

1 A bill to be entitled
2 An act relating to pet stores; creating part XVII of
3 ch. 468, F.S.; creating s. 468.901, F.S.; providing a
4 short title; creating s. 468.903, F.S.; providing
5 definitions; creating s. 468.905, F.S.; requiring pet
6 stores to be licensed; providing licensure
7 requirements; creating s. 468.907, F.S.; authorizing
8 pet stores to transfer or sell household pets under
9 certain circumstances; defining the term "qualified
10 breeder"; limiting the sources from which pet stores
11 may acquire pets for sale; providing certain
12 restrictions on the sale of household pets; requiring
13 certain documentation for the sale of household pets;
14 prohibiting an owner, manager, or employee of a pet
15 store from fraudulently altering or providing false
16 information; requiring a pet store to provide
17 specified information to the person purchasing a
18 household pet and to keep such information for a
19 specified time period; providing requirements for
20 household pets housed at pet stores; creating s.
21 468.909, F.S.; requiring the department to conduct
22 periodic inspections of pet stores and audit certain
23 records; authorizing the department to contract with
24 veterinarians to conduct inspections; creating s.
25 468.911, F.S.; requiring denial of a license under

26 certain circumstances; authorizing disciplinary action
 27 against licensees and applicants for licensure under
 28 certain circumstances; authorizing the department to
 29 adopt rules; creating s. 468.913, F.S.; authorizing
 30 civil actions; creating s. 468.915, F.S.; providing
 31 criminal penalties; creating s. 468.917, F.S.;
 32 providing for deposit of funds; creating s. 468.919,
 33 F.S.; preempting county and municipal regulations;
 34 providing a contingent effective date.

35

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

37

38 Section 1. Part XVII of chapter 468, Florida Statutes,
 39 consisting of ss. 468.901, 468.903, 468.905, 468.907, 468.909,
 40 468.911, 468.913, 468.915, 468.917, and 468.919, Florida
 41 Statutes, is created to read:

42

43 PART XVII

44 HOUSEHOLD PET STORES

45 468.901 Short title.—Sections 468.901-468.919, may be
 46 cited as the "Florida Pet Protection Act."

47 468.903 Definitions.—As used in this part, the term:

48 (1) "Accredited veterinarian" means a veterinarian
 49 accredited by the United States Department of Agriculture.

50 (2) "Adult cat" means a domesticated cat that is at least

51 1 year of age.

52 (3) "Adult dog" means a domesticated dog that is at least
53 1 year of age.

54 (4) "Animal rescue" means a nonprofit organization exempt
55 from federal income taxation under s. 501(c)(3) of the United
56 States Internal Revenue Code which keeps, houses, and maintains
57 household pets, and is dedicated to the welfare, health, safety,
58 protection, and humane treatment of such pets. The term includes
59 an organization that offers spayed or neutered household pets
60 for adoption and charges a reasonable adoption fee to cover the
61 organization's costs, including costs related to spaying or
62 neutering the pets.

63 (5) "Animal shelter" means a public or private facility
64 operated by a nonprofit organization exempt from federal income
65 taxation under s. 501(c)(3) of the United States Internal
66 Revenue Code, which keeps, houses, and maintains household pets,
67 such as a county or municipal animal control agency or pound,
68 humane society, animal welfare society, society for the
69 prevention of cruelty to animals, or other nonprofit
70 organization devoted to the welfare, health, safety, protection,
71 and humane treatment of household pets.

72 (6) "Department" means the Department of Business and
73 Professional Regulation.

74 (7) "Hobby breeder" means an establishment that:

75 (a) Sells no more than four puppies or adult dogs, and no

76 more than four kittens or adult cats, in any calendar year; or

77 (b) Keeps, houses, and maintains in any location no more
78 than three intact adult female dogs, one intact male adult dog,
79 three intact adult female cats, and one intact male adult cat.

80 (8) "Household pet" means a domesticated dog or cat.

81 (9) "Intact" means the reproductive organs of a dog or cat
82 are unaltered through spaying or neutering.

83 (10) "Kitten" means a domesticated cat younger than 1 year
84 of age.

85 (11) "Pet broker" means a person who buys, sells, or
86 offers for sale household pets at wholesale for resale to
87 another or who sells or gives one or more pets to a pet store.

88 (12) "Pet store" means a licensed retail store that sells
89 or offers for sale household pets to the public and, with
90 respect to such sales, the store's salesperson, the person
91 purchasing the pet, and the pet being sold are each physically
92 present during the sale so that the person purchasing the pet
93 may personally observe the pet and help ensure its health before
94 taking custody.

95 (13) "Professional breeder" means an establishment that,
96 in exchange for money or other consideration, sells five or more
97 puppies or adult dogs, or five or more kittens or adult cats, in
98 any calendar year. The term does not include an animal rescue or
99 animal shelter.

