

By Senator Bullard

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1 A bill to be entitled

2 An act relating to the sale of dogs and cats; amending
3 s. 828.29, F.S.; requiring that additional information
4 relating to the genetic disorders to which dogs and
5 cats are susceptible be included in the written notice
6 that pet dealers provide to a consumer at the time of
7 sale; redefining the term "pet dealer" for purposes of
8 provisions authorizing a purchaser to return an animal
9 to the pet dealer and receive a refund, exchange the
10 animal, or receive a reimbursement of expenses;
11 authorizing the Department of Agriculture and Consumer
12 Services to enforce statutory provisions related to
13 the sale of dogs and cats; providing powers and duties
14 of the department; providing for the adoption of
15 rules; revising penalties; providing an appropriation
16 and authorizing an additional position; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 828.29, Florida Statutes, is amended to
22 read:

23 828.29 Dogs and cats transported or offered for sale;
24 health requirements; consumer guarantee; enforcement by
25 Department of Agriculture and Consumer Services.-

26 (1) (a) For each dog transported into the state for sale,
27 the tests, vaccines, and anthelmintics required by this section
28 must be administered by or under the direction of a
29 veterinarian, licensed by the state of origin and accredited by

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30 the United States Department of Agriculture, who issues the
31 official certificate of veterinary inspection. The tests,
32 vaccines, and anthelmintics must be administered no more than 30
33 days and no less than 14 days before the dog's entry into the
34 state. The official certificate of veterinary inspection
35 certifying compliance with this section must accompany each dog
36 transported into the state for sale.

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

51 1. Canine distemper.

52 2. Leptospirosis.

53 3. Bordetella (by intranasal inoculation or by an
54 alternative method of administration if deemed necessary by the
55 attending veterinarian and noted on the health certificate,
56 which must be administered in this state once before sale).

57 4. Parainfluenza.

58 5. Hepatitis.

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59 6. Canine parvo.

60 7. Rabies, provided the dog is over 3 months of age and the
61 inoculation is administered by a licensed veterinarian.

62 8. Roundworms.

63 9. Hookworms.

64

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

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

83 (b) For each cat offered for sale within the state, the
84 tests, vaccines, and anthelmintics required by this section must
85 be administered by or under the direction of a veterinarian,
86 licensed by the state and accredited by the United States
87 Department of Agriculture, who issues the official certificate

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88 of veterinary inspection. The tests, vaccines, and anthelmintics
89 must be administered before the cat is offered for sale in the
90 state, unless the licensed, accredited veterinarian certifies on
91 the official certificate of veterinary inspection that to
92 inoculate or deworm the cat is not in the best medical interest
93 of the cat, in which case the vaccine or anthelmintic may not be
94 administered to that particular cat. Each cat must receive
95 vaccines and anthelmintics against the following diseases and
96 internal parasites:

- 97 1. Panleukopenia.
- 98 2. Feline viral rhinotracheitis.
- 99 3. Calici virus.
- 100 4. Rabies, if the cat is over 3 months of age and the
101 inoculation is administered by a licensed veterinarian.
- 102 5. Hookworms.
- 103 6. Roundworms.

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

112 (3) (a) Each dog or cat subject to subsection (1) or
113 subsection (2) must be accompanied by a current official
114 certificate of veterinary inspection at all times while being
115 offered for sale within the state. The examining veterinarian
116 must retain one copy of the official certificate of veterinary

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117 inspection on file for at least 1 year after the date of
118 examination. At the time of sale of the animal, one copy of the
119 official certificate of veterinary inspection must be given to
120 the buyer. The seller must retain one copy of the official
121 certificate of veterinary inspection on record for at least 1
122 year after the date of sale.

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

144 (c) The examination of each dog and cat by a veterinarian
145 must take place no more than 30 days before the sale within the

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146 state. The examination must include, but not be limited to, a
147 fecal test to determine if the dog or cat is free of internal
148 parasites, including hookworms, roundworms, tapeworms, and
149 whipworms. If the examination warrants, the dog or cat must be
150 treated with a specific anthelmintic. In the absence of a
151 definitive parasitic diagnosis, each dog or cat must be given a
152 broad spectrum anthelmintic. Each dog over 6 months of age must
153 also be tested for heartworms. Each cat must also be tested for
154 feline leukemia before being offered for sale in the state. All
155 of these tests must be performed by or under the supervision of
156 a licensed veterinarian, and the results of the tests must be
157 listed on the official certificate of veterinary inspection.

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

164 (4) A person may not transport into the state for sale or
165 offer for sale within the state any dog or cat that is less than
166 8 weeks of age.

