

By Senator Martin

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1 A bill to be entitled
2 An act relating to dog breeding; creating part III of
3 ch. 585, F.S., entitled "Dog Breeding"; creating s.
4 585.71, F.S.; providing legislative findings and
5 intent; creating s. 585.711, F.S.; defining terms;
6 creating s. 585.712, F.S.; providing construction;
7 providing a presumption that a breeding female dog is
8 being used for breeding purposes unless certain
9 conditions are met; creating s. 585.713, F.S.;
10 requiring certain dog breeders to apply for and obtain
11 a certification of registration from the Department of
12 Agriculture and Consumer Services; requiring that the
13 certificate of registration be renewed annually;
14 requiring the department to notify a certificateholder
15 in writing of the date for renewal; authorizing the
16 department to assess late filing penalties and to
17 extend a renewal date for good cause for a specified
18 number of days; requiring the department to issue
19 certificates of inspection for dog breeding facilities
20 that meet certain requirements and rules; requiring
21 dog breeders and dog breeding facilities to
22 conspicuously post their certificates of registration
23 and inspection; authorizing private dog owners to
24 breed a dog under certain circumstances; requiring
25 such private dog breeders to register with the
26 department under certain circumstances; creating s.
27 585.714, F.S.; requiring the department to adopt
28 rules; requiring the department to consult with
29 certain entities in creating rules for standards of

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30 care; providing specified criteria for such rules;
31 authorizing the department to enter and inspect any
32 dog breeding facility under certain circumstances;
33 authorizing the department to take certain enforcement
34 actions against a dog breeder or dog breeding
35 facility; authorizing the department to suspend or
36 revoke certificates of registration and inspection
37 under certain circumstances; authorizing the
38 department to assess fines; authorizing the department
39 to enter into cooperative agreements to conduct such
40 inspections; authorizing the department to create a
41 risk-based inspection frequency system; requiring the
42 department to create a publicly available database on
43 the department's website which contains certain
44 information on dog breeders, dog breeding facilities,
45 and retail establishments that sell dogs; requiring
46 the department to create a whistleblower program for
47 reporting violations; creating s. 585.715, F.S.;
48 requiring dog breeders to microchip certain dogs;
49 requiring that such microchips be registered with the
50 department; requiring a retail establishment to
51 conspicuously post certain certificates of
52 registration and inspection; requiring a retail
53 establishment to meet certain microchipping
54 requirements; providing civil penalties; creating s.
55 585.716, F.S.; providing for enforcement; authorizing
56 civil and criminal penalties; amending s. 585.007,
57 F.S.; conforming a provision to changes made by the
58 act; providing appropriations for FTE positions for

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59 the department; providing an effective date.

60
61 Be It Enacted by the Legislature of the State of Florida:

62
63 Section 1. Part III of chapter 585, Florida Statutes,
64 consisting of ss. 585.71-585.716, Florida Statutes, is created
65 and entitled "Dog Breeding."

66 Section 2. Section 585.71, Florida Statutes, is created to
67 read:

68 585.71 Legislative findings and intent.—

69 (1) The Legislature finds that:

70 (a) Breeding dogs for profit with no regard for the
71 condition in which the dogs live or how they are cared for is an
72 act of animal cruelty.

73 (b) The registration of individuals or corporations that
74 breed dogs for profit is necessary to prevent the cruel
75 treatment of dogs, to prevent bred dogs that end up in shelters
76 from being euthanized at a financial cost to local and state
77 governments, and to prevent the emotional suffering of
78 individuals and families that experience the unethical and bad
79 business practices of some dog breeders.

80 (2) It is the intent of the Legislature to require any
81 individual or corporation that breeds dogs for profit to
82 register with the Department of Agriculture and Consumer
83 Services and for dog breeding facilities to be inspected by the
84 department to ensure that quality standards are met and that
85 only qualified individuals and facilities are authorized to
86 breed dogs, with a goal of reducing the number of sick and
87 unwanted dogs in this state.

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88 Section 3. Section 585.711, Florida Statutes, is created to
89 read:

90 585.711 Definitions.—As used in this part, the term:

91 (1) "Breeding female dog" means a dog that has not been
92 spayed and is more than 6 months old and capable of
93 reproduction.

94 (2) "Certificate of inspection" means an official document
95 issued by the department to a dog breeding facility stipulating
96 compliance with this part and any department rules.

97 (3) "Certificate of registration" means an official
98 document issued by the department to a dog breeder as evidence
99 of being properly registered with the department in compliance
100 with this part and any department rules.

