

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 dog breeders to apply for and obtain a
11 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 a specified number of days;
18 requiring the department to issue certificates of
19 inspection for dog breeding facilities that meet
20 certain requirements and rules; requiring dog breeders
21 and dog breeding facilities to post conspicuously
22 their certificates of registration and inspection;
23 creating s. 585.714, F.S.; requiring the department to
24 adopt rules; requiring the department to consult with
25 certain entities in creating rules for standards of
26 care; providing specified criteria for such rules;
27 requiring the department to adopt and publish rules
28 governing the application for and issuance, suspension
29 and revocation of certificates of registration and

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30 inspection; authorizing the department to enter and
31 inspect any dog breeding facility; requiring probable
32 cause for such entry; authorizing the department to
33 take certain enforcement actions against a dog breeder
34 or dog breeding facility; authorizing the department
35 to suspend or revoke certificates of registration and
36 inspection under certain circumstances; authorizing
37 the department to assess fines; authorizing the
38 department to enter into cooperative agreements to
39 conduct such inspections; authorizing the department
40 to create a risk-based inspection frequency system;
41 requiring the department to create a publicly
42 available database on the department's website which
43 contains certain information on dog breeders, dog
44 breeding facilities, and retail establishments that
45 sell dogs; requiring the department to create a
46 whistleblower program for reporting violations;
47 creating s. 585.715, F.S.; requiring dog breeders to
48 microchip certain dogs; requiring that such microchips
49 be registered with the department; requiring a retail
50 establishment that sells dogs to post conspicuously
51 certain certificates of registration and inspection;
52 prohibiting a retail establishment from selling or
53 accepting for sale dogs that do not meet the
54 microchipping requirements; requiring a retail
55 establishment to provide a certificate of veterinary
56 inspection for each dog offered for sale; providing
57 civil penalties; creating s. 585.716, F.S.;

58 prohibiting the transfer of dogs for consideration in

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59 specified outdoor spaces; providing applicability;
60 creating s. 585.717, F.S.; providing for enforcement;
61 authorizing civil and criminal penalties; authorizing
62 law enforcement agencies to enter into an agreement
63 with the Department of Agriculture and Consumer
64 Services for a specified purpose; amending s. 585.007,
65 F.S.; conforming a provision to changes made by the
66 act; providing an effective date.

67
68 Be It Enacted by the Legislature of the State of Florida:

69
70 Section 1. Part III of chapter 585, Florida Statutes,
71 consisting of ss. 585.71-585.717, Florida Statutes, is created
72 and entitled "Dog Breeding."

73 Section 2. Section 585.71, Florida Statutes, is created to
74 read:

75 585.71 Legislative findings and intent.-

76 (1) The Legislature finds that:

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

80 (b) The registration of individuals or corporations that
81 breed dogs for profit is necessary to prevent the cruel
82 treatment of dogs, to prevent bred dogs that end up in shelters
83 from being euthanized at a financial cost to local and state
84 governments, and to prevent the emotional suffering of
85 individuals and families that experience the unethical and bad
86 business practices of some dog breeders.

87 (2) It is the intent of the Legislature to require any

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88 individual or corporation that breeds dogs for profit to
89 register with the Department of Agriculture and Consumer
90 Services and for dog breeding facilities to be inspected by the
91 department to ensure that quality standards are met and that
92 only qualified individuals and facilities are authorized to
93 breed dogs, with a goal of reducing the number of sick and
94 unwanted dogs in this state.

95 Section 3. Section 585.711, Florida Statutes, is created to
96 read:

97 585.711 Definitions.—As used in this part, the term:

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

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

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

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

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

113 (6) "Department" means the Department of Agriculture and
114 Consumer Services.

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

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117 (8) "Transfer" means a transaction in which, for
118 consideration, a dog is exchanged, offered to be exchanged, or
119 advertised for a commercial purpose.

120 (9) "Consideration" means anything of value, including, but
121 not limited to, cash, credit, electronic transfer, services, or
122 any type of or interest in property.

