

By Senator Garcia

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A bill to be entitled

An act relating to the handling of animals; creating s. 585.701, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Agriculture and Consumer Services to develop and adopt rules, best management practices, and other measures for dog breeding in this state; requiring the department to consider certain criteria in developing the rules; requiring the Board of Veterinary Medicine to verify that the proposed rules meet certain goals; providing construction; creating s. 828.265, F.S.; providing legislative findings; defining terms; preempting the regulatory and operational oversight of local animal shelters to the department; requiring the department to adopt certain rules; encouraging the department to collaborate with certain entities; amending s. 828.29, F.S.; requiring that a pet sale financing agreement be terminated without penalty under certain circumstances; deleting a limit on veterinary costs under certain provisions; requiring that all financial terms be disclosed to the consumer before the sale of an animal; requiring a specified mandatory waiting period between the purchase and receipt of an animal if the transaction is financed by the consumer and prohibiting the signing of such agreement before the conclusion of such waiting period; deleting certain provisions relating to a consumer's waiver relinquishing his or her rights to return an animal; requiring a pet dealer to provide

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30 copies of specified medical records to a consumer;
31 revising requirements for a required notice to a
32 consumer; revising the text of the required notice;
33 requiring a pet dealer to retain a copy of the signed
34 notice; requiring that the consumer be given a copy of
35 the signed notice; requiring a pet dealer to retain
36 certain records for a specified timeframe; specifying
37 requirements for retail stores that offer animals for
38 sale; requiring retail stores to ensure that dog
39 breeders and dog breeding facilities from which the
40 store acquires dogs meet certain best management
41 practices; providing that violations constitute an
42 unfair method of competition or an unfair or deceptive
43 act or practice in violation of specified provisions
44 and are subject to penalties; providing a private
45 cause of action; providing construction; creating s.
46 828.291, F.S.; defining terms; requiring dog breeders
47 to apply to the Department of Business and
48 Professional Regulation for a certificate of
49 registration and to renew the certificate at specified
50 intervals; authorizing the department to investigate
51 certain claims; authorizing the department to
52 establish a whistleblower program for a specified
53 purpose; specifying requirements for such program;
54 providing penalties for specified practices and
55 conditions; requiring certain individuals, dog
56 breeders, and dog breeding facilities to be placed on
57 a public animal abuser database; requiring the
58 department to provide certain information to law

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59 enforcement for the purpose of pursuing criminal
60 charges; providing an effective date.

61

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

63

64 Section 1. Section 585.701, Florida Statutes, is created to
65 read:

66 585.701 Dog breeders; best management practices.—
67 (1) The Legislature finds that the safe and ethical
68 breeding of dogs in this state is a matter of great public
69 importance, and that breeding dogs for profit without regard for
70 the condition in which the dogs live or how they are cared for
71 is an act of animal cruelty. Therefore, the Legislature intends
72 to ensure that dog breeding is done in an ethical manner by
73 establishing best management practices to ensure the humane
74 treatment of animals.

75 (2) As used in this section, the term:

76 (a) "Board" means the Board of Veterinary Medicine.

77 (b) "Breeding female dog" means a dog that has not been
78 spayed and is more than 6 months old and capable of
79 reproduction.

80 (c) "Department" means the Department of Agriculture and
81 Consumer Services.

82 (d) "Dog breeder" means a person who owns or possesses
83 breeding female dogs and offers for sale more than two litters
84 of dogs per calendar year.

85 (e) "Dog breeding facility" means a location that is the
86 site of a dog breeder which houses five or more breeding female
87 dogs.

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88 (f) "Litter" means the collection of dogs birthed, whether
89 naturally or from cesarean section, from a breeding female dog
90 from the same pregnancy.

91 (3) The department shall:

92 (a) Develop and adopt rules, best management practices, and
93 other measures necessary to improve the practices of dog
94 breeders and dog breeding facilities in a way that protects this
95 state's domestic animal resources and preserves a viable and
96 ethical dog breeding industry. In developing the rules, the
97 department shall consider, at a minimum, the spacing of and
98 sanitation guidelines for cages and pens, requiring adequate
99 access to clean water, limiting the number of times a breeding
100 female dog may be bred per year, and providing breeding female
101 dogs and their litters with appropriate shelter.

102 (b) Before adopting any rules, best management practices,
103 and other measures required by paragraph (a), submit the
104 proposed rules to the board. The board shall verify that the
105 proposed rules, best management practices, and other measures
106 developed by the department will be reasonably effective in
107 achieving the goals of this section. The board shall notify the
108 department of its initial verification.

109 (4) This section may not be construed to prohibit a local
110 jurisdiction from implementing requirements for dog breeders or
111 dog breeding facilities which are stricter than those in this
112 section or any rule adopted by the department.

113 Section 2. Section 828.265, Florida Statutes, is created to
114 read:

115 828.265 Regulation of animal shelters.—

116 (1) The Legislature finds that a lack of resources,

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117 training, and consistent enforcement of rules at the local level
118 has resulted in an undermining of the public trust of, and a
119 failure to protect vulnerable animals housed in, local animal
120 shelters. Therefore, the Legislature intends to provide
121 statewide oversight of local animal shelters to ensure
122 consistent implementation and enforcement of rules governing
123 local animal shelters.