101 (4) "Dog breeder" means a person who owns or possesses a
102 breeding female dog and offers dogs bred from the breeding
103 female dog for sale or exchange in return for consideration.

104 (5) "Dog breeding facility" means any location in which a
105 dog breeder has at least one breeding female dog.

106 (6) "Department" means the Department of Agriculture and
107 Consumer Services.

108 (7) "Federal regulations" means the federal Animal Welfare
109 Act, 9 C.F.R. Part 3, Subpart A.

110 (8) "Private dog owner" means a person or family living in
111 one household who owns one or more dogs without an intent to
112 breed a dog for sale.

113 Section 4. Section 585.712, Florida Statutes, is created to
114 read:

115 585.712 Construction; presumption of use for dog breeding.—

116 (1) The authority of the department to regulate and inspect

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117 dog breeders and breeding facilities does not preempt local
118 governmental entities from placing more restrictive conditions
119 on such facilities.

120 (2) For the purposes of this part, each breeding female dog
121 possessed by a dog breeder is presumed to be used for breeding
122 purposes unless the dog breeder establishes to the satisfaction
123 of the department, based on the dog breeder's breeding records
124 or other evidence reasonably acceptable to the department, that
125 the dog is not used for breeding.

126 Section 5. Section 585.713, Florida Statutes, is created to
127 read:

128 585.713 Certificate of registration and inspection.—

129 (1) Each dog breeder with one or more breeding female dogs
130 within this state must apply to the department, on forms
131 supplied by the department, for a certificate of registration.

132 (2) The certificate of registration must be renewed
133 annually on its anniversary date upon a satisfactory showing
134 that the applicant has complied with this part and the rules of
135 the department.

136 (3) The department shall provide to each dog breeder
137 subject to this section a written notice and renewal form 60
138 days before the annual renewal date, informing the dog breeder
139 of the certificate of registration renewal date.

140 (4) The department may assess penalties for late filing,
141 not to exceed \$500. Upon application before the renewal date,
142 the department may, for good cause, such as natural disasters,
143 hardship cases, or unusual circumstances, supported by written
144 documentation, extend the renewal date without penalty for up to
145 90 days.

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146 (5) The department shall issue a certificate of inspection
147 to any dog breeding facility that meets the requirements of this
148 part and the rules of the department.

149 (6) Each dog breeder and dog breeding facility must
150 conspicuously post its certificates of registration and
151 inspection in a place that is in clear and unobstructed public
152 view.

153 (7) A private dog owner may breed one dog, one time for
154 personal benefit and may gift or sell any dog from that litter
155 which he or she chooses not to retain. A private dog owner
156 within the same household who breeds a second litter of dogs
157 must register as a dog breeder pursuant to this part.

158 Section 6. Section 585.714, Florida Statutes, is created to
159 read:

160 585.714 Powers and duties of the department.—The department
161 shall do all of the following:

162 (1) Adopt rules to administer and enforce this part.

163 (2) Adopt, in consultation with local governmental entities
164 and dog rescue organizations, rules relating to standards of
165 care for dog breeding. The standards of care rules must, at
166 minimum:

167 (a) Meet the minimum federal regulations for dog breeding
168 facilities.

169 (b) Include limitations on the number of breeding female
170 dogs per dog breeder and on the number of times a breeding
171 female dog may be bred annually.

172 (c) Include requirements for the space, exercise,
173 confinement, veterinary care, temperature, food, and euthanasia
174 of each breeding dog.

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175 (3) Adopt and publish rules governing the application for
176 and the issuance, suspension, and revocation of certificates of
177 registration and inspection.

178 (4) Inspect, or cause to be inspected, all dog breeding
179 facilities. In inspecting a dog breeding facility, the
180 department may:

181 (a) Enter and inspect any dog breeding facility that it has
182 probable cause to suspect may be operating in violation of this
183 part to determine whether this part and department rules are
184 being complied with and to seize, without compensation, any dogs
185 from such facilities or breeders who are in violation of this
186 part or department rule.

187 (b) Declare a dog breeding facility noncompliant and
188 provide the facility owner or operator an opportunity to cure
189 the noncompliance within a specified period of days, not to
190 exceed 10 days.

191 (c) Assess fines.

192 (d) Enter into a cooperative arrangement with any person,
193 municipality, county, or organization to implement s. 585.713,
194 to perform inspections or board confiscated dogs, and for such
195 person or entity to make recommendations to the department to
196 ensure compliance with department rule.

197 (e) Create a system of risk-based inspection frequency to
198 reduce regulation while ensuring compliance with standards of
199 care.

200 (f) Suspend or revoke certificates of registration and
201 inspection of dog breeders and dog breeding facilities.

