

By Senator Sobel

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1 A bill to be entitled
2 An act relating to sales of dogs and cats; amending s.
3 828.29, F.S.; requiring that a certificate of
4 veterinary inspection for a dog or cat offered for
5 sale within the state or by a seller located within
6 the state be prepared by a veterinarian licensed by
7 the state of the dog's or cat's origin; specifying
8 additional diseases and conditions that a certificate
9 of veterinary inspection must address; requiring
10 additional information to be included in the
11 certificate; reducing the time period in which the
12 veterinary examination must take place; providing
13 requirements for the display of the official
14 certificate of veterinary inspection or other
15 specified information; prohibiting the knowing
16 misrepresentation of the origin of a cat or dog;
17 creating s. 828.295, F.S.; providing definitions;
18 prohibiting the offer for sale or donation of cats and
19 dogs at certain locations; providing exceptions;
20 providing criminal penalties; providing enhanced
21 criminal penalties for certain violations; providing
22 an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsections (1), (2), (3), (4), and (16) of
27 section 828.29, Florida Statutes, are amended to read:

28 828.29 Dogs and cats transported or offered for sale;
29 health and notice requirements; consumer guarantee.—

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30 (1) (a) For each dog transported into the state for sale,
31 the tests, vaccines, and anthelmintics required by this section
32 must be administered by or under the direction of a
33 veterinarian, licensed by the state of origin of the dog and
34 accredited by the United States Department of Agriculture, who
35 issues the official certificate of veterinary inspection. The
36 tests, vaccines, and anthelmintics must be administered no more
37 than 30 days and no less than 14 days before the dog's entry
38 into the state. The official certificate of veterinary
39 inspection certifying compliance with this section must
40 accompany each dog transported into the state for sale.

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

- 56 1. Canine distemper.
- 57 2. Leptospirosis.
- 58 3. Bordetella (by intranasal inoculation or by an

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59 alternative method of administration if deemed necessary by the
60 attending veterinarian and noted on the health certificate,
61 which must be administered in this state once before sale).

62 4. Parainfluenza.

63 5. Hepatitis.

64 6. Canine parvo.

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

67 8. Roundworms.

68 9. Hookworms.

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

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

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88 (b) For each cat offered for sale within the state or by a
89 seller located within the state, the tests, vaccines, and
90 anthelmintics required by this section must be administered by
91 or under the direction of a veterinarian, licensed by the state
92 of origin of the cat and accredited by the United States
93 Department of Agriculture, who issues the official certificate
94 of veterinary inspection. The tests, vaccines, and anthelmintics
95 must be administered before the cat is offered for sale in the
96 state or by a seller located within the state, unless the
97 licensed, accredited veterinarian certifies on the official
98 certificate of veterinary inspection that to inoculate or deworm
99 the cat is not in the best medical interest of the cat, in which
100 case the vaccine or anthelmintic may not be administered to that
101 particular cat. Each cat must receive vaccines and anthelmintics
102 against the following diseases and internal parasites:

- 103 1. Panleukopenia.
- 104 2. Feline viral rhinotracheitis.
- 105 3. Calici virus.
- 106 4. Rabies, if the cat is over 3 months of age and the
107 inoculation is administered by a licensed veterinarian.
- 108 5. Hookworms.
- 109 6. Roundworms.

110
111 If the cat is under 4 months of age, the tests, vaccines, and
112 anthelmintics required by this section must be administered no
113 more than 21 days before sale within the state. If the cat is 4
114 months of age or older, the tests, vaccines, and anthelmintics
115 required by this section must be administered at or after 3
116 months of age, but no more than 1 year before sale within the

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117 state.

118 (3) (a) Each dog or cat subject to subsection (1) or
119 subsection (2) must be accompanied by a current official
120 certificate of veterinary inspection at all times while being
121 offered for sale within the state or by a seller located within
122 the state. The examining veterinarian must retain one copy of
123 the official certificate of veterinary inspection on file for at
124 least 1 year after the date of examination. At the time of sale
125 of the animal, one copy of the official certificate of
126 veterinary inspection must be given to the buyer. The seller
127 must retain one copy of the official certificate of veterinary
128 inspection on record for at least 1 year after the date of sale.

129 (b) The term "official certificate of veterinary
130 inspection" means a legible certificate of veterinary inspection
131 signed by the examining veterinarian licensed by the animal's
132 state of origin and accredited by the United States Department
133 of Agriculture, that shows the age, sex, breed, color, and
134 health record of the dog or cat, the printed or typed names and
135 addresses of the person or business from whom the animal was
136 obtained, the consignor or seller, the consignee or purchaser,
137 and the examining veterinarian, and the veterinarian's license
138 number. The official certificate of veterinary inspection must
139 list all vaccines and deworming medications administered to the
140 dog or cat, including the manufacturer, vaccine, type, lot
141 number, expiration date, and the dates of administration
142 thereof, and must state that the examining veterinarian warrants
143 that, to the best of his or her knowledge, the animal has no
144 sign of contagious or infectious diseases, including, but not
145 limited to, bordetella, and has no evidence of internal or

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146 external parasites, including, but not limited to, coccidiosis,
147 giardia, and ear mites, but excluding fleas and ticks. The
148 Department of Agriculture and Consumer Services shall supply the
149 official intrastate certificate of veterinary inspection
150 required by this section at cost. The official certificate of
151 veterinary inspection must include the printed or typed full
152 name and address of the breeder of the animal, any United States
153 Department of Agriculture license number and state-issued
154 license number of the breeder, and any federal or tax
155 identification number and employer identification number of the
156 breeder.