100 (14) "Puppy" means a domesticated dog younger than 1 year

101 of age.

102 (15) "Veterinarian" means a health care practitioner
 103 licensed under chapter 474, or licensed out of state by an
 104 applicable state entity, to engage in the practice of veterinary
 105 medicine.

106 468.905 Licensure of pet stores.-

107 (1) A person may not operate a pet store without having a
 108 valid pet store license issued by the department in accordance
 109 with this section. An animal rescue or animal shelter is not
 110 required to be licensed as a pet store unless it purchases
 111 household pets for resale from a pet broker or professional
 112 breeder.

113 (2) An applicant for a pet store license must apply to the
 114 department in a format prescribed by the department. Upon
 115 licensure, the department shall assign a unique license number
 116 for each licensed location.

117 (3) A license is valid for 1 year and may be renewed
 118 annually at a time that may be determined by the department. An
 119 application for renewal of a pet store license must be submitted
 120 to the department in a format prescribed by the department.

121 (4) A pet store without a valid license may not display,
 122 offer for sale, deliver, barter, auction, broker, give away,
 123 transfer, or sell a household pet from the store.

124 468.907 Sale or transfer of household pets by pet stores.-

125 (1) As used in this section, the term "qualified breeder"

126 means a professional breeder located inside or outside the state
127 who meets all of the following requirements:

128 (a) Is licensed by the United States Department of
129 Agriculture under the United States Animal Welfare Act, 7 U.S.C.
130 s. 2133 and, if required, by a state agency.

131 (b) Has not been issued a report of a direct noncompliance
132 violation by the United States Department of Agriculture under
133 the United States Animal Welfare Act, 7 U.S.C. ss. 2131 et seq.,
134 for 2 years before offering for sale, delivering, bartering,
135 auctioning, brokering, giving away, transferring, or selling a
136 household pet.

137 (c) Has not had three or more noncompliance violations
138 documented in any report issued by the United States Department
139 of Agriculture under the United States Animal Welfare Act, 7
140 U.S.C. ss. 2131 et seq., for 1 year before offering for sale,
141 delivering, bartering, auctioning, brokering, giving away,
142 transferring, or selling a household pet.

143 (2) A pet store may not display, offer for sale, deliver,
144 barter, auction, broker, give away, transfer, or sell a
145 household pet unless such pet was acquired from one of the
146 following:

147 (a) A qualified breeder.

148 (b) A hobby breeder.

149 (c) An animal rescue.

150 (d) An animal shelter.

151 (e) Another pet store.

152 (f) A pet broker; however, if the pet broker acquires the
153 pet from a professional breeder, only if the breeder is a
154 qualified breeder.

155 (3) A pet store may not display, offer for sale, deliver,
156 barter, auction, broker, give away, transfer, or sell a
157 household pet:

158 (a) Younger than 8 weeks of age.

159 (b) Without an implanted identification microchip.

160 (c) Without a health certificate signed by an accredited
161 veterinarian.

162 (d) To a person younger than 18 years of age as verified
163 by a valid driver license, state identification card, or other
164 government-issued identification card bearing a photograph of
165 the cardholder.

166 (e) Acquired from a qualified breeder or pet broker,
167 unless the pet store provides to the person acquiring the pet,
168 before completing the transaction, a written certification that
169 includes the following:

170 1. The name, address, and United States Department of
171 Agriculture license number, if applicable, of the qualified
172 breeder.

173 2. A copy of the qualified breeder's most recent United
174 States Department of Agriculture inspection report, if
175 applicable.

176 3. The household pet's date of birth, if known.

177 4. The date the pet store acquired the household pet.

178 5. The breed, gender, color, and any identifying marks of
179 the household pet.

180 6. A statement signed by an accredited veterinarian that
181 describes any known disease, illness, or congenital or
182 hereditary condition that adversely affects the health of the
183 household pet at the time of examination.

184 7. A document signed by the owner or a manager or employee
185 of the pet store certifying the accuracy of all required
186 information provided under this paragraph. A pet store shall
187 keep a copy of the certification for at least 3 years after the
188 date of acquisition by the person of the household pet.

189
190 The owner or a manager or employee of a pet store may not
191 fraudulently alter or provide false information on a
192 certification provided under this paragraph.

193 (4) A pet store must provide to a person purchasing a
194 household pet:

195 (a) The pet's microchip identification number.

196 (b) The complete name, address, and telephone number of
197 all professional breeders or other persons who kept, housed, or
198 maintained the pet before acquisition of the pet store or proof
199 that the pet was acquired through an animal rescue or animal
200 shelter.

201 (c) A photograph or digital image of both of the pet's
202 parents; sire and dam.

203
204 A pet store shall keep a copy of such documentation for at least
205 3 years after the date of acquisition of the household pet.

