

By Senator Evers

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1 A bill to be entitled
2 An act relating to animal shelters and animal control
3 agencies; amending s. 823.15, F.S.; declaring
4 legislative priorities relating to the importation and
5 uncontrolled breeding of dogs and cats; requiring that
6 each public or private animal shelter, humane
7 organization, or animal control agency operated by a
8 humane society or by a county, municipality, or other
9 incorporated political subdivision record and maintain
10 specified records; specifying the information to be
11 included in the records; providing that the records
12 are public records within the scope of ch. 119, F.S.;
13 requiring that the animal shelter, humane
14 organization, and animal control agency make the
15 records available to the public for a specified fee;
16 amending s. 828.29, F.S.; requiring that certain
17 tests, vaccines, and drugs be administered by a
18 veterinarian to a dog or cat that is offered for
19 adoption in specified circumstances and that the
20 veterinarian issue the official certificate of
21 veterinary inspection; providing that the exemptions
22 from the requirements for tests, vaccines, and drugs
23 and the certificate of veterinary inspection for
24 certain animal control agencies and humane
25 organizations do not apply for dogs transported into
26 the state; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
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30 Section 1. Section 823.15, Florida Statutes, is amended to
31 read:

32 823.15 Dogs and cats released from animal shelters, humane
33 organizations, or animal control agencies; sterilization
34 requirement.—

35 (1) The Legislature has determined that the importation of
36 dogs and cats into, and the uncontrolled breeding of dogs and
37 cats in, this state pose risks to the well-being of dogs and
38 cats, the health of humans and animals, and the agricultural
39 interests in the state. Importation of dogs and cats from
40 overseas could result in the transmission of diseases that have
41 been eradicated in the United States to dogs and cats, other
42 animals, and humans living in this state. Uncontrolled breeding
43 results ~~The Legislature has determined that uncontrolled~~
44 ~~breeding of dogs and cats in the state results in the birth~~
45 ~~production~~ of many more puppies and kittens than are needed to
46 provide pet animals to new owners or to replace pet animals that
47 ~~which have died or become lost or to provide pet animals for new~~
48 ~~owners.~~ This leads to many dogs, cats, puppies, and kittens
49 being unwanted, becoming strays and suffering privation and
50 death, being impounded and destroyed at great expense to the
51 community, and constituting a public nuisance and public health
52 hazard. It is therefore declared to be the public policy of the
53 state that every feasible means be used to reduce the birth ~~of~~
54 ~~reducing the production~~ of unneeded and unwanted puppies and
55 kittens ~~be encouraged.~~ Crucial to this effort is determining
56 which programs result in improved adoption rates and in reduced
57 euthanasia rates for animals in shelters and animal control
58 agencies.

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59 (2) (a) Each public or private animal shelter, humane
60 organization, or animal control agency operated by a humane
61 organization or by a county, municipality, or other incorporated
62 political subdivision shall prepare and maintain the following
63 records and make them available for public inspection and
64 dissemination:

65 1. The total number of dogs and cats taken in by the animal
66 shelter, humane organization, or animal control agency, divided
67 into species, in the following categories:

- 68 a. Surrendered by owner;
69 b. Stray;
70 c. Impounded;
71 d. Confiscated; and
72 e. Imported into the state.

73
74 Feral cats shall be recorded as a separate category from other
75 cats. Species other than domestic cats and domestic dogs should
76 be recorded as "other."

77 2. Disposition of all animals taken in by a public or
78 private animal shelter, humane organization, or animal control
79 agency operated by a humane society or by a county,
80 municipality, or other incorporated political subdivision,
81 divided into species. These data must include dispositions by:

- 82 a. Adoption;
83 b. Reclaim by owner;
84 c. Death in kennel;
85 d. Destruction at the owner's request;
86 e. Transfer to another public or private animal shelter,
87 humane organization, or animal control agency operated by a

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88 humane society or by a county, municipality, or other
89 incorporated political subdivision; and

90 f. Euthanasia.

