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LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Diaz) recommended the following:

1           **Senate Substitute for Amendment (706506) (with title**  
2 **amendment)**

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4           Delete everything after the enacting clause  
5 and insert:

6           Section 1. The Division of Law Revision is directed to  
7 create part XVII of chapter 468, Florida Statutes, consisting of  
8 ss. 468.901-468.921, Florida Statutes, to be entitled "Retail  
9 Pet Stores."

10          Section 2. Section 468.901, Florida Statutes, is created to



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11 read:

12 468.901 Short title.—This part may be cited as the “Florida  
13 Pet Protection Act.”

14 Section 3. Section 468.903, Florida Statutes, is created to  
15 read:

16 468.903 Definitions.—As used in this part, the term:

17 (1) “Animal rescue” means a nonprofit organization exempt  
18 from federal income taxation under s. 501(c)(3) of the Internal  
19 Revenue Code which keeps, houses, and maintains household pets  
20 and which is dedicated to the welfare, health, safety, and  
21 protection of such pets. The term includes an organization that  
22 offers spayed or neutered household pets for adoption and  
23 charges only reasonable adoption fees to cover the  
24 organization’s costs, including, but not limited to, costs  
25 related to spaying or neutering the pets.

26 (2) “Animal shelter” means a public facility, or a private  
27 facility operated by a nonprofit organization that is exempt  
28 from federal income taxation under s. 501(c)(3) of the Internal  
29 Revenue Code, which keeps, houses, and maintains household pets,  
30 such as a county or municipal animal control agency or pound, a  
31 humane society, an animal welfare society, a society for the  
32 prevention of cruelty to animals, or another nonprofit  
33 organization devoted to the welfare, protection, and humane  
34 treatment of household pets.

35 (3) “Department” means the Department of Business and  
36 Professional Regulation.

37 (4) “Household pet” means a domestic dog or a domestic cat.

38 (5) “Pet broker” means a person who buys, sells, or offers  
39 for sale household pets for resale to other persons, or who



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40 sells or gives one or more pets to a retail pet store, and who  
41 holds a valid Class B animal dealer license issued by the United  
42 States Department of Agriculture.

43 (6) "Professional breeder" means a person who is required  
44 to be licensed as a Class A animal dealer by the United States  
45 Department of Agriculture.

46 (7) "Retail pet store" means a retail store that sells or  
47 offers for sale household pets to the public. The term does not  
48 include an animal rescue; an animal shelter; or a breeder who  
49 sells or transfers, directly to the public, household pets bred  
50 and raised on the breeder's premises.

51 (8) "Veterinarian" means a health care practitioner  
52 licensed under chapter 474, or licensed out of state by the  
53 applicable entity in that state, to engage in the practice of  
54 veterinary medicine.

55 Section 4. Section 468.905, Florida Statutes, is created to  
56 read:

57 468.905 Licensure of retail pet stores.—

58 (1) A person may not operate a retail pet store in this  
59 state without having a valid retail pet store license issued by  
60 the department in accordance with this section.

61 (2) The department shall adopt procedures for the licensure  
62 of retail pet stores. An applicant for a retail pet store  
63 license shall apply to the department in a format prescribed by  
64 the department. Upon licensure, the department shall assign a  
65 unique license number for each licensed premises.

66 (3) The department may establish annual license periods  
67 that are valid for 1 year and that may be renewed. An  
68 application for renewal of a license must be submitted to the



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69 department in a format prescribed by the department.

70 (4) A retail pet store that does not have a valid license  
71 may not display, offer for sale, deliver, barter, auction,  
72 broker, give away, transfer, or sell any household pet from the  
73 store.

74 Section 5. Section 468.907, Florida Statutes, is created to  
75 read:

76 468.907 Sale or transfer of household pets by retail pet  
77 stores.—

78 (1) As used in this section, the term "qualified breeder"  
79 means a professional breeder that is located inside or outside  
80 this state and meets all of the following requirements:

81 (a) Holds a valid Class A animal license issued by the  
82 United States Department of Agriculture and, if required by the  
83 respective state, is licensed by a state agency.