167 (5) If, within 14 days following the sale by a pet dealer
168 of an animal subject to this section, a licensed veterinarian of
169 the consumer's choosing certifies that, at the time of the sale,
170 the animal was unfit for purchase due to illness or disease, the
171 presence of symptoms of a contagious or infectious disease, or
172 the presence of internal or external parasites, excluding fleas
173 and ticks; or if, within 1 year following the sale of an animal
174 subject to this section, a licensed veterinarian of the

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175 consumer's choosing certifies such animal to be unfit for
176 purchase due to a congenital or hereditary disorder which
177 adversely affects the health of the animal; or if, within 1 year
178 following the sale of an animal subject to this section, the
179 breed, sex, or health of such animal is found to have been
180 misrepresented to the consumer, the pet dealer shall afford the
181 consumer the right to choose one of the following options:

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

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

196 (c) The right to retain the animal and receive
197 reimbursement for reasonable veterinary costs for necessary
198 services and treatment related to the attempt to cure or curing
199 of the dog or cat.

200
201 Reimbursement for veterinary costs may not exceed the purchase
202 price of the animal. The cost of veterinary services is
203 reasonable if comparable to the cost of similar services

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204 rendered by other licensed veterinarians in proximity to the
205 treating veterinarian and the services rendered are appropriate
206 for the certification by the veterinarian.

207 (6) A consumer may sign a waiver relinquishing his or her
208 right to return the dog or cat for congenital or hereditary
209 disorders. In the case of such waiver, the consumer has 48
210 normal business hours, excluding weekends and holidays, in which
211 to have the animal examined by a licensed veterinarian of the
212 consumer's choosing. If the veterinarian certifies that, at the
213 time of sale, the dog or cat was unfit for purchase due to a
214 congenital or hereditary disorder, the pet dealer must afford
215 the consumer the right to choose one of the following options:

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

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

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

228 (8) The refund or exchange required by subsection (5) or
229 subsection (6) shall be made by the pet dealer not later than 10
230 business days following receipt of a signed veterinary
231 certification as required in subsection (5) or subsection (6).
232 The consumer must notify the pet dealer within 2 business days

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233 after the veterinarian's determination that the animal is unfit.
234 The written certification of unfitness must be presented to the
235 pet dealer not later than 3 business days following receipt
236 thereof by the consumer.

237 (9) An animal may not be determined unfit for sale on
238 account of an injury sustained or illness contracted after the
239 consumer takes possession of the animal. A veterinary finding of
240 intestinal or external parasites is not grounds for declaring a
241 dog or cat unfit for sale unless the animal is clinically ill
242 because of that condition.

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

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

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

260
261 Dogs and cats are susceptible to more than 300 genetic

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262 disorders. Certain breeds may be predisposed to
263 certain health problems. Therefore, it is recommended
264 you get a scientific screening test for your dog or
265 cat to help identify a number of genetic diseases.

266
267 It is the consumer's right, pursuant to section
268 828.29, Florida Statutes, to receive a certificate of
269 veterinary inspection with each dog or cat purchased
270 from a pet dealer. Such certificate shall list all
271 vaccines and deworming medications administered to the
272 animal and shall state that the animal has been
273 examined by a Florida-licensed veterinarian who
274 certifies that, to the best of the veterinarian's
275 knowledge, the animal was found to have been healthy
276 at the time of the veterinary examination. In the
277 event that the consumer purchases the animal and finds
278 it to have been unfit for purchase as provided in
279 section 828.29(5), Florida Statutes, the consumer must
280 notify the pet dealer within 2 business days of the
281 veterinarian's determination that the animal was
282 unfit. The consumer has the right to retain, return,
283 or exchange the animal and receive reimbursement for
284 certain related veterinary services rendered to the
285 animal, subject to the right of the dealer to have the
286 animal examined by another veterinarian.

287
288 (13) For the purposes of subsections (5)-(12) and (16), the
289 term "pet dealer" means any person, firm, partnership,
290 corporation, or other association that ~~which~~, in the ordinary

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291 course of business, engages in the sale of ~~more than two~~
292 ~~litters, or~~ 20 or more dogs or cats, per year, ~~whichever is~~
293 ~~greater,~~ to the public. This definition includes breeders of
294 animals who sell ~~such~~ animals directly to a consumer.

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

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

300 (c) The department may request that the state attorney in
301 any circuit or county institute a civil or criminal action to
302 enforce this section or the rules of the department. A person or
303 officer charged with a duty under this section may be compelled
304 to perform the duty by mandamus, injunction, or other
305 extraordinary remedy upon the application and in the name of the
306 department. Injunction shall issue without bond.

307 (d) The department shall adopt rules to administer this
308 section.

309 (15) County-operated or city-operated animal control
310 agencies and registered nonprofit humane organizations are
311 exempt from this section.

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

315 (17) A person who violates this section or any rule of the
316 department is subject to an administrative fine of up to \$10,000
317 for each offense. Upon a second or subsequent violation, the
318 department may seek enforcement pursuant to s. 120.69. ~~Except as~~
319 ~~otherwise provided in this chapter, a person who violates any~~

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320 ~~provision of this section commits a misdemeanor of the first~~
321 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

322 Section 2. One additional full-time equivalent position is
323 authorized and \$82,669 is appropriated from the General Revenue
324 Fund to the Department of Agriculture and Consumer Services for
325 the 2009-2010 fiscal year for the purpose of carrying out this
326 act.

327 Section 3. This act shall take effect July 1, 2009.