202 (5) Create a publicly available database on the
203 department's website which contains all of the following

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204 information:

205 (a) All dog breeder certificates of registration and dog
206 breeding facility certificates of inspection issued pursuant to
207 this part.

208 (b) Any administrative action taken against a dog breeder,
209 dog breeding facility, or retail establishment pursuant to s.
210 585.715(3)(c).

211 (6) Establish a whistleblower program whereby any
212 individual may alert the department about violations, and
213 provide a reward system for such alerts which may be funded with
214 finances or through an agreement with a private organization.

215 Section 7. Section 585.715, Florida Statutes, is created to
216 read:

217 585.715 Microchipping; retail sale of dogs.-

218 (1) A dog breeder or dog breeding facility must fit each
219 breeding female dog or any dog that it intends to offer for sale
220 with a unique microchip and register the unique microchip with
221 the department. If a breeding female dog dies, the person who
222 registered the dog must submit a notarized letter from a
223 licensed veterinarian to the department with the dog's cause of
224 death.

225 (2) A retail establishment that sells dogs in this state
226 must do all of the following:

227 (a) Conspicuously post in a place that is in clear and
228 unobstructed public view any certificates of registration and
229 inspection from dog breeding facilities from which the
230 establishment obtains dogs for sale.

231 (b) Ensure that any dog offered for sale in the retail
232 establishment is fitted with a unique microchip by the dog

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233 breeder or dog breeding facility pursuant to subsection (1). If
234 a retail establishment purchases a dog offered for sale without
235 a microchip, the retailer must, within 30 days after the
236 purchase, fit the dog with a microchip and register the
237 microchip with the department.

238 (3) (a) Any person who violates paragraph (2) (a) may be
239 subject to a fine established by the department.

240 (b) A retail establishment that violates subsection (1) or
241 paragraph (2) (b) is subject to a Class I fine pursuant to s.
242 570.971. Each dog offered for sale in violation of this section
243 constitutes a separate violation.

244 (c) Any person, retail establishment, or dog breeding
245 facility that violates this section shall be placed on a
246 registry created by the department which details the violation.

247 Section 8. Section 585.716, Florida Statutes, is created to
248 read:

249 585.716 Enforcement; fines.-

250 (1) If the department determines that a dog breeder or dog
251 breeding facility is operating in violation of this part, the
252 department may revoke or suspend the breeder's or facility's
253 certificate of registration.

254 (2) The department may confiscate all or some of the dogs
255 in the dog breeding facility pending the outcome of any hearings
256 or appeals. The dog breeder is responsible for payment of all
257 boarding costs and other fees as may be required to humanely and
258 safely house the dogs pending any hearing or appeal.

259 (3) Any administrative order made and entered by the
260 department imposing a fine pursuant to this part must specify
261 the amount of the fine and the time limit for payment, which may

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262 not exceed 15 days. Upon failure to pay the fine within the time
263 limit, the certificate of registration or inspection of the
264 breeder or facility may be suspended or revoked without further
265 hearing. An additional fine of \$100 per day may be imposed until
266 the breeder or facility complies with the order.

267 (4) If a dog breeding facility certificate of registration
268 is revoked, the facility and its registered owners and officers
269 are prohibited from breeding dogs in this state and may be
270 subject to the following penalties:

271 (a) For a first offense, a misdemeanor of the first degree,
272 punishable as provided in s. 775.082 or s. 775.083; and

273 (b) For a second or subsequent offense, a felony of the
274 third degree, punishable as provided in s. 775.082, s. 775.083,
275 or s. 775.084.

276 Section 9. Subsection (1) of section 585.007, Florida
277 Statutes, is amended to read:

278 585.007 Violation of rules; violation of chapter.—

279 (1) Unless otherwise provided, a person who violates this
280 chapter or any rule of the department is ~~shall be~~ subject to the
281 imposition of an administrative fine in the Class III category
282 pursuant to s. 570.971 for each offense. Upon repeated
283 violation, the department may seek enforcement pursuant to s.
284 120.69.

285 Section 10. The following moneys and full-time equivalent
286 (FTE) positions are appropriated to the Department of
287 Agriculture and Consumer Services for fiscal year 2023-2024 for
288 the purpose of implementing this act:

289 (1) The sum of \$350,000 from the General Revenue Fund and
290 10 FTEs within the department class code 7533 for salaries and

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291 benefits.

292 (2) The sum of \$5,200,000 from the General Revenue Fund and
293 100 FTEs within the department class code 8515 for salaries and
294 benefits.

295 Section 11. This act shall take effect July 1, 2023.