

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Regulated Industries

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BILL: SB 996

INTRODUCER: Senator Diaz

SUBJECT: Fees/Pet Store License

DATE: January 10, 2022

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	<u>Pre-meeting</u>
2.	_____	_____	<u>CA</u>	_____
3.	_____	_____	<u>AP</u>	_____

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**I. Summary:**

SB 996 requires an initial or renewal application to the Department of Business and Professional Regulation (DBPR) for a retail pet store license to be accompanied by a nonrefundable license fee not to exceed \$25 per licensed location. The bill is linked to SB 994, Pet Protection, by Senators Diaz and Powell, which is separately analyzed, and regulates:

- Retail pet stores that offer or sell domestic dogs or cats (pets) to the public; and
- Animal rescue organizations and animal shelters.

See Section V, Fiscal Impact Statement.

The bill is linked to SB 994 creating part XVII of ch. 468, F.S., relating to Retail Pet Stores, which may be cited as the “Florida Pet Protection Act” (act). The act regulates retail pet stores that sell or offer to sell domestic dogs or cats (pets) to the public, and animal rescue organizations and animal shelters.

The bill is effective on the same date that SB 994 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

**II. Present Situation:**

The regulation in Florida law of retail pet stores and the sale of dogs and cats is limited, and no state licensing is required under current law to engage in such activities.

A number of local governments in Florida have adopted ordinances to regulate the operations of pet stores in their jurisdictions. The Hillsborough County Commission (commission) addressed perceived abuses at pet stores in that jurisdiction by enacting retail sale regulations for pet

shops,<sup>1</sup> including requiring an adoption-based business model for the operation of new pet shops.<sup>2</sup>

### III. Effect of Proposed Changes:

This bill is linked to SB 994, Pet Protection, by Senators Diaz and Powell, which is separately analyzed, and regulates:

- Retail pet stores that offer or sell domestic dogs or cats (pets) to the public; and
- Animal rescue organizations and animal shelters.

This bill creates new subsection (5) of s. 468.905, F.S., to require an initial or renewal application to the DBPR for a retail pet store license for a pet store regulated under SB 994 to be accompanied by a nonrefundable license fee not to exceed \$25 for each licensed location.

SB 996 is effective on the same date that SB 994 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

#### D. State Tax or Fee Increases:

Section 19, Art. VII of the State Constitution limits the authority of the legislature to enact legislation that imposes or raises a state tax or fee by requiring such legislation to be approved by a 2/3 vote of each chamber of the legislature. Such state tax or fee imposed, authorized, or raised must be contained in a separate bill that contains no other subject.

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<sup>1</sup> See the Hillsborough County Code of Ordinances, Part A, Ch. 6, Art. II, s. 6-20, for the definition of pet shop, detailing the requirements for an “existing” pet shop entitled to grandfather privileges, at [ARTICLE II. - ANIMAL CONTROL | Code of Ordinances, Part A | Hillsborough County, FL | Municode Library](#), and s. 6-61, for the elimination of such grandfather privilege in certain circumstances, at [Sec. 6-61. - Elimination of grandfather privilege for existing pet shops and providing for certain regulations. | Code of Ordinances, Part A | Hillsborough County, FL | Municode Library](#) (last visited Jan. 3, 2022).

<sup>2</sup> *Id.*, see the Hillsborough County Code of Ordinances, Part A, s. 6-63, Adoption-based business model for retail sale of dogs and cats and other requirements for new pet shops, at [Sec. 6-63. - Adoption-based business model for retail sale of dogs and cats and other requirements for new pet shops. | Code of Ordinances, Part A | Hillsborough County, FL | Municode Library](#).

For purposes of this limitation the term “fee” is defined, in pertinent part, to mean any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.

This bill requires an initial or renewal application for a retail pet store license for a retail pet store regulated under SB 994 to be accompanied by a nonrefundable license fee not to exceed \$25 for each licensed location. The term “retail pet store” does not include animal rescue organizations, animal shelters, or breeders selling to the public household pets bred on the breeder’s premises.

Because the DBPR does not have authority to impose such licensing fees under current law, the provisions of Section 19, Art. VII of the State Constitution appear to apply, requiring this legislation to be approved by a 2/3 vote of each house of the legislature.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the bill, each licensed location of a retail pet store subject to the regulations set forth in the bill must pay a nonrefundable initial or renewal application fee. Such fees may not exceed \$25 per licensed location.

C. Government Sector Impact:

According to the DBPR, the license fees may not be adequate to cover the cost of the retail pet store licensing program. The DBPR notes:

Pursuant to the Whitepages.com, Florida has 3,055 retail pet stores, of which the vast majority most likely sells only supplies and not dogs and cats as referenced in the linked bill [SB 994]. A projection of 500 licensed pet stores is used for the fiscal projections in this analysis, utilizing the veterinarian licensing program to extrapolate projected expenses. Revenue would be 500 times \$25 or \$12,500. The department in the linked bill [SB 994] is required to inspect the pet stores and one Environmental Health Specialist FTE will be necessary for inspections. The cost for this FTE is anticipated to be \$86,721 (\$59,862 recurring).<sup>3</sup>

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<sup>3</sup> See 2022 Agency Legislative Bill Analysis (Department of Business and Professional Regulation) for SB 996, Dec. 15, 2021 (on file with Senate Committee on Regulated Industries) at page 5.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Consideration should be given to an amendment to address depositing retail pet store license fees collected by DBPR to the Professional Regulation Trust Fund for use by the DBPR in administering the act created by the bill, similar to the language in Section 10 in SB 994.

A technical amendment is required to insert the linked bill number, SB 994, in Lines 11 and 18 of this bill.

**VIII. Statutes Affected:**

This bill creates section 468.905 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.