123 Section 4. Section 585.712, Florida Statutes, is created to
124 read:

125 585.712 Construction; presumption of use for dog breeding.—

126 (1) The authority of the department to regulate and inspect
127 dog breeders and breeding facilities does not preempt local
128 governmental entities from placing more restrictive conditions
129 on such facilities.

130 (2) For the purposes of this part, each breeding female dog
131 possessed by a dog breeder is presumed to be used for breeding
132 purposes unless the person establishes to the satisfaction of
133 the department, based on the dog breeder's breeding records or
134 other evidence reasonably acceptable to the department, that the
135 dog is not used for breeding.

136 Section 5. Section 585.713, Florida Statutes, is created to
137 read:

138 585.713 Certificate of registration and inspection.—

139 (1) Each dog breeder within this state must apply to the
140 department, on forms supplied by the department, for a
141 certificate of registration.

142 (2) The certificate of registration, the structure of which
143 shall be determined by the department, must be renewed annually
144 on its anniversary date upon satisfactory showing that the
145 applicant has complied with this part and the rules of the

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146 department.

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

151 (4) The department may assess penalties for late filing,
152 not to exceed \$500. Upon application before the renewal date,
153 the department may, for good cause, such as natural disasters,
154 hardship cases, or unusual circumstances, supported by written
155 documentation, extend the renewal date without penalty for up to
156 90 days.

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

160 (6) Each dog breeder and dog breeding facility must
161 conspicuously post its certificates of registration and
162 inspection in a place that is in clear and unobstructed public
163 view.

164 Section 6. Section 585.714, Florida Statutes, is created to
165 read:

166 585.714 Powers and duties of the department.—The department
167 shall do all of the following:

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

169 (2) Adopt, in consultation with local governmental entities
170 and dog rescue organizations, rules relating to standards of
171 care for dog breeding. The standards of care rules must, at
172 minimum:

173 (a) Meet the minimum federal regulations for dog breeding
174 facilities.

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175 (b) Include limitations on the number of breeding female
176 dogs per dog breeder and on the number of times a breeding
177 female dog may be bred annually.

178 (c) Include requirements for the space, exercise,
179 confinement, veterinary care, temperature, food, and euthanasia
180 of each bred dog, and require that each breeding female have a
181 certificate of veterinary inspection.

182 (3) Adopt and publish rules governing the application for
183 and issuance, suspension, and revocation of certificates of
184 registration and inspection.

185 (4) Inspect, or cause to be inspected, all dog breeding
186 facilities. In inspecting a dog breeding facility, the
187 department may:

188 (a) Enter and inspect any dog breeding facility to
189 determine whether this part and department rules are being
190 complied with and to seize, without compensation, any dogs from
191 such facilities or breeders in violation of this part or
192 department rule. To enter a dog breeding facility under this
193 section, there must be probable cause.

194 (b) Declare a dog breeding facility noncompliant and
195 provide the facility owner or operator an opportunity to cure
196 the noncompliance within a specified period of days, not to
197 exceed 10 days.

198 (c) Assess fines.

199 (d) Enter into a cooperative arrangement with any person,
200 municipality, county, or organization to perform inspections or
201 boarding of confiscated dogs.

202 (e) Create a system of risk-based inspection frequency to
203 reduce regulation while ensuring compliance with standards of

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204 care.

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

207 (g) Establish an expedited review system for confiscated
208 dogs to ensure that they are not held indefinitely.

209 (5) Create a publicly available database on the
210 department's website which contains all of the following
211 information:

212 (a) All dog breeder certificates of registration and dog
213 breeding facility certificates of inspection issued pursuant to
214 this part.

215 (b) Any administrative action taken against a dog breeder,
216 dog breeding facility, or retail establishment pursuant to s.
217 585.715(3)(c).