157 (c) The examination of each dog and cat by a veterinarian
158 must take place no more than 15 ~~30~~ days before the date of the
159 sale or the date of the transfer of the animal, whichever is
160 later, within the state or by a seller located within the state.
161 The examination must include, but not be limited to, a fecal
162 test to determine whether ~~if~~ the dog or cat is free of internal
163 parasites, including hookworms, roundworms, tapeworms, and
164 whipworms. If the examination warrants, the dog or cat must be
165 treated with a specific anthelmintic. In the absence of a
166 definitive parasitic diagnosis, each dog or cat must be given a
167 broad spectrum anthelmintic. Each dog over 6 months of age must
168 also be tested for heartworms. Each cat must also be tested for
169 feline leukemia before being offered for sale in the state. All
170 of these tests must be performed by or under the supervision of
171 a licensed veterinarian, and the results of the tests must be
172 listed on the official certificate of veterinary inspection.

173 (d) All dogs and cats offered for sale and copies of
174 certificates held by the seller and veterinarian are subject to

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175 inspection by any agent of the Department of Agriculture and
176 Consumer Services, any agent of the United States Department of
177 Agriculture, any law enforcement officer, or any agent appointed
178 under s. 828.03.

179 (e) For a dog subject to paragraph (1)(b) or a cat subject
180 to paragraph (2)(b), if the animal is offered for sale:

181 1. At a retail pet store, the official certificate of
182 veterinary inspection must be continuously displayed on or next
183 to the enclosure of the animal so as to be readable by any
184 interested customer.

185 2. Via the Internet, the official certificate of veterinary
186 inspection must be continuously displayed or continuously made
187 available on the webpage on which the animal appears for sale so
188 as to be readable by any interested customer.

189 3. Via any other means, the seller must disclose the
190 printed or typed full name and full address of the breeder of
191 the animal, any United States Department of Agriculture license
192 number and state-issued license number of the breeder, and any
193 federal or tax identification number and employer identification
194 number of the breeder.

195 (4) A person may not transport into the state for sale or
196 offer for sale as a seller located within the state any dog or
197 cat that is less than 8 weeks of age.

198 (16) A pet dealer may not knowingly misrepresent the breed,
199 sex, origin, or health of any dog or cat offered for sale within
200 the state.

201 Section 2. Section 828.295, Florida Statutes, is created to
202 read:

203 828.295 Sales of live dogs and cats prohibited in certain

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204 locations.-

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

206 (a) "Highway" means the entire width between the boundary
207 lines of every way or place of whatever nature, publicly
208 maintained and open to the use of the public for the purpose of
209 vehicular travel, including, but not limited to, streets,
210 bridges, causeways, tunnels, and ferries.

211 (b) "Right-of-way" means the privilege of the immediate use
212 of the highway.

213 (2) (a) A person may not willfully sell, offer for sale or
214 exchange, offer for donation, display, or donate any live dog or
215 cat on any highway or right-of-way; at any flea market,
216 commercial or retail parking lot, public park, public
217 playground, public swimming pool, or any other public
218 recreational area; or on any property adjacent to such a
219 location within the state, regardless of whether the person's
220 access to the location is authorized.

221 (b) This section does not apply to:

222 1. A humane society registered with the Department of
223 State, a municipal or county animal control unit, any society or
224 association for the prevention of cruelty to animals, or a
225 nonprofit organization sponsoring a dog or cat adoption event.

226 2. The offering of dogs or cats for sale at a private
227 residence.

228 3. The offering of dogs or cats for sale by a paid entrant
229 to a competitive cat or dog show, provided that the sale occurs
230 on the premises and within the confines of the show.

231 (3) (a) Except as provided in paragraphs (b) and (c), a
232 person who violates this section commits a misdemeanor of the

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233 second degree, punishable as provided in s. 775.082 or s.
234 775.083.

235 (b) A person who violates this section for the first time
236 and by that violation causes or permits a live dog or cat to
237 suffer or be injured, or causes or permits a live dog or cat to
238 be placed in a situation in which its life or health may be
239 endangered, commits a misdemeanor of the first degree,
240 punishable as provided in s. 775.082 or s. 775.083.

241 (c) A person who violates this section for a second or
242 subsequent time commits a misdemeanor of the first degree,
243 punishable as provided in s. 775.082 or s. 775.083.

244 Section 3. This act shall take effect July 1, 2013.