

By the Committee on Judiciary; and Senator Bullard

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1 A bill to be entitled

2 An act relating to the sale of dogs and cats; amending s.
3 828.29, F.S.; redefining the term "pet dealer" for
4 purposes of provisions authorizing a purchaser to return
5 an animal to the pet dealer and receive a refund, exchange
6 the animal, or receive a reimbursement of expenses;
7 authorizing the Department of Agriculture and Consumer
8 Services to enforce statutory provisions related to the
9 sale of dogs and cats; providing powers and duties of the
10 department; providing for the adoption of rules; providing
11 penalties; providing an appropriation and authorizing an
12 additional position; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Section 828.29, Florida Statutes, is amended to
17 read:

18 828.29 Dogs and cats transported or offered for sale;
19 health requirements; consumer guarantee; enforcement by
20 Department of Agriculture and Consumer Services.--

21 (1) (a) For each dog transported into the state for sale,
22 the tests, vaccines, and anthelmintics required by this section
23 must be administered by or under the direction of a veterinarian,
24 licensed by the state of origin and accredited by the United
25 States Department of Agriculture, who issues the official
26 certificate of veterinary inspection. The tests, vaccines, and
27 anthelmintics must be administered no more than 30 days and no
28 less than 14 days before the dog's entry into the state. The
29 official certificate of veterinary inspection certifying

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30 compliance with this section must accompany each dog transported
31 into the state for sale.

32 (b) For each dog offered for sale within the state, the
33 tests, vaccines, and anthelmintics required by this section must
34 be administered by or under the direction of a veterinarian,
35 licensed by the state and accredited by the United States
36 Department of Agriculture, who issues the official certificate of
37 veterinary inspection. The tests, vaccines, and anthelmintics
38 must be administered before the dog is offered for sale in the
39 state, unless the licensed, accredited veterinarian certifies on
40 the official certificate of veterinary inspection that to
41 inoculate or deworm the dog is not in the best medical interest
42 of the dog, in which case the vaccine or anthelmintic may not be
43 administered to that particular dog. Each dog must receive
44 vaccines and anthelmintics against the following diseases and
45 internal parasites:

- 46 1. Canine distemper.
- 47 2. Leptospirosis.
- 48 3. Bordetella (by intranasal inoculation or by an
49 alternative method of administration if deemed necessary by the
50 attending veterinarian and noted on the health certificate, which
51 must be administered in this state once before sale).
- 52 4. Parainfluenza.
- 53 5. Hepatitis.
- 54 6. Canine parvo.
- 55 7. Rabies, provided the dog is over 3 months of age and the
56 inoculation is administered by a licensed veterinarian.
- 57 8. Roundworms.
- 58 9. Hookworms.

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60 If the dog is under 4 months of age, the tests, vaccines, and
61 anthelmintics required by this section must be administered no
62 more than 21 days before sale within the state. If the dog is 4
63 months of age or older, the tests, vaccines, and anthelmintics
64 required by this section must be administered at or after 3
65 months of age, but no more than 1 year before sale within the
66 state.

67 (2) (a) For each cat transported into the state for sale,
68 the tests, vaccines, and anthelmintics required by this section
69 must be administered by or under the direction of a veterinarian,
70 licensed by the state of origin and accredited by the United
71 States Department of Agriculture, who issues the official
72 certificate of veterinary inspection. The tests, vaccines, and
73 anthelmintics must be administered no more than 30 days and no
74 less than 14 days before the cat's entry into the state. The
75 official certificate of veterinary inspection certifying
76 compliance with this section must accompany each cat transported
77 into the state for sale.

78 (b) For each cat offered for sale within the state, the
79 tests, vaccines, and anthelmintics required by this section must
80 be administered by or under the direction of a veterinarian,
81 licensed by the state and accredited by the United States
82 Department of Agriculture, who issues the official certificate of
83 veterinary inspection. The tests, vaccines, and anthelmintics
84 must be administered before the cat is offered for sale in the
85 state, unless the licensed, accredited veterinarian certifies on
86 the official certificate of veterinary inspection that to
87 inoculate or deworm the cat is not in the best medical interest

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88 of the cat, in which case the vaccine or anthelmintic may not be
89 administered to that particular cat. Each cat must receive
90 vaccines and anthelmintics against the following diseases and
91 internal parasites:

- 92 1. Panleukopenia.
- 93 2. Feline viral rhinotracheitis.
- 94 3. Calici virus.
- 95 4. Rabies, if the cat is over 3 months of age and the
96 inoculation is administered by a licensed veterinarian.
- 97 5. Hookworms.
- 98 6. Roundworms.

99

100 If the cat is under 4 months of age, the tests, vaccines, and
101 anthelmintics required by this section must be administered no
102 more than 21 days before sale within the state. If the cat is 4
103 months of age or older, the tests, vaccines, and anthelmintics
104 required by this section must be administered at or after 3
105 months of age, but no more than 1 year before sale within the
106 state.