91 3. A public or private animal shelter, humane organization,
92 or animal control agency operated by a humane organization or by
93 a county, municipality, or other incorporated political
94 subdivision which routinely euthanizes dogs based on size or
95 breed alone must provide a written statement of such policy.
96 Dogs euthanized due to breed, temperament, or size must be
97 recorded and included in the calculation of the total euthanasia
98 percentage.

99 (b) Records of a public or private animal shelter, humane
100 organization, or animal control agency are public records under
101 chapter 119, and must be made available to the public for a cost
102 that does not exceed \$1 per one-sided copy.

103 (3)~~(2)~~ In furtherance of state this policy, provision shall
104 be made for the sterilization of all dogs and cats sold or
105 released for adoption from any public or private animal shelter
106 or animal control agency operated by a humane organization
107 ~~society~~ or by a county, municipality ~~city~~, or other incorporated
108 political subdivision, by ~~either~~:

109 (a) Providing sterilization by a licensed veterinarian
110 before relinquishing custody of the animal; or

111 (b) Entering into a written agreement with the person
112 proposing to adopt the dog or cat ~~adopter~~ or the purchaser of
113 the dog or cat which guarantees ~~guaranteeing~~ that the adopter or
114 purchaser will have sterilization ~~will be~~ performed within 30
115 days after the adoption or purchase or before ~~prior to~~ sexual
116 maturity. The shelter, humane organization, or animal control

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117 agency shall require a sufficient deposit from the person
118 proposing to adopt the dog or cat ~~adopter~~ or the purchaser of
119 the dog or cat, which deposit shall be refundable upon
120 presentation to the shelter or animal control agency of written
121 evidence by the veterinarian performing the sterilization that
122 the animal has been sterilized. The deposit or donation may be
123 based upon recommended guidelines established by the Florida
124 Federation of Humane Societies. A person who fails ~~failure by~~
125 ~~either party~~ to comply with ~~the provisions of~~ this paragraph
126 commits shall be a noncriminal violation as defined in s.
127 775.08(3), punishable by a fine, forfeiture, or other civil
128 penalty, and, in addition thereto, the deposit or donation shall
129 be forfeited to the shelter or animal control agency. ~~Any~~ Legal
130 fees or court costs used for the enforcement of this paragraph
131 are the responsibility of the person proposing to adopt the dog
132 or cat or the purchaser of the dog or cat ~~adopter~~. Upon the
133 request of a licensed veterinarian, and for a valid reason, the
134 shelter or animal control agency shall extend the time limit
135 within which the dog or cat ~~animal~~ must be sterilized.

136 (4)-(3) All costs of sterilization pursuant to this section
137 shall be paid by the person proposing to adopt the dog or cat or
138 the purchaser of the dog or cat ~~prospective adopter~~ unless
139 otherwise provided for by ordinance of the local governing body,
140 with respect to animal control agencies or shelters operated or
141 subsidized by a unit of local government, or provided for by the
142 humane society governing body, with respect to an animal control
143 agency or shelter operated solely by the humane society and not
144 subsidized by public funds.

145 Section 2. Section 828.29, Florida Statutes, is amended to

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146 read:

147 828.29 Dogs and cats transported or offered for sale or
148 adoption; health requirements; consumer guarantee.—

149 (1) (a) For each dog transported into the state for sale or
150 adoption, the tests, vaccines, and anthelmintics required by
151 this section must be administered by or under the direction of a
152 veterinarian, licensed by the state of origin and accredited by
153 the United States Department of Agriculture, who issues the
154 official certificate of veterinary inspection. The tests,
155 vaccines, and anthelmintics must be administered no more than 30
156 days and no less than 14 days before the dog's entry into the
157 state. The official certificate of veterinary inspection
158 certifying compliance with this section must accompany each dog
159 transported into the state for sale or adoption.

