

By Senator Soto

14-01110-13

20131596__

1 A bill to be entitled
2 An act relating to the commercial breeding of animals;
3 defining terms; requiring commercial breeders to
4 comply with certain federal animal welfare standards
5 and rules adopted by the Department of Business and
6 Professional Regulation that require compliance with
7 future amendments to the standards; requiring
8 commercial breeders to register with the department;
9 providing for registration applications and fees;
10 providing for the inspection and annual reinspection
11 of locations where commercial breeders house animals;
12 providing for the expiration and renewal of
13 registrations; prohibiting certain acts by commercial
14 breeders; providing administrative and criminal
15 penalties; specifying that certain proceedings are
16 governed by the Administrative Procedure Act;
17 authorizing the department to adopt rules; providing
18 an effective date.

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

21
22 Section 1. Commercial breeding of animals; animal welfare
23 standards; registration and inspection of commercial breeders;
24 penalties.-

25 (1) As used in this section, the term:

26 (a) "Animal" means a dog or cat as defined in 9 C.F.R. s.
27 1.1.

28 (b) "Commercial breeder" means a person who owns,
29 possesses, controls, or otherwise has custody of 11 or more

14-01110-13

20131596__

30 female animals that have intact sexual organs and who is engaged
31 in the business of breeding animals for sale.

32 (c) "Department" means the Department of Business and
33 Professional Regulation.

34 (d) "Federal animal welfare standards" means the
35 requirements for humane handling, care, treatment, housing,
36 temperature, exhibition, and transportation of animals as
37 provided in 9 C.F.R. part 3.

38 (2) A commercial breeder, regardless of whether the breeder
39 is subject to regulation by the United States Department of
40 Agriculture under 9 C.F.R. part 2, must comply with the federal
41 animal welfare standards in this state. If the United States
42 Department of Agriculture amends the federal animal welfare
43 standards, the Department of Business and Professional
44 Regulation may adopt rules requiring that commercial breeders
45 comply with the amended standards.

46 (3) (a) Before engaging in the business of breeding animals
47 for sale, a commercial breeder must register with the department
48 on forms prescribed by the department.

49 (b) A registration application must include the address of
50 each location where the applicant will house animals. Before
51 approving an applicant's registration, the department must
52 conduct an onsite inspection of each location. A registration is
53 only valid for a location listed on the registration. A
54 registrant, before housing animals at any other location, must
55 notify the department of such location on forms prescribed by
56 the department. The department shall annually reinspect each
57 location where a registrant houses animals.

58 (c) An application for an initial or renewal registration

14-01110-13

20131596__

59 must be accompanied by a registration fee prescribed by the
60 department which, in the aggregate, does not exceed the
61 department's actual costs of administering this section.

62 (d) If an application is complete and is accompanied by the
63 registration fee and, upon inspection, the department determines
64 that the applicant has complied with the federal animal welfare
65 standards pursuant to subsection (2), the department shall
66 approve the applicant's registration.

67 (e) Except as provided in this paragraph, a registration is
68 valid for 2 years. A registration must be renewed on or before
69 its expiration date. In order to establish staggered expiration
70 dates, the department may extend the expiration date of an
71 initial registration for a period not to exceed 12 months.

72 (4) A commercial breeder may not:

73 (a) Engage in the business of breeding animals for sale
74 without being registered with the department under this section.

75 (b) Refuse to allow the department to inspect any location
76 where the breeder houses animals.

77 (c) Violate any provision of the federal animal welfare
78 standards provided in 9 C.F.R. part 3 or rules adopted by the
79 department which require compliance with amendments to the
80 standards.

81 (d) Violate any provision of this section.

82 (5) The department may enter an order doing one or more of
83 the following if the department finds that a commercial breeder
84 has violated or is operating in violation of this section or the
85 rules or orders issued in accordance with this section:

86 (a) Issuing a notice of noncompliance under s. 120.695,
87 Florida Statutes.

14-01110-13

20131596__

88 (b) Imposing an administrative fine not to exceed \$5,000
89 for each act or omission.

90 (c) Directing the breeder to cease and desist specified
91 activities.

92 (d) Refusing to register or revoking or suspending a
93 registration.

94 (e) Placing the registrant on probation for a specified
95 period, subject to the conditions specified by the department.

96 (6) Administrative proceedings that may result in the entry
97 of an order imposing any of the penalties specified in
98 subsection (5) are governed by chapter 120, Florida Statutes.

99 (7) Effective October 1, 2013, a commercial breeder who
100 engages in the business of breeding animals for sale without
101 being registered with the department under this section commits
102 a felony of the third degree, punishable as provided in s.
103 775.082, s. 775.083, or s. 775.084, Florida Statutes.

104 (8) The department may adopt rules to administer this
105 section.

106 Section 2. This act shall take effect July 1, 2013.