

By Senator Diaz

36-01494-20

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1 A bill to be entitled
2 An act relating to the regulation of pet stores;
3 providing a directive to the Division of Law Revision;
4 creating s. 468.901, F.S.; providing a short title;
5 creating s. 468.903, F.S.; defining terms; creating s.
6 468.905, F.S.; requiring the licensure of pet stores;
7 requiring the Department of Business and Professional
8 Regulation to adopt procedures for such licensure;
9 creating s. 468.907, F.S.; defining the term
10 "qualified breeder"; regulating the sale or transfer
11 of household pets by pet stores; limiting the sources
12 from which pet stores may acquire pets for sale;
13 providing certain restrictions on the sale of
14 household pets; requiring certain documentation of the
15 sources from which pet stores acquire pets for sale;
16 providing requirements for the living conditions for
17 pets at pet stores; providing pet store veterinarian,
18 trainer, and exercise and socialization requirements;
19 creating s. 468.909. F.S.; requiring the department to
20 conduct periodic inspections of pet stores and audit
21 sales records; requiring the department to establish
22 procedures for the inspections and records of the
23 inspections; authorizing contracts with veterinarians
24 to conduct inspections; creating s. 468.911, F.S.;
25 requiring the department to deny a license under
26 certain circumstances; authorizing disciplinary action
27 against licensees and applicants for licensure;
28 providing civil penalties; authorizing the department
29 to adopt rules; creating s. 468.913, F.S.; authorizing

36-01494-20

20201698__

30 civil actions for purposes of enforcement; creating s.
31 468.915, F.S.; providing criminal penalties for
32 specified violations; creating s. 468.917, F.S.;
33 requiring certain moneys to be deposited into the
34 department's Professional Regulation Trust Fund;
35 creating s. 468.919, F.S.; preempting county and
36 municipal ordinances and regulations; providing an
37 effective date.

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

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41 Section 1. The Division of Law Revision is directed to
42 create part XVII of chapter 468, Florida Statutes, consisting of
43 ss. 468.901-468.919, Florida Statutes, to be entitled "Household
44 Pet Stores."

45 Section 2. Section 468.901, Florida Statutes, is created to
46 read:

47 468.901 Short title.—This part may be cited as the "Florida
48 Pet Protection Act."

49 Section 3. Section 468.903, Florida Statutes, is created to
50 read:

51 468.903 Definitions.—As used in this part, the term:

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

54 (2) "Adult cat" means a domestic cat that is 1 year of age
55 or older.

56 (3) "Adult dog" means a domestic dog that is 1 year of age
57 or older.

58 (4) "Animal rescue" means a nonprofit organization exempt

36-01494-20

20201698__

59 from federal income taxation under s. 501(c)(3) of the Internal
60 Revenue Code which keeps, houses, and maintains household pets
61 and which is dedicated to the welfare, health, safety, and
62 protection of such pets. The term includes an organization that
63 offers spayed or neutered household pets for adoption and
64 charges only reasonable adoption fees to cover the
65 organization's costs, including, but not limited to, costs
66 related to spaying or neutering the pets.

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

76 (6) "Department" means the Department of Business and
77 Professional Regulation.

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

79 (a) Sells no more than four puppies or adult dogs and no
80 more than four kittens or adult cats in any calendar year; or

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

84 (8) "Household pet" means a domestic dog or a domestic cat.

85 (9) "Intact" means that an animal's reproductive organs
86 have not been removed through spaying or neutering.

87 (10) "Kitten" means a domestic cat younger than 1 year of

36-01494-20

20201698__

88 age.

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

92 (12) "Pet store" means a retail store that sells or offers
93 for sale household pets to the public and, with respect to such
94 sales, the store's salesperson, the pet's buyer, and the pet
95 being sold are each physically present during the sale so that
96 the buyer may personally observe the pet and help ensure its
97 health before taking custody. The term does not include an
98 animal rescue or animal shelter unless the animal rescue or
99 animal shelter purchases household pets for resale from a pet
100 broker or professional breeder.

101 (13) "Professional breeder" means an establishment that, in
102 exchange for money or other consideration, sells five or more
103 puppies or adult dogs or five or more kittens or adult cats in
104 any calendar year. The term does not include an animal rescue,
105 an animal shelter, or a hobby breeder.

106 (14) "Puppy" means a domestic dog that is younger than 1
107 year of age.

108 (15) "Veterinarian" means a health care practitioner
109 licensed under chapter 474, or licensed out of state by the
110 applicable entity in that state, to engage in the practice of
111 veterinary medicine.