206 (5) A pet store must provide and maintain all of the
207 following:

208 (a) Flooring in the primary enclosures housing household
209 pets that must be constructed of a solid surface or, if grid-
210 style or wire flooring is used, the surface must be covered with
211 a rubberized or coated material that prevents a pet's toe or
212 foot from passing through or being entrapped by the flooring. A
213 pet store must clean all primary enclosures daily, or as often
214 as necessary to prevent accumulation of waste, and keep a
215 sanitation log of such cleanings.

216 (b) An isolation enclosure with separate ventilation that
217 allows a household pet to be kept separately from other pets
218 while under veterinarian-directed observation.

219 (c) Climate control that ensures temperatures in primary
220 and isolation enclosures are kept between 67 to 78 degrees at
221 all times. A pet store must keep daily logs of temperatures in
222 such enclosures and, if temperatures fall outside the required
223 range, records of corrective actions detailing steps taken to
224 adjust temperatures.

225 (d) A veterinarian licensed in this state who visits the

226 pet store at least 3 times a week to observe the condition of
227 the pets' health and overall well-being.

228 (e) A dog trainer who visits the pet store at least once a
229 week to assist with any behavioral or training issues.

230 (f) An enrichment program for puppies consisting of
231 exercise and socialization for 30 minutes at least twice a day
232 and must keep a log of the daily activities for each puppy.

233 (g) Photographs, digital images, or video footage
234 depicting all breeding facilities from which the pet store
235 acquires household pets.

236 468.909 Inspections.-

237 (1) (a) At least once annually, the department shall
238 inspect each pet store subject to licensure to ensure compliance
239 with this part and any rules adopted or orders issued under this
240 part, including an audit of records maintained in accordance
241 with s. 468.907(3) (e) and (4).

242 (b) The department may also conduct an inspection upon
243 receipt of a complaint or other information alleging a violation
244 of this part or any rules adopted or orders issued under this
245 part.

246 (2) The department shall establish procedures for
247 conducting inspections and making records of inspections.
248 Inspections shall be conducted during regular business hours in
249 accordance with the department's procedures and may be conducted
250 without prior notice. A record of each inspection shall be made

251 by the department in accordance with the established procedures.

252 (3) The department may enter into a contract or agreement
253 with one or more veterinarians to conduct inspections under this
254 section.

255 468.911 Administrative remedies; penalties.—

256 (1) The department must deny an application for issuance
257 or renewal of a pet store license, if:

258 (a) The licensee or applicant violates any provision of
259 this part or any rules adopted or orders issued under this part,
260 if the violation materially threatens the health or welfare of a
261 household pet; or

262 (b) The licensee or applicant, in the 20 years before
263 application, has been convicted of or pled guilty or nolo
264 contendere to, regardless of adjudication, a misdemeanor or
265 felony in chapter 828 or a misdemeanor or felony in chapter 741
266 involving an act of domestic violence.

267 (2) If the department finds that a pet store, or a person
268 employed or contracted by a pet store, has violated or is
269 operating in violation of this part or any rule adopted under
270 this part, the department may enter an order of one or more of
271 the following:

272 (a) Issue a notice of noncompliance under s. 120.695.

273 (b) Impose an administrative fine for each act or
274 omission, not to exceed the following amounts:

275 1. For a first violation, \$250.

276 2. For a second violation, \$500.

277 3. For a third or subsequent violation, \$1,000.

278
279 Each day that a violation continues constitutes a separate
280 violation.

281 (c) Direct the person to cease and desist specified
282 activities.

283 (d) Refuse to issue or renew a license or revoke or
284 suspend a license.

285 (e) Place the licensee on probation, subject to the
286 conditions specified by the department.

287 (3) All administrative proceedings which result in the
288 entry of an order imposing any of the penalties in subsection
289 (1) or subsection (2) must be pursuant to chapter 120.

290 (4) The department may adopt rules necessary to administer
291 this part.

292 468.913 Civil penalties; remedies.—The department may
293 bring a civil action in a court of competent jurisdiction to
294 recover any penalties or damages authorized in this part and for
295 injunctive relief to enforce compliance with this part.

296 468.915 Criminal penalties.—Any person who violates this
297 part in relation to unlawful practices in the sale of household
298 pets by pet stores or operation of a pet store without a
299 license, commits a misdemeanor of the second degree, punishable
300 as provided in s. 775.082 or s. 775.083.

301 468.917 Deposit of funds.—All moneys collected by the
302 department from license fees or civil penalties under this part
303 shall be deposited into the Professional Regulation Trust Fund
304 for use by the department for administration of this this part.

305 468.919 Local regulation.—This part preempts any local
306 ordinance or regulation of a county or municipality which
307 prohibits or regulates pet stores. This section does not preempt
308 a local government's authority to levy a local business tax
309 pursuant to chapter 205.

310 Section 2. This act shall take effect July 1, 2020, only
311 if HB ____ or similar legislation is adopted in the same
312 legislative session or an extension thereof and becomes a law.