time of the
2 veterinary examination. In the event that the
3 consumer purchases the animal and finds it to
4 have been unfit for purchase as provided in
5 section 828.29(5), Florida Statutes, the
6 consumer must notify the pet dealer within 2
7 business days of the veterinarian's
8 determination that the animal was unfit. The
9 consumer has the right to retain, return, or
10 exchange the animal and receive reimbursement
11 for certain related veterinary services
12 rendered to the animal, subject to the right of
13 the dealer to have the animal examined by
14 another veterinarian.

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

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

27 (b) The Department of Agriculture and Consumer
28 Services shall enforce this section, as provided in chapter
29 570.

30 (c) The department may require the state attorney in
31 any circuit or county to institute suits, civil or criminal,

1 to enforce or implement this chapter and rules of the
2 department, or to prevent violations thereof. Any person or
3 officer charged with a duty under this chapter may be
4 compelled to perform the same by mandamus, injunction, or
5 other extraordinary remedy upon the application and in the
6 name of the department. Injunction shall issue without bond.

7 (d) The department shall adopt rules to administer
8 this section.

9 (15) County-operated or city-operated animal control
10 agencies and registered nonprofit humane organizations are
11 exempt from this section.

12 (16) A pet dealer may not knowingly misrepresent the
13 breed, sex, or health of any dog or cat offered for sale
14 within the state.

15 (17)(a) A person who violates this section or any rule
16 of the department established under this section is subject to
17 an administrative fine of up to \$10,000 for each offense. Upon
18 repeated violation, the department may seek enforcement
19 pursuant to s. 120.69.

20 (b) Except as otherwise provided in this chapter, a
21 person who violates any provision of this section commits a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 Section 2. One additional full-time equivalent
25 position is authorized and \$82,669 is appropriated from the
26 General Revenue Fund to the Department of Agriculture and
27 Consumer Services for the 2007-2008 fiscal year for the
28 purpose of carrying out the provisions of this act.

29 Section 3. This act shall take effect July 1, 2007.
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SENATE SUMMARY

Transfers the power to regulate the sale of dogs and cats to the Department of Agriculture and Consumer Services. Provides powers and duties of the department. Authorizes the department to adopt rules. Provides penalties. Provides an appropriation to the department.