112 Section 4. Section 468.905, Florida Statutes, is created to
113 read:

114 468.905 Licensure of pet stores.-

115 (1) A person may not operate a pet store in this state
116 without having a valid pet store license issued by the

36-01494-20

20201698__

117 department in accordance with this section. An animal rescue or
118 animal shelter is not required to be licensed as a pet store
119 unless it purchases household pets for resale from a pet broker
120 or professional breeder.

121 (2) The department shall adopt procedures for the licensure
122 of pet stores. An applicant for a pet store license shall apply
123 to the department in a format prescribed by the department. Upon
124 licensure, the department shall assign a unique license number
125 for each licensed location.

126 (3) The department may establish annual license periods
127 that are valid for 1 year and that may be renewed. An
128 application for renewal of a license must be submitted to the
129 department in a format prescribed by the department.

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

133 Section 5. Section 468.907, Florida Statutes, is created to
134 read:

135 468.907 Sale or transfer of household pets by pet stores.-

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

139 (a) Is licensed by the United States Department of
140 Agriculture under 7 U.S.C. s. 2133 and, if required, by a state
141 agency.

142 (b) Has not been issued a report of a direct noncompliance
143 violation by the United States Department of Agriculture under
144 the federal Animal Welfare Act, 7 U.S.C. ss. 2131 et seq., in
145 the 2 years immediately before offering for sale, delivering,

36-01494-20

20201698__

146 bartering, auctioning, brokering, giving away, transferring, or
147 selling a household pet.

148 (c) Has not had three or more noncompliance violations
149 documented in any report issued by the United States Department
150 of Agriculture under the federal Animal Welfare Act, 7 U.S.C.
151 ss. 2131 et seq., for the year immediately before offering for
152 sale, delivering, bartering, auctioning, brokering, giving away,
153 transferring, or selling a household pet.

154 (2) A pet store may not display, offer for sale, deliver,
155 barter, auction, broker, give away, transfer, or sell any
156 household pet from the store unless such pet was acquired from
157 one of the following sources:

158 (a) A qualified breeder.

159 (b) A hobby breeder.

160 (c) An animal rescue.

161 (d) An animal shelter.

162 (e) Another pet store.

163 (f) A pet broker; however, if the pet broker acquires the
164 pet from a professional breeder, the breeder must be a qualified
165 breeder.

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

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

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

171 (c) A household pet without a health certificate signed by
172 an accredited veterinarian.

173 (d) A household pet to a person younger than 18 years of
174 age, as verified by a valid driver license, state identification

36-01494-20

20201698__

175 card, or other government-issued identification card bearing a
176 photograph of the cardholder.

177 (e) A household pet acquired from a qualified breeder or
178 pet broker, unless the pet store provides to the buyer acquiring
179 the pet, before completing the transaction, a written
180 certification that includes the following:

181 1. The name, address, and United States Department of
182 Agriculture license number, if applicable, of the breeder who
183 bred the household pet.

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

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

187 4. The date the pet store took possession of the household
188 pet.

189 5. The breed, gender, color, and any identifying marks of
190 the household pet.

191 6. A signed statement by an accredited veterinarian which
192 describes any known disease, illness, or congenital or
193 hereditary condition that adversely affects the health of the
194 household pet at the time of examination.

195 7. A document signed by the owner or a manager or employee
196 of the pet store certifying that all information required to be
197 provided to the person acquiring the household pet under this
198 paragraph is accurate. A pet store shall keep a copy of the
199 certification for at least 3 years after the date of acquisition
200 of the household pet.

201

202 The owner or a manager or employee of a pet store may not
203 fraudulently alter or provide false information on a

36-01494-20

20201698__

204 certification provided in accordance with this paragraph.

205 (4) A licensed pet store must provide to the buyer of a
206 household pet:

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

208 (b) The complete name, address, and telephone number of all
209 professional breeders or other persons who kept, housed, or
210 maintained the pet before its coming into possession of the pet
211 store or proof that the pet was acquired through an animal
212 rescue or animal shelter.

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

215
216 A pet store shall keep a copy of the documentation required
217 under this subsection for at least 3 years after the date it
218 acquired the household pet.

219 (5) A pet store must provide for all of the following:

220 (a) Flooring in the primary enclosures that house household
221 pets which is constructed of a solid surface or, if grid-style
222 or wire flooring is used, the surface of which is covered with a
223 rubberized or coated material that prevents a pet's toe or foot
224 from passing through or being entrapped by the flooring. A pet
225 store shall clean all primary enclosures daily, or as often as
226 necessary to prevent accumulation of body waste, and keep a
227 sanitation log of such cleanings.