124 (2) As used in this section, the term:

125 (a) "Department" means the Department of Agriculture and
126 Consumer Services.

127 (b) "Local animal shelter" includes city and county animal
128 rescues and animal shelters.

129 (3) The regulatory and operational oversight of local
130 animal shelters is preempted to the department.

131 (4) The department shall adopt rules governing all of the
132 following:

133 (a) Basic standards for the care of animals housed in local
134 animal shelters, including providing adequate food, water,
135 shelter, and medical treatment.

136 (b) Mandatory reporting requirements for local animal
137 shelters to report intake, adoption, and euthanasia statistics
138 in a standardized format.

139 (c) Guidelines for the safe and humane euthanasia of
140 animals.

141 (d) Periodic inspections of local animal shelters.

142 (5) The department is encouraged to collaborate with
143 reputable nonprofit and private organizations to manage animal
144 shelters.

145 Section 3. Subsections (5) through (8), (10), (12), and

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146 (17) of section 828.29, Florida Statutes, are amended, and
147 subsections (18) through (21) are added to that section, to
148 read:

149 828.29 Dogs and cats transported or offered for sale;
150 health requirements; consumer guarantee; disclosures.—

151 (5) If, within 14 days after following the sale by a pet
152 dealer of an animal subject to this section, a licensed
153 veterinarian of the consumer's choosing certifies that, at the
154 time of the sale, the animal was unfit for purchase due to
155 illness or disease, the presence of symptoms of a contagious or
156 infectious disease, or the presence of internal or external
157 parasites, excluding fleas and ticks; or if, within 1 year after
158 following the sale of an animal subject to this section, a
159 licensed veterinarian of the consumer's choosing certifies such
160 animal to be unfit for purchase due to a congenital or
161 hereditary disorder which adversely affects the health of the
162 animal; or if, within 1 year after following the sale of an
163 animal subject to this section, the breed, sex, or health of
164 such animal is found to have been misrepresented to the
165 consumer, the pet dealer shall afford the consumer the right to
166 choose one of the following options:

167 (a) The right to return the animal and receive a refund of
168 the purchase price, including the sales tax, and reimbursement
169 for reasonable veterinary costs directly related to the
170 veterinarian's examination and certification that the dog or cat
171 is unfit for purchase pursuant to this section and directly
172 related to necessary emergency services and treatment undertaken
173 to relieve suffering. If the consumer financed the animal, the
174 pet dealer must ensure that the financing arrangement is

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175 terminated without penalty to the consumer;

176 (b) The right to return the animal and receive an exchange
177 dog or cat of the consumer's choice of equivalent value, and
178 reimbursement for reasonable veterinary costs directly related
179 to the veterinarian's examination and certification that the dog
180 or cat is unfit for purchase pursuant to this section and
181 directly related to necessary emergency services and treatment
182 undertaken to relieve suffering; or

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

187
188 ~~Reimbursement for veterinary costs may not exceed the purchase~~
189 ~~price of the animal.~~ The cost of veterinary services is
190 reasonable if comparable to the cost of similar services
191 rendered by other licensed veterinarians in proximity to the
192 treating veterinarian and the services rendered are appropriate
193 for the certification by the veterinarian.

194 (6) All financing terms must be disclosed to the consumer
195 before the sale of the animal. A mandatory waiting period of at
196 least 3 calendar days must be imposed between the date of an
197 agreement to purchase an animal and the date on which the
198 consumer takes possession of the animal, if the consumer is
199 financing the animal. A financing agreement may not be signed by
200 the consumer until the conclusion of the 3-day waiting period. ~~A~~
201 ~~consumer may sign a waiver relinquishing his or her right to~~
202 ~~return the dog or cat for congenital or hereditary disorders.~~ In
203 ~~the case of such waiver, the consumer has 48 normal business~~

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204 hours, excluding weekends and holidays, in which to have the
205 animal examined by a licensed veterinarian of the consumer's
206 choosing. If the veterinarian certifies that, at the time of
207 sale, the dog or cat was unfit for purchase due to a congenital
208 or hereditary disorder, the pet dealer must afford the consumer
209 the right to choose one of the following options:

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

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

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

226 (8) The refund or exchange required by subsection (5) must
227 ~~or subsection (6) shall~~ be made by the pet dealer not later than
228 10 business days after ~~following~~ receipt of a signed veterinary
229 certification as required in subsection (5) ~~or subsection (6).~~
230 The consumer must notify the pet dealer within 2 business days
231 after the veterinarian's determination that the animal is unfit.
232 The written certification of unfitness must be presented to the

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233 pet dealer not later than 3 business days after following
234 receipt thereof by the consumer.