160 (b) For each dog offered for sale within the state, the
161 tests, vaccines, and anthelmintics required by this section must
162 be administered by or under the direction of a veterinarian,
163 licensed by the state and accredited by the United States
164 Department of Agriculture, who issues the official certificate
165 of veterinary inspection. The tests, vaccines, and anthelmintics
166 must be administered before the dog is offered for sale in the
167 state, unless the licensed, accredited veterinarian certifies on
168 the official certificate of veterinary inspection that to
169 inoculate or deworm the dog is not in the best medical interest
170 of the dog, in which case the vaccine or anthelmintic may not be
171 administered to that particular dog. Each dog must receive
172 vaccines and anthelmintics against the following diseases and
173 internal parasites:

174 1. Canine distemper.

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- 175 2. Leptospirosis.
- 176 3. Bordetella (by intranasal inoculation or by an
177 alternative method of administration if deemed necessary by the
178 attending veterinarian and noted on the health certificate,
179 which must be administered in this state once before sale).
- 180 4. Parainfluenza.
- 181 5. Hepatitis.
- 182 6. Canine parvo.
- 183 7. Rabies, if provided the dog is more than ~~over~~ 3 months
184 of age and the inoculation is administered by a licensed
185 veterinarian.
- 186 8. Roundworms.
- 187 9. Hookworms.

188

189 If the dog is less than ~~under~~ 4 months of age, the tests,
190 vaccines, and anthelmintics required by this section must be
191 administered no more than 21 days before sale within the state.
192 If the dog is 4 months of age or older, the tests, vaccines, and
193 anthelmintics required by this section must be administered at
194 or after 3 months of age, but no more than 1 year before sale
195 within the state.

196 (2) (a) For each cat transported into the state for sale,
197 the tests, vaccines, and anthelmintics required by this section
198 must be administered by or under the direction of a
199 veterinarian, licensed by the state of origin and accredited by
200 the United States Department of Agriculture, who issues the
201 official certificate of veterinary inspection. The tests,
202 vaccines, and anthelmintics must be administered no more than 30
203 days and no less than 14 days before the cat's entry into the

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204 state. The official certificate of veterinary inspection
205 certifying compliance with this section must accompany each cat
206 transported into the state for sale.

207 (b) For each cat offered for sale within the state, the
208 tests, vaccines, and anthelmintics required by this section must
209 be administered by or under the direction of a veterinarian,
210 licensed by the state and accredited by the United States
211 Department of Agriculture, who issues the official certificate
212 of veterinary inspection. The tests, vaccines, and anthelmintics
213 must be administered before the cat is offered for sale in the
214 state, unless the licensed, accredited veterinarian certifies on
215 the official certificate of veterinary inspection that to
216 inoculate or deworm the cat is not in the best medical interest
217 of the cat, in which case the vaccine or anthelmintic may not be
218 administered to that particular cat. Each cat must receive
219 vaccines and anthelmintics against the following diseases and
220 internal parasites:

221 1. Panleukopenia.

222 2. Feline viral rhinotracheitis.

223 3. Calici virus.

224 4. Rabies, if the cat is more than ~~over~~ 3 months of age and
225 the inoculation is administered by a licensed veterinarian.

226 5. Hookworms.

227 6. Roundworms.

228
229 If the cat is less than ~~under~~ 4 months of age, the tests,
230 vaccines, and anthelmintics required by this section must be
231 administered no more than 21 days before sale within the state.
232 If the cat is 4 months of age or older, the tests, vaccines, and

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233 anthelmintics required by this section must be administered at
234 or after 3 months of age, but no more than 1 year before sale
235 within the state.

236 (3) (a) Each dog or cat subject to subsection (1) or
237 subsection (2) must be accompanied by a current official
238 certificate of veterinary inspection at all times while being
239 offered for sale within the state. The examining veterinarian
240 must retain one copy of the official certificate of veterinary
241 inspection on file for at least 1 year after the date of
242 examination. At the time of sale of the animal, one copy of the
243 official certificate of veterinary inspection must be given to
244 the buyer. The seller must retain one copy of the official
245 certificate of veterinary inspection on record for at least 1
246 year after the date of sale.