107 (3) (a) Each dog or cat subject to subsection (1) or
108 subsection (2) must be accompanied by a current official
109 certificate of veterinary inspection at all times while being
110 offered for sale within the state. The examining veterinarian
111 must retain one copy of the official certificate of veterinary
112 inspection on file for at least 1 year after the date of
113 examination. At the time of sale of the animal, one copy of the
114 official certificate of veterinary inspection must be given to
115 the buyer. The seller must retain one copy of the official
116 certificate of veterinary inspection on record for at least 1

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117 | year after the date of sale.

118 | (b) The term "official certificate of veterinary
119 | inspection" means a legible certificate of veterinary inspection
120 | signed by the examining veterinarian licensed by the state of
121 | origin and accredited by the United States Department of
122 | Agriculture, that shows the age, sex, breed, color, and health
123 | record of the dog or cat, the printed or typed names and
124 | addresses of the person or business from whom the animal was
125 | obtained, the consignor or seller, the consignee or purchaser,
126 | and the examining veterinarian, and the veterinarian's license
127 | number. The official certificate of veterinary inspection must
128 | list all vaccines and deworming medications administered to the
129 | dog or cat, including the manufacturer, vaccine, type, lot
130 | number, expiration date, and the dates of administration thereof,
131 | and must state that the examining veterinarian warrants that, to
132 | the best of his or her knowledge, the animal has no sign of
133 | contagious or infectious diseases and has no evidence of internal
134 | or external parasites, including coccidiosis and ear mites, but
135 | excluding fleas and ticks. The Department of Agriculture and
136 | Consumer Services shall supply the official intrastate
137 | certificate of veterinary inspection required by this section at
138 | cost.

139 | (c) The examination of each dog and cat by a veterinarian
140 | must take place no more than 30 days before the sale within the
141 | state. The examination must include, but not be limited to, a
142 | fecal test to determine if the dog or cat is free of internal
143 | parasites, including hookworms, roundworms, tapeworms, and
144 | whipworms. If the examination warrants, the dog or cat must be
145 | treated with a specific anthelmintic. In the absence of a

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146 definitive parasitic diagnosis, each dog or cat must be given a
147 broad spectrum anthelmintic. Each dog over 6 months of age must
148 also be tested for heartworms. Each cat must also be tested for
149 feline leukemia before being offered for sale in the state. All
150 of these tests must be performed by or under the supervision of a
151 licensed veterinarian, and the results of the tests must be
152 listed on the official certificate of veterinary inspection.

153 (d) All dogs and cats offered for sale and copies of
154 certificates held by the seller and veterinarian are subject to
155 inspection by any agent of the Department of Agriculture and
156 Consumer Services, any agent of the United States Department of
157 Agriculture, any law enforcement officer, or any agent appointed
158 under s. 828.03.

159 (4) A person may not transport into the state for sale or
160 offer for sale within the state any dog or cat that is less than
161 8 weeks of age.

162 (5) If, within 14 days following the sale by a pet dealer
163 of an animal subject to this section, a licensed veterinarian of
164 the consumer's choosing certifies that, at the time of the sale,
165 the animal was unfit for purchase due to illness or disease, the
166 presence of symptoms of a contagious or infectious disease, or
167 the presence of internal or external parasites, excluding fleas
168 and ticks; or if, within 1 year following the sale of an animal
169 subject to this section, a licensed veterinarian of the
170 consumer's choosing certifies such animal to be unfit for
171 purchase due to a congenital or hereditary disorder which
172 adversely affects the health of the animal; or if, within 1 year
173 following the sale of an animal subject to this section, the
174 breed, sex, or health of such animal is found to have been

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175 misrepresented to the consumer, the pet dealer shall afford the
176 consumer the right to choose one of the following options:

177 (a) The right to return the animal and receive a refund of
178 the purchase price, including the sales tax, and reimbursement
179 for reasonable veterinary costs directly related to the
180 veterinarian's examination and certification that the dog or cat
181 is unfit for purchase pursuant to this section and directly
182 related to necessary emergency services and treatment undertaken
183 to relieve suffering;

184 (b) The right to return the animal and receive an exchange
185 dog or cat of the consumer's choice of equivalent value, and
186 reimbursement for reasonable veterinary costs directly related to
187 the veterinarian's examination and certification that the dog or
188 cat is unfit for purchase pursuant to this section and directly
189 related to necessary emergency services and treatment undertaken
190 to relieve suffering; or

191 (c) The right to retain the animal and receive
192 reimbursement for reasonable veterinary costs for necessary
193 services and treatment related to the attempt to cure or curing
194 of the dog or cat.

195
196 Reimbursement for veterinary costs may not exceed the purchase
197 price of the animal. The cost of veterinary services is
198 reasonable if comparable to the cost of similar services rendered
199 by other licensed veterinarians in proximity to the treating
200 veterinarian and the services rendered are appropriate for the
201 certification by the veterinarian.