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

246 (12) Every pet dealer who sells an animal to a consumer
247 shall must provide the consumer at the time of sale with a
248 printed, written notice. The pet dealer shall retain a copy of
249 the signed notice, and the consumer must be given a copy of the
250 signed notice. The notice, printed or typed, which is separate
251 from the contract, shall read reads as follows:

252
253 RIGHT TO CANCEL

254 Florida consumers have certain rights under s. 828.29,
255 Florida Statutes. You have the right to return or
256 exchange a dog or cat purchased from a pet dealer and
257 receive reimbursement for certain veterinary expenses.
258 A copy of this law is attached to this notice.

259
260 ... (Signature of Owner, or Owner's or Authorized
261 Agent) ...

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262
263 Sworn to (or affirmed) and subscribed before me this
264 day of,, by ... (name of person making
265 statement)

266
267 It is the consumer's right, pursuant to section
268 828.29, Florida Statutes, to receive a certificate of
269 veterinary inspection with each dog or cat purchased
270 from a pet dealer. Such certificate shall list all
271 vaccines and deworming medications administered to the
272 animal and shall state that the animal has been
273 examined by a Florida licensed veterinarian who
274 certifies that, to the best of the veterinarian's
275 knowledge, the animal was found to have been healthy
276 at the time of the veterinary examination. In the
277 event that the consumer purchases the animal and finds
278 it to have been unfit for purchase as provided in
279 section 828.29(5), Florida Statutes, the consumer must
280 notify the pet dealer within 2 business days of the
281 veterinarian's determination that the animal was
282 unfit. The consumer has the right to retain, return,
283 or exchange the animal and receive reimbursement for
284 certain related veterinary services rendered to the
285 animal, subject to the right of the dealer to have the
286 animal examined by another veterinarian.

287
288 (17) Except as otherwise provided in this chapter, a person
289 who violates any provision of this section commits a misdemeanor
290 of the first degree, punishable as provided in s. 775.082 or s.

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291 775.083.

292 (18) A pet dealer shall retain any record provided to a
293 consumer pursuant to the sale of an animal under this section
294 for at least 7 years after the sale.

295 (19) A retail store that offers animals for sale shall do
296 both of the following:

297 (a) Provide the city or county animal rescue or animal
298 shelter the opportunity to inventory the animals the rescue or
299 shelter, respectively, has available for adoption before
300 offering retail space to a dog breeder or dog breeding facility.

301 (b) Ensure the dog breeder or dog breeding facility from
302 which the store has acquired a dog meets the best management
303 practices adopted by the Department of Agriculture and Consumer
304 Services pursuant to s. 585.701.

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

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

315 Section 4. Section 828.291, Florida Statutes, is created to
316 read:

317 828.291 Dog breeder certificate of registration.—

318 (1) As used in this section, the term:

319 (a) "Breeding female dog" means a dog that has not been

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320 spayed and is more than 6 months old and capable of
321 reproduction.

322 (b) "Department" means the Department of Business and
323 Professional Regulation.

324 (c) "Dog breeder" means a person who owns or possesses
325 breeding female dogs and offers for sale more than two litters
326 of dogs per calendar year.

327 (d) "Dog breeding facility" means a location that is the
328 site of a dog breeder which houses five or more breeding female
329 dogs.

330 (e) "Litter" means the collection of dogs birthed, whether
331 naturally or from cesarean section, from a breeding female dog
332 from the same pregnancy.

333 (2) Each dog breeder in this state must apply to the
334 department, on forms supplied by the department, for a
335 certificate of registration. The certificate of registration
336 must be renewed every 2 years thereafter. To be eligible to
337 receive a certificate of registration, a dog breeder must submit
338 documentation to the department that the breeder meets the best
339 management practices adopted by the Department of Agriculture
340 and Consumer Services pursuant to s. 585.701.

341 (3) If the department is notified that a certified dog
342 breeder is not in compliance with the best management practices
343 adopted by the Department of Agriculture and Consumer Services
344 pursuant to s. 585.701, the department may investigate such
345 claim. The department may establish a whistleblower program
346 through which any individual may alert the department or its
347 contracted authority about a violation of s. 585.701. The
348 department may contract with a private entity to administer the

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349 whistleblower program. If a private entity is contracted to
350 receive calls, the private entity must provide monthly reports
351 to the department detailing the number of calls received, the
352 number of calls referred to law enforcement, and the status of
353 each case referred to law enforcement.

354 (4) Any individual, dog breeder, or dog breeding facility
355 that is found to employ any of the following practices or
356 conditions is subject to penalties under s. 828.073 or s.
357 828.12; the individual, dog breeder, or dog breeding facility
358 must be placed on the Department of Law Enforcement's website
359 pursuant to s. 828.12(7); and the department shall provide all
360 applicable information to law enforcement to pursue criminal
361 charges:

362 (a) Overcrowding of dogs crammed into cages or pens with no
363 space to move.

364 (b) Enclosures with significant build-up of feces, urine,
365 and waste.

366 (c) Dogs exhibiting untreated infections or parasites due
367 to unsanitary conditions.

368 (d) Limited or no access to clean water.

369 (e) Breeding a female dog more than 2 times per year.

370 (f) Exposing breeding females and their litters to extreme
371 temperatures without appropriate shelter.

372 Section 5. This act shall take effect July 1, 2026.