247 (b) The term "official certificate of veterinary
248 inspection" means a legible certificate of veterinary inspection
249 signed by the examining veterinarian licensed by the state of
250 origin and accredited by the United States Department of
251 Agriculture, which ~~that~~ shows the age, sex, breed, color, and
252 health record of the dog or cat, the printed or typed names and
253 addresses of the person or business from whom the animal was
254 obtained, the consignor or seller, the consignee or purchaser,
255 and the examining veterinarian, and the veterinarian's license
256 number. The official certificate of veterinary inspection must
257 list all vaccines and deworming medications administered to the
258 dog or cat, including the manufacturer, vaccine, type, lot
259 number, expiration date, and the dates of administration
260 thereof, and must state that the examining veterinarian warrants
261 that, to the best of his or her knowledge, the animal has no

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262 sign of contagious or infectious diseases and has no evidence of
263 internal or external parasites, including coccidiosis and ear
264 mites, but excluding fleas and ticks. The Department of
265 Agriculture and Consumer Services shall supply the official
266 intrastate certificate of veterinary inspection required by this
267 section at cost.

268 (c) The examination of each dog and cat by a veterinarian
269 must take place no more than 30 days before the sale within the
270 state. The examination must include, but need not be limited to,
271 a fecal test to determine if the dog or cat is free of internal
272 parasites, including hookworms, roundworms, tapeworms, and
273 whipworms. If the examination warrants, the dog or cat must be
274 treated with a specific anthelmintic. In the absence of a
275 definitive parasitic diagnosis, each dog or cat must be given a
276 broad spectrum anthelmintic. Each dog older than ~~over~~ 6 months
277 of age must also be tested for heartworms. Each cat must also be
278 tested for feline leukemia before being offered for sale in the
279 state. All of these tests must be performed by or under the
280 supervision of a licensed veterinarian, and the results of the
281 tests must be listed on the official certificate of veterinary
282 inspection.

283 (d) All dogs and cats offered for sale and copies of
284 certificates held by the seller and veterinarian are subject to
285 inspection by any agent of the Department of Agriculture and
286 Consumer Services, any agent of the United States Department of
287 Agriculture, any law enforcement officer, or any agent appointed
288 under s. 828.03.

289 (4) A person may not transport into the state for sale or
290 offer for sale within the state any dog or cat that is less than

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291 8 weeks of age.

292 (5) If, within 14 days following the sale by a pet dealer
293 of an animal subject to this section, a licensed veterinarian of
294 the consumer's choosing certifies that, at the time of the sale,
295 the animal was unfit for purchase due to illness or disease, the
296 presence of symptoms of a contagious or infectious disease, or
297 the presence of internal or external parasites, excluding fleas
298 and ticks; or if, within 1 year following the sale of an animal
299 subject to this section, a licensed veterinarian of the
300 consumer's choosing certifies such animal to be unfit for
301 purchase due to a congenital or hereditary disorder that ~~which~~
302 adversely affects the health of the animal; or if, within 1 year
303 following the sale of an animal subject to this section, the
304 breed, sex, or health of such animal is found to have been
305 misrepresented to the consumer, the pet dealer shall afford the
306 consumer the right to choose one of the following options:

307 (a) The right to return the animal and receive a refund of
308 the purchase price, including the sales tax, and reimbursement
309 for reasonable veterinary costs directly related to the
310 veterinarian's examination and certification that the dog or cat
311 is unfit for purchase pursuant to this section and directly
312 related to necessary emergency services and treatment undertaken
313 to relieve suffering;

314 (b) The right to return the animal and receive an exchange
315 dog or cat of the consumer's choice of equivalent value, and
316 reimbursement for reasonable veterinary costs directly related
317 to the veterinarian's examination and certification that the dog
318 or cat is unfit for purchase pursuant to this section and
319 directly related to necessary emergency services and treatment

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320 undertaken to relieve suffering; or

321 (c) The right to retain the animal and receive
322 reimbursement for reasonable veterinary costs for necessary
323 services and treatment related to the attempt to cure or curing
324 of the dog or cat.