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

222 Section 7. Section 585.715, Florida Statutes, is created to
223 read:

224 585.715 Microchipping; certificates; retail sale of dogs.-

225 (1) A dog breeder or dog breeding facility shall fit each
226 breeding female dog or any dog that it intends to offer for sale
227 with a unique microchip and register the unique microchip with
228 the department.

229 (2) A retail establishment that sells dogs in this state
230 shall do all of the following:

231 (a) Conspicuously post in a place that is in clear and
232 unobstructed public view any certificates of registration and

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233 inspection from dog breeding facilities from which the
234 establishment obtains dogs for sale.

235 (b) Ensure that any dog offered for sale in the retail
236 establishment is fitted with a unique microchip by the dog
237 breeder or dog breeding facility pursuant to subsection (1). The
238 retail establishment may not accept any dog for sale which does
239 not have a microchip registered with the department.

240 (c) Provide a certificate of veterinary inspection for each
241 dog offered for sale.

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

244 (b) A retail establishment that violates subsection (1) or
245 paragraph (2) (b) is subject to a Class I fine pursuant to s.
246 570.971. Each dog offered for sale in violation of this section
247 constitutes a separate violation.

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

251 Section 8. Section 585.716, Florida Statutes, is created to
252 read:

253 585.716 Outdoor dog sales.—It is unlawful for any person to
254 engage in a transfer at any roadside, public right-of-way,
255 parkway, median, park, other recreational area, fair, flea
256 market, outdoor market, commercial or retail parking lot, or
257 similar transient or outdoor location, regardless of whether
258 such activity is otherwise authorized. This section does not
259 apply to:

260 (1) A transfer by a person or an entity that has and
261 produces upon request, in paper, electronic, or other form, a

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262 valid license to sell dogs which was issued by the Department of
263 Agriculture and Consumer Services.

264 (2) A transfer by a paid entrant as part of a fair or an
265 exhibition who possesses a breeder or retail license to sell
266 dogs.

267 Section 9. Section 585.717, Florida Statutes, is created to
268 read:

269 585.717 Enforcement; fines.—

270 (1) If the department determines that a dog breeder or dog
271 breeding facility is operating in violation of this part, the
272 department may revoke or suspend the breeder's or facility's
273 certificate of registration.

274 (2) The department may confiscate all or a portion of the
275 dogs in the dog breeding facility pending the outcome of any
276 hearings or appeals. The dog breeder is responsible for payment
277 of all boarding costs and other fees as may be required to
278 humanely and safely house the dogs pending any hearing or
279 appeal.

280 (3) Any administrative order made and entered by the
281 department imposing a fine pursuant to this part must specify
282 the amount of the fine and the time limit for payment, which may
283 not exceed 15 days. Upon failure to pay the fine within the time
284 limit, the certificate of registration or inspection of the
285 breeder or facility may be suspended or revoked without further
286 hearing. An additional fine of \$100 per day may be imposed until
287 the breeder or facility complies with the order.

288 (4) If a dog breeding facility certificate of registration
289 is revoked, the facility and its registered owners and officers
290 are prohibited from breeding dogs in this state. A person who

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291 violates this subsection:

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

294 (b) For a second or subsequent offense, commits a felony of
295 the third degree, punishable as provided in s. 775.082, s.
296 775.083, or s. 775.084.

297 (5) Any law enforcement agency, including animal control
298 departments, may enter into an agreement with the Department of
299 Agriculture and Consumer Services to obtain reimbursement for
300 its costs to enforce this section.

301 Section 10. Subsection (1) of section 585.007, Florida
302 Statutes, is amended to read:

303 585.007 Violation of rules; violation of chapter.—

304 (1) Unless otherwise provided, a person who violates this
305 chapter or any rule of the department is ~~shall be~~ subject to the
306 imposition of an administrative fine in the Class III category
307 pursuant to s. 570.971 for each offense. Upon repeated
308 violation, the department may seek enforcement pursuant to s.
309 120.69.

310 Section 11. This act shall take effect July 1, 2025.