

By Senator Taddeo

40-00202B-19

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1 A bill to be entitled
2 An act relating to contracts for the sale or lease of
3 pets; creating s. 828.32, F.S.; providing legislative
4 intent; defining the term "pet"; declaring that
5 certain contracts entered into on or after a specified
6 date for the sale or lease of a pet are void and
7 unenforceable as being against the public policy of
8 this state; providing an exception; providing remedies
9 for noncompliance; providing penalties; providing an
10 effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14 Section 1. Section 828.32, Florida Statutes, is created to
15 read:

16 828.32 Contracts for the sale or lease of pets.-

17 (1) It is the intent of the Legislature to protect
18 consumers in this state from deceptive and predatory financing
19 arrangements and to protect pets from the harmful effects of
20 such arrangements by making it a policy of the state to prohibit
21 the leasing of pets.

22 (2) As used in this section, the term:

23 (a) "Pet" means a living animal that has been acquired for
24 the primary purpose of providing companionship to the owner,
25 rather than for a business or agricultural purpose.

26 (b) "Pet dealer" has the same meaning as in s. 828.29(13).

27 (3) A contract entered into on or after July 1, 2019, to do
28 any of the following is against the public policy of this state
29 and is void and unenforceable:

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30 (a) Transfer ownership of a pet, if the pet is used as
31 collateral for the contract or is subject to repossession in any
32 manner upon default of the contract. Such prohibition does not
33 apply to sales in which payments are made to repay an unsecured
34 loan for the purchase of the animal.

35 (b) Lease a pet, if the contract provides for or offers the
36 option of transferring ownership of the animal at the end of the
37 lease term.

38 (4) In addition to any other remedies provided by law, the
39 consumer taking possession of a pet transferred under a contract
40 described in this section is the owner of the pet and is
41 entitled to the return of all amounts the consumer paid under
42 such contract.

43 (5) A person who offers a pet for lease or as collateral
44 for a contract in violation of this section commits a
45 noncriminal violation as defined in s. 775.08(3) and upon
46 conviction shall be punished as provided in s. 775.082(5) by a
47 civil fine of not more than \$500 for a first violation and not
48 more than \$1,000 for a second or subsequent violation.

49 Section 2. This act shall take effect July 1, 2019.