325

326 Reimbursement for veterinary costs may not exceed the purchase
327 price of the animal. The cost of veterinary services is
328 reasonable if comparable to the cost of similar services
329 rendered by other licensed veterinarians in proximity to the
330 treating veterinarian and the services rendered are appropriate
331 for the certification by the veterinarian.

332 (6) A consumer may sign a waiver relinquishing his or her
333 right to return the dog or cat for congenital or hereditary
334 disorders. In the case of such waiver, the consumer has 48
335 normal business hours, excluding weekends and holidays, in which
336 to have the animal examined by a licensed veterinarian of the
337 consumer's choosing. If the veterinarian certifies that, at the
338 time of sale, the dog or cat was unfit for purchase due to a
339 congenital or hereditary disorder, the pet dealer must afford
340 the consumer the right to choose one of the following options:

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

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

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

353 (8) The refund or exchange required by subsection (5) or
354 subsection (6) shall be made by the pet dealer not later than 10
355 business days following receipt of a signed veterinary
356 certification as required in subsection (5) or subsection (6).
357 The consumer must notify the pet dealer within 2 business days
358 after the veterinarian's determination that the animal is unfit.
359 The written certification of unfitness must be presented to the
360 pet dealer not later than 3 business days following receipt
361 thereof by the consumer.

362 (9) An animal may not be determined unfit for sale on
363 account of an injury sustained or illness contracted after the
364 consumer takes possession of the animal. A veterinary finding of
365 intestinal or external parasites is not grounds for declaring a
366 dog or cat unfit for sale unless the animal is clinically ill
367 because of that condition.

368 (10) If a pet dealer wishes to contest a demand for
369 veterinary expenses, refund, or exchange made by a consumer
370 under this section, the dealer may require the consumer to
371 produce the animal for examination by a licensed veterinarian
372 designated by the dealer. Upon such examination, if the consumer
373 and the dealer are unable to reach an agreement that constitutes
374 one of the options set forth in subsection (5) or subsection (6)
375 within 10 business days following receipt of the animal for such
376 examination, the consumer may initiate an action in a court of
377 competent jurisdiction to recover or obtain reimbursement of

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378 veterinary expenses, refund, or exchange.

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

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

385

386 It is the consumer's right, pursuant to section
387 828.29, Florida Statutes, to receive a certificate of
388 veterinary inspection with each dog or cat purchased
389 from a pet dealer. Such certificate shall list all
390 vaccines and deworming medications administered to the
391 animal and shall state that the animal has been
392 examined by a Florida-licensed veterinarian who
393 certifies that, to the best of the veterinarian's
394 knowledge, the animal was found to have been healthy
395 at the time of the veterinary examination. In the
396 event that the consumer purchases the animal and finds
397 it to have been unfit for purchase as provided in
398 section 828.29(5), Florida Statutes, the consumer must
399 notify the pet dealer within 2 business days of the
400 veterinarian's determination that the animal was
401 unfit. The consumer has the right to retain, return,
402 or exchange the animal and receive reimbursement for
403 certain related veterinary services rendered to the
404 animal, subject to the right of the dealer to have the
405 animal examined by another veterinarian.

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

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

417 (15) County-operated or city-operated animal control
418 agencies and registered nonprofit humane organizations are
419 exempt from this section except for paragraph (1)(a).

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

423 (17) Except as otherwise provided in this chapter, a person
424 who violates any provision of this section commits a misdemeanor
425 of the first degree, punishable as provided in s. 775.082 or s.
426 775.083.

427 Section 3. This act shall take effect July 1, 2012.