84 (b) Has not been issued a report of a finally adjudicated  
85 direct noncompliance violation by the United States Department  
86 of Agriculture under the federal Animal Welfare Act, 7 U.S.C.  
87 ss. 2131 et seq., in the 2 years immediately before offering for  
88 sale, delivering, bartering, auctioning, brokering, giving away,  
89 transferring, or selling a household pet. However, a  
90 professional breeder is not considered a qualified breeder until  
91 a pending report of a direct noncompliance violation is finally  
92 adjudicated.

93 (c) Has not had three or more finally adjudicated  
94 noncompliance violations documented in any report issued by the  
95 United States Department of Agriculture under the federal Animal  
96 Welfare Act, 7 U.S.C. ss. 2131 et seq., for the year immediately  
97 before offering for sale, delivering, bartering, auctioning,



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98 brokering, giving away, transferring, or selling a household  
99 pet. However, a professional breeder is not considered a  
100 qualified breeder until a pending report of a noncompliance  
101 violation is finally adjudicated.

102 (2) A retail pet store may not display, offer for sale,  
103 deliver, barter, auction, broker, give away, transfer, or sell  
104 any household pet from the store unless such pet was acquired  
105 from one of the following sources:

106 (a) A qualified breeder.

107 (b) A person who, pursuant to 9 C.F.R. s. 2.1(a)(3)(ii)-  
108 (vii), is exempt from licensure by the United States Department  
109 of Agriculture.

110 (c) An animal rescue.

111 (d) An animal shelter.

112 (e) A pet broker; however, if the pet broker acquires the  
113 pet from a professional breeder, the breeder must be a qualified  
114 breeder.

115 (3) A retail pet store may not sell, deliver, barter,  
116 auction, broker, give away, or transfer any of the following:

117 (a) A household pet younger than 8 weeks of age.

118 (b) A household pet that has not been implanted with an  
119 identification microchip.

120 (c) A household pet that does not have a valid veterinary  
121 certification, including the United States Interstate and  
122 International Certificate of Health Examination for Small  
123 Animals prescribed by the United States Department of  
124 Agriculture or the official certificate of veterinary inspection  
125 prescribed by the Department of Agriculture and Consumer  
126 Services pursuant to s. 828.29.



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127       (d) A household pet to a person younger than 18 years of  
128 age, as verified by a valid driver license, state identification  
129 card, or other government-issued identification card bearing a  
130 photograph of the cardholder.

131       (e) A household pet acquired from a qualified breeder or  
132 pet broker, unless the retail pet store provides to the buyer  
133 acquiring the pet, before completing the transaction, a written  
134 certification that includes the following:

135       1. The name, address, and United States Department of  
136 Agriculture license number, if applicable, of the breeder who  
137 bred the household pet.

138       2. A copy of the breeder's most recent United States  
139 Department of Agriculture inspection report, if applicable.

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

141       4. The date the retail pet store took possession of the  
142 household pet.

143       5. The breed, gender, color, and any identifying marks of  
144 the household pet.

145       6. A signed statement by the store's Florida-licensed  
146 veterinarian, in a format prescribed by the department, which  
147 describes any known disease, illness, or congenital or  
148 hereditary condition that adversely affects the health of the  
149 household pet at the time of examination.

150       7. A document signed by the owner or a manager or an  
151 employee of the retail pet store certifying that all information  
152 required to be provided to the person acquiring the household  
153 pet under this paragraph is accurate.

154  
155 A retail pet store shall keep a copy of the certification for at



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156 least 3 years after the date of acquisition of the household  
157 pet. The owner or a manager or an employee of a retail pet store  
158 may not fraudulently alter or provide false information on a  
159 certification provided in accordance with this paragraph.

160 (4) A licensed retail pet store shall provide to the buyer  
161 of a household pet:

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

163 (b) The complete name, address, and telephone number of all  
164 professional breeders, pet brokers, or other persons who kept,  
165 housed, or maintained the pet before its coming into possession  
166 of the retail pet store or proof that the pet was acquired  
167 through an animal rescue or animal shelter.

168 (c) A photograph or digital image of both of the pet's  
169 parents, sire and dam.

170

171 A retail pet store shall keep a copy of the documentation  
172 required under this subsection for at least 3 years after the  
173 date it acquired the household pet.

