

1 A bill to be entitled  
2 An act relating to sale of dogs and cats; amending s.  
3 828.29, F.S.; requiring that if a pet sale is  
4 terminated for certain reasons a financing agreement  
5 be terminated without cost; deleting a limit on  
6 veterinary costs under certain provisions; requiring a  
7 mandatory waiting period between the purchase and  
8 receipt of an animal if the transaction is financed;  
9 deleting certain provisions relating to return of an  
10 animal; requiring a pet dealer to provide copies of  
11 medical records to a consumer; revising requirements  
12 for disclosures to a consumer; revising the text of a  
13 required disclosure; requiring a pet dealer to retain  
14 a copy of a specified notice for a specified period;  
15 providing that violations constitute an unfair method  
16 of competition or an unfair or deceptive act or  
17 practice in violation of specified provisions and  
18 subject to penalties; providing construction;  
19 providing an effective date.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. Subsections (5), (6), (7), (8), and (12) of  
24 section 828.29, Florida Statutes, are amended, subsections (18),  
25 (19), and (20) are added to that section, and subsection (17) of

26 | that section is republished, to read:

27 |       828.29 Dogs and cats transported or offered for sale;  
28 | health requirements; consumer guarantee; disclosures.-

29 |       (5) If, within 14 days after ~~following~~ the sale by a pet  
30 | dealer of an animal subject to this section, a licensed  
31 | veterinarian of the consumer's choosing certifies that, at the  
32 | time of the sale, the animal was unfit for purchase due to  
33 | illness or disease, the presence of symptoms of a contagious or  
34 | infectious disease, or the presence of internal or external  
35 | parasites, excluding fleas and ticks; or if, within 1 year  
36 | following the sale of an animal subject to this section, a  
37 | licensed veterinarian of the consumer's choosing certifies such  
38 | animal to be unfit for purchase due to a congenital or  
39 | hereditary disorder which adversely affects the health of the  
40 | animal; or if, within 1 year following the sale of an animal  
41 | subject to this section, the breed, sex, or health of such  
42 | animal is found to have been misrepresented to the consumer, the  
43 | pet dealer shall afford the consumer the right to choose one of  
44 | the following options:

45 |       (a) The right to return the animal and receive a refund of  
46 | the purchase price, including the sales tax, and reimbursement  
47 | for reasonable veterinary costs directly related to the  
48 | veterinarian's examination and certification that the dog or cat  
49 | is unfit for purchase pursuant to this section and directly  
50 | related to necessary emergency services and treatment undertaken

51 to relieve suffering. If the consumer financed the animal, the  
52 pet dealer must ensure that the financing arrangement is  
53 terminated without penalty to the consumer;

54 (b) The right to return the animal and receive an exchange  
55 dog or cat of the consumer's choice of equivalent value, and  
56 reimbursement for reasonable veterinary costs directly related  
57 to the veterinarian's examination and certification that the dog  
58 or cat is unfit for purchase pursuant to this section and  
59 directly related to necessary emergency services and treatment  
60 undertaken to relieve suffering; or

61 (c) The right to retain the animal and receive  
62 reimbursement for reasonable veterinary costs for necessary  
63 services and treatment related to the attempt to cure or curing  
64 of the dog or cat.

65  
66 ~~Reimbursement for veterinary costs may not exceed the purchase~~  
67 ~~price of the animal.~~ The cost of veterinary services is  
68 reasonable if comparable to the cost of similar services  
69 rendered by other licensed veterinarians in proximity to the  
70 treating veterinarian and the services rendered are appropriate  
71 for the certification by the veterinarian.

72 (6) All financing terms must be disclosed to the consumer  
73 before the sale of the animal. A mandatory waiting period of at  
74 least 3 calendar days must be imposed between the date of an  
75 agreement to purchase an animal and the date on which the

76 consumer takes possession of the animal, if the consumer is  
77 financing the animal. A financing agreement may not be signed by  
78 the consumer until the conclusion of the 3-day waiting period. A  
79 ~~consumer may sign a waiver relinquishing his or her right to~~  
80 ~~return the dog or cat for congenital or hereditary disorders. In~~  
81 ~~the case of such waiver, the consumer has 48 normal business~~  
82 ~~hours, excluding weekends and holidays, in which to have the~~  
83 ~~animal examined by a licensed veterinarian of the consumer's~~  
84 ~~choosing. If the veterinarian certifies that, at the time of~~  
85 ~~sale, the dog or cat was unfit for purchase due to a congenital~~  
86 ~~or hereditary disorder, the pet dealer must afford the consumer~~  
87 ~~the right to choose one of the following options:~~

