

HB 417

2013

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 penalties; specifying that certain
15 proceedings are governed by the Administrative
16 Procedure Act; authorizing the department to adopt
17 rules; providing an effective date.

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

20
21 Section 1. Commercial breeding of animals; animal welfare
22 standards; registration and inspection of commercial breeders;
23 penalties.—

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

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

26 1.1.

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

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

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

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

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

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

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

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57 | (c) An application for an initial or renewal registration
58 | must be accompanied by a registration fee prescribed by the
59 | department which, in the aggregate, does not exceed the
60 | department's actual costs of administering this section.

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

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

71 | (4) A commercial breeder may not:

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

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

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

80 | (d) Violate any provision of this section.

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

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

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

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

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

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

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

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

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

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