174 (5) A retail pet store shall provide for all of the  
175 following:

176 (a) Flooring in the primary enclosures that house household  
177 pets which is constructed of a solid surface or, if grid-style  
178 or wire flooring is used, the surface of which is covered with a  
179 rubberized or coated material that prevents a pet's toe or foot  
180 from passing through or being entrapped by the flooring. A  
181 retail pet store shall clean all primary enclosures daily, or as  
182 often as necessary to prevent accumulation of body waste, and  
183 keep a daily sanitation log.

184 (b) An isolation enclosure with separate ventilation which



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185 allows a household pet to be kept separately from other pets  
186 while under veterinarian-directed isolation.

187 (c) Climate control that ensures that the ambient air  
188 temperature of the store's premises is kept between 67 and 78  
189 degrees at all times. Retail pet stores shall keep daily logs of  
190 the temperature. If, for any reason, the temperature falls  
191 outside the required range, a corrective action record detailing  
192 steps taken to adjust the temperature must be kept.

193 (d) A Florida-licensed veterinarian who visits the retail  
194 pet store at least twice a week to observe the condition of the  
195 pets' health and overall well-being.

196 (e) An enrichment program for puppies which consists of  
197 exercise and socialization for at least two 30-minute periods  
198 each day. A retail pet store must keep a log for each puppy of  
199 the daily activities that the puppy participates in as part of  
200 the program.

201 (f) A photograph or digital image and video footage  
202 depicting each breeding facility from which the retail pet store  
203 acquires household pets.

204 Section 6. Section 468.909, Florida Statutes, is created to  
205 read:

206 468.909 Inspections.—

207 (1) (a) At least annually, the department shall inspect each  
208 retail pet store that is subject to licensure to ensure  
209 compliance with this part and with rules adopted under this  
210 part, including, but not limited to, an audit of the records  
211 that the licensee maintains pursuant to s. 468.907(3) (e) and  
212 (4).

213 (b) The department also may conduct an inspection upon





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214 receipt of a complaint or other information alleging a violation  
215 of this part or rules adopted under this part.

216 (2) The department shall establish procedures for  
217 conducting inspections and making records of inspections.  
218 Inspections shall be conducted during regular business hours in  
219 accordance with the department's procedures and may be conducted  
220 without prior notice. A record of each inspection must be  
221 maintained by the department in accordance with such procedures.

222 (3) The department may enter into a contract or an  
223 agreement with one or more veterinarians to conduct inspections  
224 under this section. Such veterinarians must be independent and  
225 may not be affiliated with an animal rights advocacy  
226 organization.

227 Section 7. Section 468.911, Florida Statutes, is created to  
228 read:

229 468.911 Administrative remedies; penalties.-

230 (1) The department shall deny an application for issuance  
231 or renewal of a retail pet store license if:

232 (a) The licensee or applicant violates this part or any  
233 rule or order issued under this part, if the violation  
234 materially threatens the health or welfare of a household pet;  
235 or

236 (b) The licensee or applicant, in the past 20 years, has  
237 been convicted of or pled guilty or nolo contendere to,  
238 regardless of adjudication, a misdemeanor or felony under  
239 chapter 828 or a misdemeanor or felony under chapter 741  
240 involving an act of domestic violence.

241 (2) The department may enter an order doing one or more of  
242 the following if the department finds that the owner of a retail



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243 pet store, or a person employed or contracted by a retail pet  
244 store about whom the owner knows or reasonably should have  
245 known, has violated or is operating in violation of this part or  
246 any rule or order issued pursuant to this part:

247 (a) Issuing a notice of noncompliance under s. 120.695.

248 (b) Imposing an administrative fine for each act or  
249 omission, not to exceed the following amounts:

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

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

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

253

254 Each day that a violation continues constitutes a separate  
255 violation.

256 (c) Directing that the person cease and desist specified  
257 activities.

258 (d) Refusing to issue or renew a license or revoking or  
259 suspending a license.

260 (e) Placing the licensee on probation, subject to the  
261 conditions specified by the department.

262 (3) The administrative proceedings that could result in the  
263 entry of an order imposing any of the penalties specified in  
264 subsection (1) or subsection (2) are governed by chapter 120.

265 (4) The department may adopt rules to administer this part.

266 Section 8. Section 468.913, Florida Statutes, is created to  
267 read:

268 468.913 Civil penalties; remedies.—The department may bring  
269 a civil action in a court of competent jurisdiction to recover  
270 any penalties or damages authorized by this part and for  
271 injunctive relief to enforce compliance with this part.