202 (6) A consumer may sign a waiver relinquishing his or her
203 right to return the dog or cat for congenital or hereditary

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204 disorders. In the case of such waiver, the consumer has 48 normal
205 business hours, excluding weekends and holidays, in which to have
206 the animal examined by a licensed veterinarian of the consumer's
207 choosing. If the veterinarian certifies that, at the time of
208 sale, the dog or cat was unfit for purchase due to a congenital
209 or hereditary disorder, the pet dealer must afford the consumer
210 the right to choose one of the following options:

211 (a) The right to return the animal and receive a refund of
212 the purchase price, including sales tax, but excluding the
213 veterinary costs related to the certification that the dog or cat
214 is unfit; or

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

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

223 (8) The refund or exchange required by subsection (5) or
224 subsection (6) shall be made by the pet dealer not later than 10
225 business days following receipt of a signed veterinary
226 certification as required in subsection (5) or subsection (6).
227 The consumer must notify the pet dealer within 2 business days
228 after the veterinarian's determination that the animal is unfit.
229 The written certification of unfitness must be presented to the
230 pet dealer not later than 3 business days following receipt
231 thereof by the consumer.

232 (9) An animal may not be determined unfit for sale on

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233 account of an injury sustained or illness contracted after the
234 consumer takes possession of the animal. A veterinary finding of
235 intestinal or external parasites is not grounds for declaring a
236 dog or cat unfit for sale unless the animal is clinically ill
237 because of that condition.

238 (10) If a pet dealer wishes to contest a demand for
239 veterinary expenses, refund, or exchange made by a consumer under
240 this section, the dealer may require the consumer to produce the
241 animal for examination by a licensed veterinarian designated by
242 the dealer. Upon such examination, if the consumer and the
243 dealer are unable to reach an agreement that constitutes one of
244 the options set forth in subsection (5) or subsection (6) within
245 10 business days following receipt of the animal for such
246 examination, the consumer may initiate an action in a court of
247 competent jurisdiction to recover or obtain reimbursement of
248 veterinary expenses, refund, or exchange.

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

252 (12) Every pet dealer who sells an animal to a consumer
253 must provide the consumer at the time of sale with a written
254 notice, printed or typed, which reads as follows:
255

256 It is the consumer's right, pursuant to section 828.29,
257 Florida Statutes, to receive a certificate of veterinary
258 inspection with each dog or cat purchased from a pet
259 dealer. Such certificate shall list all vaccines and
260 deworming medications administered to the animal and shall
261 state that the animal has been examined by a Florida-

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262 licensed veterinarian who certifies that, to the best of
263 the veterinarian's knowledge, the animal was found to have
264 been healthy at the time of the veterinary examination.
265 In the event that the consumer purchases the animal and
266 finds it to have been unfit for purchase as provided in
267 section 828.29(5), Florida Statutes, the consumer must
268 notify the pet dealer within 2 business days of the
269 veterinarian's determination that the animal was unfit.
270 The consumer has the right to retain, return, or exchange
271 the animal and receive reimbursement for certain related
272 veterinary services rendered to the animal, subject to the
273 right of the dealer to have the animal examined by another
274 veterinarian.

275
276 (13) For the purposes of subsections (5)-(12) and (16),
277 the term "pet dealer" means any person, firm, partnership,
278 corporation, or other association that ~~which~~, in the ordinary
279 course of business, engages in the sale of ~~more than two~~
280 ~~litters, or 20~~ or more dogs or cats, ~~per year, whichever is~~
281 ~~greater,~~ to the public. This definition includes breeders of
282 animals who sell such animals directly to a consumer.

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

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

288 (c) The department may request that the state attorney in
289 any circuit or county institute a suit, civil or criminal, to
290 enforce or implement this chapter and rules of the department,

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291 or to prevent violations thereof. Any person or officer charged
292 with a duty under this chapter may be compelled to perform the
293 same by mandamus, injunction, or other extraordinary remedy
294 upon the application and in the name of the department.
295 Injunction shall issue without bond.

296 (d) The department shall adopt rules to administer this
297 section.

298 (15) County-operated or city-operated animal control
299 agencies and registered nonprofit humane organizations are
300 exempt from this section.

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

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

309 (b) Except as otherwise provided in this chapter, a
310 person who violates any provision of this section commits a
311 misdemeanor of the first degree, punishable as provided in s.
312 775.082 or s. 775.083.

313 Section 2. One additional full-time equivalent position
314 is authorized and \$82,669 is appropriated from the General
315 Revenue Fund to the Department of Agriculture and Consumer
316 Services for the 2008-2009 fiscal year for the purpose of
317 carrying out the provisions of this act.

318 Section 3. This act shall take effect July 1, 2008.