

By Senator Gaetz

1-01124-26

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A bill to be entitled

An act relating to the sale of dogs and cats; amending s. 828.29, F.S.; requiring that if a pet sale is terminated for certain reasons, the financing agreement must be terminated without certain costs; deleting a limit on veterinary costs under certain provisions; requiring that all financial terms be disclosed to the consumer before the sale of the animal; requiring a specified mandatory waiting period between the purchase and receipt of an animal if the transaction is financed by the consumer; deleting certain provisions relating to a consumer's waiver relinquishing his or her rights to return an animal; requiring a pet dealer to provide copies of specified medical records to a consumer; revising requirements for a required notice to a consumer; revising the text of the required notice; requiring a pet dealer to retain a copy of a specified notice for a specified period; providing that violations constitute an unfair method of competition or an unfair or deceptive act or practice in violation of specified provisions and subject to penalties; providing construction; providing an effective date.

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

Section 1. Subsections (5) through (8), (10), (12), and (17) of section 828.29, Florida Statutes, are amended, and subsections (18), (19), and (20) are added to that section, to

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30 read:

31 828.29 Dogs and cats transported or offered for sale;
32 health requirements; consumer guarantee; disclosures.-

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

49 (a) The right to return the animal and receive a refund of
50 the purchase price, including the sales tax, and reimbursement
51 for reasonable veterinary costs directly related to the
52 veterinarian's examination and certification that the dog or cat
53 is unfit for purchase pursuant to this section and directly
54 related to necessary emergency services and treatment undertaken
55 to relieve suffering. If the consumer financed the animal, the
56 pet dealer must ensure that the financing arrangement is
57 terminated without penalty to the consumer;

58 (b) The right to return the animal and receive an exchange

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dog or cat of the consumer's choice of equivalent value, and reimbursement for reasonable veterinary costs directly related to the veterinarian's examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering; or

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

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

(6) All financing terms must be disclosed to the consumer before the sale of the animal. A mandatory waiting period of at least 3 calendar days must be imposed between the date of an agreement to purchase an animal and the date on which the consumer takes possession of the animal, if the consumer is financing the animal. A financing agreement may not be signed by the consumer until the conclusion of the 3-day waiting period ~~A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer's~~

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choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:

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

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

(7) Before the sale of an animal, a pet dealer must provide to the consumer copies of records of all medical examinations or tests that were conducted on the animal or any medication given before the purchase of the animal. A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those disorders.

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

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(10) If a pet dealer wishes to contest a demand for veterinary expenses, refund, or exchange made by a consumer under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection (5) ~~or subsection (6)~~ within 10 business days after ~~following~~ receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement of veterinary expenses, refund, or exchange.

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

RIGHT TO CANCEL

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

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

...(Signatory's Title/Office)...

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

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

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

148 Personally Known OR Produced Identification

149
150 The pet dealer shall retain a copy of the signed
151 notice, and the consumer must be given a copy of the
152 signed notice.

153 ~~It is the consumer's right, pursuant to section~~
154 ~~828.29, Florida Statutes, to receive a certificate of~~
155 ~~veterinary inspection with each dog or cat purchased~~
156 ~~from a pet dealer. Such certificate shall list all~~
157 ~~vaccines and deworming medications administered to the~~
158 ~~animal and shall state that the animal has been~~
159 ~~examined by a Florida-licensed veterinarian who~~
160 ~~certifies that, to the best of the veterinarian's~~
161 ~~knowledge, the animal was found to have been healthy~~
162 ~~at the time of the veterinary examination. In the~~
163 ~~event that the consumer purchases the animal and finds~~
164 ~~it to have been unfit for purchase as provided in~~
165 ~~section 828.29(5), Florida Statutes, the consumer must~~
166 ~~notify the pet dealer within 2 business days of the~~
167 ~~veterinarian's determination that the animal was~~
168 ~~unfit. The consumer has the right to retain, return,~~
169 ~~or exchange the animal and receive reimbursement for~~
170 ~~certain related veterinary services rendered to the~~
171 ~~animal, subject to the right of the dealer to have the~~
172 ~~animal examined by another veterinarian.~~

173
174 (17) Except as otherwise provided in this chapter, a person

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who violates ~~any provision of~~ this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

Section 2. This act shall take effect July 1, 2026.