228 (b) An isolation enclosure with separate ventilation which
229 allows a household pet to be kept separately from other pets
230 while under veterinarian-directed observation.

231 (c) Climate control that ensures temperatures in animal
232 enclosures are kept between 67 and 78 degrees at all times. Pet

36-01494-20

20201698__

233 stores shall keep daily logs of temperatures in animal
234 enclosures. If, for any reason, temperatures fall outside the
235 required range, a corrective action record detailing steps taken
236 to adjust temperatures must be kept.

237 (d) A veterinarian who is licensed in this state and who
238 visits the pet store at least three times a week to observe the
239 condition of the pets' health and overall well-being.

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

242 (f) An enrichment program for puppies which consists of
243 exercise and socialization for at least two 30-minute periods
244 each day. A pet store must keep a log for each puppy of the
245 daily activities that the puppy participates in as part of the
246 program.

247 (g) Photographs, digital images, or video footage depicting
248 all breeding facilities from which the pet store acquires
249 household pets.

250 Section 6. Section 468.909, Florida Statutes, is created to
251 read:

252 468.909 Inspections.—

253 (1) (a) At least annually, the department shall inspect each
254 pet store that is subject to licensure to ensure compliance with
255 this part and rules adopted under this part, including, but not
256 limited to, an audit of the records that the licensee maintains
257 pursuant to s. 468.907(3)(e) and (4).

258 (b) The department also may conduct an inspection upon
259 receipt of a complaint or other information alleging a violation
260 of this part or rules adopted under this part.

261 (2) The department shall establish procedures for

36-01494-20

20201698__

262 conducting inspections and making records of inspections.
263 Inspections shall be conducted during regular business hours in
264 accordance with the department's procedures and may be conducted
265 without prior notice. A record of each inspection must be
266 maintained by the department in accordance with such procedures.

267 (3) The department may enter into a contract or agreement
268 with one or more veterinarians to conduct inspections under this
269 section.

270 Section 7. Section 468.911, Florida Statutes, is created to
271 read:

272 468.911 Administrative remedies; penalties.—

273 (1) The department shall deny an application for issuance
274 or renewal of a pet store license, if:

275 (a) The licensee or applicant violates this part or any
276 rule or order issued under this part, if the violation
277 materially threatens the health or welfare of a household pet;
278 or

279 (b) The licensee or applicant, in the past 20 years, has
280 been convicted of or pled guilty or nolo contendere to,
281 regardless of adjudication, a misdemeanor or felony under
282 chapter 828 or a misdemeanor or felony under chapter 741
283 involving an act of domestic violence.

284 (2) The department may enter an order doing one or more of
285 the following if the department finds that a pet store, or a
286 person employed or contracted by a pet store, has violated or is
287 operating in violation of this part or any rule or order issued
288 pursuant to this part:

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

290 (b) Imposing an administrative fine for each act or

36-01494-20

20201698__

291 omission, not to exceed the following amounts:

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

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

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

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296 Each day that a violation continues constitutes a separate
297 violation.

298 (c) Directing that the person cease and desist specified
299 activities.

300 (d) Refusing to issue or renew a license or revoking or
301 suspending a license.

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

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

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

308 Section 8. Section 468.913, Florida Statutes, is created to
309 read:

310 468.913 Civil penalties; remedies.—The department may bring
311 a civil action in a court of competent jurisdiction to recover
312 any penalties or damages authorized by this part and for
313 injunctive relief to enforce compliance with this part.

314 Section 9. Section 468.915, Florida Statutes, is created to
315 read:

316 468.915 Criminal penalties.—A person commits a misdemeanor
317 of the second degree, punishable as provided in s. 775.082 or s.
318 775.083, if he or she violates:

319 (1) Section 468.907(2) or (3), relating to unlawful

36-01494-20

20201698__

320 practices in the sale of household pets by pet stores; or
321 (2) Section 468.905(1) or (4), relating to operation of a
322 pet store without a license.

323 Section 10. Section 468.917, Florida Statutes, is created
324 to read:

325 468.917 Deposit of funds.—All moneys collected by the
326 department under this part from license fees or civil penalties
327 must be deposited into the department's Professional Regulation
328 Trust Fund for use by the department for administration of this
329 part.

330 Section 11. Section 468.919, Florida Statutes, is created
331 to read:

332 468.919 Local regulation.—This part preempts any local
333 ordinance or regulation of a county or municipality which
334 prohibits or regulates pet stores. This section does not preempt
335 a local government's authority to levy a local business tax
336 pursuant to chapter 205.

337 Section 12. This act shall take effect July 1, 2020.