88 ~~(a) The right to return the animal and receive a refund of~~  
89 ~~the purchase price, including sales tax, but excluding the~~  
90 ~~veterinary costs related to the certification that the dog or~~  
91 ~~cat is unfit; or~~

92 ~~(b) The right to return the animal and receive an exchange~~  
93 ~~dog or cat of the consumer's choice of equivalent value, but not~~  
94 ~~a refund of the veterinary costs related to the certification~~  
95 ~~that the dog or cat is unfit.~~

96 (7) Before the sale of an animal, a pet dealer must  
97 provide to the consumer copies of records of all medical  
98 examinations or tests that were conducted on the animal or any  
99 medications given before the purchase of the animal. A pet  
100 dealer may specifically state at the time of sale, in writing to

101 the consumer, the presence of specific congenital or hereditary  
 102 disorders, in which case the consumer has no right to any refund  
 103 or exchange for those disorders.

104 (8) The refund or exchange required by subsection (5) or  
 105 subsection (6) shall be made by the pet dealer not later than 10  
 106 business days after ~~following~~ receipt of a signed veterinary  
 107 certification as required in subsection (5) or immediately as  
 108 required in subsection (6). The consumer must notify the pet  
 109 dealer within 2 business days after the veterinarian's  
 110 determination that the animal is unfit. The written  
 111 certification of unfitness must be presented to the pet dealer  
 112 not later than 3 business days following receipt thereof by the  
 113 consumer.

114 (12) Every pet dealer who sells an animal to a consumer  
 115 must provide the consumer at the time of sale with a printed  
 116 written notice signed by the consumer and separate from the  
 117 contract, printed or typed, which reads as follows:

118 RIGHT TO CANCEL

119 Florida consumers have certain rights under s. 828.29,  
 120 Florida Statutes. You have the right to return or exchange  
 121 the animal and receive reimbursement for certain veterinary  
 122 expenses. A copy of this law is attached to this notice.

123  
 124 (Signature of Owner or Lessee, or Owner's or Lessee's  
 125 Authorized Officer/Director/Partner/Manager)

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(Signatory's Title/Office)

Sworn to (or affirmed) and subscribed before me this  
.... day of ....., ... (year)..., by ... (name of person  
making statement)....

...(Signature of Notary Public - State of Florida)...

...(Print, Type, or Stamp Commissioned Name of Notary  
Public)...

Personally Known ..... OR Produced Identification  
.....

The pet dealer must retain a copy of the signed notice and the  
consumer must be given a copy of the signed notice.

~~It is the consumer's right, pursuant to section 828.29,  
Florida Statutes, to receive a certificate of veterinary  
inspection with each dog or cat purchased from a pet  
dealer. Such certificate shall list all vaccines and  
deworming medications administered to the animal and shall  
state that the animal has been examined by a Florida-  
licensed veterinarian who certifies that, to the best of  
the veterinarian's knowledge, the animal was found to have  
been healthy at the time of the veterinary examination. In  
the event that the consumer purchases the animal and finds  
it to have been unfit for purchase as provided in section~~

151 ~~828.29(5), Florida Statutes, the consumer must notify the~~  
 152 ~~pet dealer within 2 business days of the veterinarian's~~  
 153 ~~determination that the animal was unfit. The consumer has~~  
 154 ~~the right to retain, return, or exchange the animal and~~  
 155 ~~receive reimbursement for certain related veterinary~~  
 156 ~~services rendered to the animal, subject to the right of~~  
 157 ~~the dealer to have the animal examined by another~~  
 158 ~~veterinarian.~~

159  
 160 (17) Except as otherwise provided in this chapter, a  
 161 person who violates any provision of this section commits a  
 162 misdemeanor of the first degree, punishable as provided in s.  
 163 775.082 or s. 775.083.

164 (18) Any record provided to a consumer pursuant to the  
 165 sale of an animal under this section must be maintained by the  
 166 pet dealer for a period of at least 7 years after the sale.

167 (19) A pet dealer who violates this section commits an  
 168 unfair method of competition or an unfair or deceptive act or  
 169 practice in violation of part II of chapter 501 and is subject  
 170 to the penalties and remedies provided for such violations.

171 (20) In addition to any other penalties or remedies  
 172 provided by law, a consumer injured by a violation of this  
 173 section may bring a civil action to recover damages or punitive  
 174 damages, including costs, court costs, and attorney fees. This  
 175 section does not limit any right or remedy provided under law.

HB 1061

2022

176 | Section 2. This act shall take effect July 1, 2022. |