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272 Section 9. Section 468.915, Florida Statutes, is created to  
273 read:

274 468.915 Criminal penalties.—A person commits a misdemeanor  
275 of the second degree, punishable as provided in s. 775.082 or s.  
276 775.083, if he or she violates:

277 (1) Section 468.907(2) or (3), relating to unlawful  
278 practices in the sale of household pets by retail pet stores; or

279 (2) Section 468.905(1) or (4), relating to operation of a  
280 retail pet store without a license.

281 Section 10. Section 468.917, Florida Statutes, is created  
282 to read:

283 468.917 Deposit of funds.—All moneys collected by the  
284 department under this part from license fees or civil penalties  
285 must be deposited into the department's Professional Regulation  
286 Trust Fund for use by the department for administration of this  
287 part.

288 Section 11. Section 468.919, Florida Statutes, is created  
289 to read:

290 468.919 Construction of part.—This part may not be  
291 construed to prohibit or regulate the breeding, purchase, or  
292 sale of hunting dogs, field trial dogs, sporting dogs, or cattle  
293 dogs.

294 Section 12. Section 468.921, Florida Statutes, is created  
295 to read:

296 468.921 Local regulation.—

297 (1) A county or municipal ordinance or regulation may not  
298 prohibit or regulate the breeding, purchase, or sale of hunting  
299 dogs, field trial dogs, sporting dogs, or cattle dogs.

300 (2) (a) A county or municipal ordinance or regulation, or an



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301 amendment thereof, adopted on or after January 1, 2020, which  
302 regulates retail pet stores or the breeding, purchase, or sale  
303 of household pets may not impose any requirement more stringent  
304 than those imposed under s. 468.907.

305 (b) This subsection does not affect any requirement of a  
306 county or municipal ordinance or regulation in effect before  
307 January 1, 2020, which prohibits or regulates retail pet stores  
308 or the breeding, purchase, or sale of household pets and does  
309 not affect a local government's authority to levy a local  
310 business tax pursuant to chapter 205.

311 Section 13. This act shall take effect July 1, 2020.

312  
313 ===== T I T L E A M E N D M E N T =====

314 And the title is amended as follows:

315 Delete everything before the enacting clause  
316 and insert:

317 A bill to be entitled  
318 An act relating to the regulation of retail pet  
319 stores; providing a directive to the Division of Law  
320 Revision; creating s. 468.901, F.S.; providing a short  
321 title; creating s. 468.903, F.S.; defining terms;  
322 creating s. 468.905, F.S.; requiring the licensure of  
323 retail pet stores; requiring the Department of  
324 Business and Professional Regulation to adopt  
325 procedures for such licensure; creating s. 468.907,  
326 F.S.; defining the term "qualified breeder";  
327 regulating the sale or transfer of household pets by  
328 retail pet stores; limiting the sources from which  
329 retail pet stores may acquire pets for sale; providing



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330 certain restrictions on the sale of household pets;  
331 requiring certain documentation of the sources from  
332 which retail pet stores acquire pets for sale;  
333 providing requirements for the living conditions for  
334 pets at retail pet stores; providing retail pet store  
335 veterinarian, exercise, and socialization  
336 requirements; creating s. 468.909, F.S.; requiring the  
337 department to conduct periodic inspections of retail  
338 pet stores and to audit sales records; requiring the  
339 department to establish procedures for the inspections  
340 and records of the inspections; authorizing contracts  
341 with certain veterinarians to conduct inspections;  
342 creating s. 468.911, F.S.; requiring the department to  
343 deny a license under certain circumstances;  
344 authorizing disciplinary action against licensees and  
345 applicants for licensure under certain circumstances;  
346 providing civil penalties; authorizing the department  
347 to adopt rules; creating s. 468.913, F.S.; authorizing  
348 civil actions for purposes of enforcement; creating s.  
349 468.915, F.S.; providing criminal penalties for  
350 specified violations; creating s. 468.917, F.S.;  
351 requiring certain moneys to be deposited into the  
352 department's Professional Regulation Trust Fund;  
353 creating s. 468.919, F.S.; providing construction;  
354 creating s. 468.921, F.S.; providing applicability to  
355 county and municipal ordinances and regulations;  
356 providing an effective date.