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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: 1/WD	.	
4/8/2008	.	
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1 The Committee on Transportation (Baker) recommended the following
2 **amendment:**

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4 **Senate Amendment (with title amendment)**

5 Between line(s) 58 and 59,
6 insert:

7
8 Section 4. Subsection (1) of section 535.16, Florida
9 Statutes, is amended to read:

10 535.16 Sale and purchase of horses; unfair or deceptive
11 trade practices.--

12 (1) The Department of Agriculture and Consumer Services
13 shall ~~examine the conditions surrounding the sale and purchase of~~
14 ~~horses and shall~~ adopt rules pursuant to ss. 120.536(1) and
15 120.54 to prevent unfair or deceptive trade practices in the sale
16 and purchase of horses. Vertical integration of services and



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17 employees, in and of itself, shall not be considered an unfair or
18 deceptive practice. The rules adopted by the department shall:

19 (a) Require full and accurate disclosure to the buyer and
20 seller of any dual agency.

21 (b) Require, in all sales other than public sales, a
22 written bill of sale setting forth the name of the horse, its
23 sire and dam, its breed and registry status, if any, its age, the
24 purchase price, and the legal owner and legal buyer of the horse.

25 (c) Require presale disclosure of all relevant medical
26 conditions, defects, and surgeries and an express written
27 warranty by the seller that the disclosures made are accurate and
28 complete and that there have been no alterations to the animal
29 which could enhance or alter its appearance or pre-sale
30 performance, other than what has been disclosed to the buyer.

31 (d) Require, in all public sales or auctions, full written
32 disclosures of the actual owner and buyer of the horse and any
33 change in ownership, whether legal or equitable, in the horse,
34 from the time the horse is consigned until the time the horse
35 enters the ring or is offered for sale. Such written disclosures
36 shall be published by the sales company in a conspicuous place
37 and any changes in ownership must be publicly announced at the
38 time the horse enters the ring or is offered for sale.

39 (e) Require the seller to make full disclosures of all
40 relevant medical conditions, defects, and surgeries, including
41 the administration of steroids or growth hormones.

42 (f) Require that veterinary records, access to which is in
43 the control of the seller, reflecting such disclosures be placed,
44 prior to the public sale or auction, in a repository maintained
45 by the sales company, together with required radiographs and



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46 endoscopic examinations. Require the seller to make the same
47 written warranty required in paragraph (c).

48 (g) Identify prohibited practices, including shockwave
49 therapy, acupuncture, electro-stimulation, or any other method
50 used which could alter laryngeal or other neurological function,
51 injection of any internal blister or any other substance designed
52 to alter conformation or performance, use of any device or
53 substance to affect performance in a pre sale performance or
54 work, and the administration of steroids. The department shall,
55 by rule, establish the time periods for which the practices are
56 prohibited and shall establish procedures for drug testing.

57 (h) Require that the sales companies publicly disseminate
58 accurate sales results after the close of a public sale or
59 auction disclosing or correcting any sales figures, including
60 actual and final purchase prices.

61 (i) Include remedial provisions, including the availability
62 of treble damages for willful violations or any material omission
63 or misrepresentation in connection with the required disclosures;
64 provisions for voiding the sale or refunding half the amount
65 paid, plus costs and attorney's fees, at the buyer's election.
66 The department shall initiate a review of sanctions, including
67 the suspension from participation in sales, the suspension or
68 revocation of an offending sales company's license, and criminal
69 penalties ~~department's examination shall include the following:~~
70 ~~disclosure of the legal owner and buyer of the horse and any dual~~
71 ~~agency to the buyer and seller; the disclosure of relevant~~
72 ~~medical conditions, defects, and surgeries; the conduct or~~
73 ~~alterations that could affect the performance of a horse; and the~~
74 ~~need for a written bill of sale or similar documentation.~~

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76 | ===== T I T L E A M E N D M E N T =====

77 | And the title is amended as follows:

78 | On line(s) 12, after the semicolon,
79 | insert:

80 | amending s. 535.16, F.S.; revising provisions relating to
81 | the sale and purchase of horses; requiring ownership and
82 | veterinary disclosures; specifying prohibited practices;
83 | requiring the reporting of accurate sales results;
84 | providing for the adoption of rules; requiring a review;
85 | providing penalties;