

By the Committee on Commerce and Tourism; and Senator Garcia

577-02493-26

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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; 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 financing 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; prohibiting the signing of a financing 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 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 the signed notice; requiring that the consumer be given a copy of the signed notice;

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requiring a pet dealer to retain certain records for a specified timeframe; specifying requirements for retail stores that offer animals for sale; requiring retail stores to ensure that dog breeders and dog breeding facilities from which the store acquires dogs meet certain best management practices; providing that violations constitute an unfair method of competition or an unfair or deceptive act or practice in violation of specified provisions and are subject to penalties; providing a private cause of action; providing construction; creating s. 828.291, F.S.; defining terms; requiring dog breeders to apply to the Department of Business and Professional Regulation for a certificate of registration and to renew the certificate at specified intervals; authorizing the department to investigate certain claims; authorizing the department to establish a whistleblower program for a specified purpose; specifying requirements for such program; providing penalties for specified practices and conditions; requiring certain individuals, dog breeders, and dog breeding facilities to be placed on a public animal abuser database; requiring the department to provide certain information to law enforcement for the purpose of pursuing criminal charges; providing an effective date.

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

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59 Section 1. Section 585.701, Florida Statutes, is created to
60 read:

61 585.701 Dog breeders; best management practices.-

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

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

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

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

75 (c) "Department" means the Department of Agriculture and
76 Consumer Services.

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

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

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

86 (3) The department shall:

87 (a) Develop and adopt rules, best management practices, and

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

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

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

108 Section 2. Subsections (5) through (8), (10), (12), (13),
109 and (17) of section 828.29, Florida Statutes, are amended, and
110 subsections (18) through (21) are added to that section, to
111 read:

112 828.29 Dogs and cats transported or offered for sale;
113 health requirements; consumer guarantee; disclosures.-

114 (5) If, within 14 days after ~~following~~ the sale by a pet
115 dealer of an animal subject to this section, a licensed
116 veterinarian of the consumer's choosing certifies that, at the

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117 time of the sale, the animal was unfit for purchase due to
118 illness or disease, the presence of symptoms of a contagious or
119 infectious disease, or the presence of internal or external
120 parasites, excluding fleas and ticks; or if, within 1 year after
121 ~~following~~ the sale of an animal subject to this section, a
122 licensed veterinarian of the consumer's choosing certifies such
123 animal to be unfit for purchase due to a congenital or
124 hereditary disorder which adversely affects the health of the
125 animal; or if, within 1 year after ~~following~~ the sale of an
126 animal subject to this section, the breed, sex, or health of
127 such animal is found to have been misrepresented to the
128 consumer, the pet dealer shall afford the consumer the right to
129 choose one of the following options:

130 (a) The right to return the animal and receive a refund of
131 the purchase price, including the sales tax, and reimbursement
132 for reasonable veterinary costs directly related to the
133 veterinarian's examination and certification that the dog or cat
134 is unfit for purchase pursuant to this section and directly
135 related to necessary emergency services and treatment undertaken
136 to relieve suffering. If the consumer financed the animal, the
137 pet dealer must ensure that the financing arrangement is
138 terminated without penalty to the consumer;

139 (b) The right to return the animal and receive an exchange
140 dog or cat of the consumer's choice of equivalent value, and
141 reimbursement for reasonable veterinary costs directly related
142 to the veterinarian's examination and certification that the dog
143 or cat is unfit for purchase pursuant to this section and
144 directly related to necessary emergency services and treatment
145 undertaken to relieve suffering; or

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(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 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~~

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~~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.

(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

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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. The pet dealer shall retain a copy of
the signed notice, and the consumer must be given a copy of the
signed notice. The notice, printed or typed, which is separate
from the contract, shall read ~~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 a dog or cat purchased from a pet dealer and
receive reimbursement for certain veterinary expenses.
A copy of this law is attached to this notice.

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

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

~~It is the consumer's right, pursuant to section~~
~~828.29, Florida Statutes, to receive a certificate of~~
~~veterinary inspection with each dog or cat purchased~~

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~~from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian's knowledge, the animal was found to have been healthy at the time of the veterinary examination. In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer within 2 business days of the veterinarian's determination that the animal was unfit. The consumer has the right to retain, return, or exchange the animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.~~

(13) For the purposes of subsections (5)-(12), and (16), (18), and (20), the term "pet dealer" means any person, firm, partnership, corporation, or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer.

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

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

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

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

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

(20) 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.

(21) 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 court costs, attorney fees, and related expenses. This section does not limit any right or remedy provided under law.

Section 3. Section 828.291, Florida Statutes, is created to read:

828.291 Dog breeder certificate of registration.-

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

(a) "Breeding female dog" means a dog that has not been spayed and is more than 6 months old and capable of

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291 reproduction.

292 (b) "Department" means the Department of Business and
293 Professional Regulation.

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

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

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

303 (2) Each dog breeder in this state must apply to the
304 department, on forms supplied by the department, for a
305 certificate of registration. The certificate of registration
306 must be renewed every 2 years thereafter. To be eligible to
307 receive a certificate of registration, a dog breeder must submit
308 documentation to the department that the breeder meets the best
309 management practices adopted by the Department of Agriculture
310 and Consumer Services pursuant to s. 585.701.

311 (3) If the department is notified that a certified dog
312 breeder is not in compliance with the best management practices
313 adopted by the Department of Agriculture and Consumer Services
314 pursuant to s. 585.701, the department may investigate such
315 claim. The department may establish a whistleblower program
316 through which any individual may alert the department or its
317 contracted authority about a violation of s. 585.701. The
318 department may contract with a private entity to administer the
319 whistleblower program. If a private entity is contracted to

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320 receive calls, the private entity must provide monthly reports
321 to the department detailing the number of calls received, the
322 number of calls referred to law enforcement, and the status of
323 each case referred to law enforcement.

324 (4) Any individual, dog breeder, or dog breeding facility
325 that is found to employ any of the following practices or
326 conditions is subject to penalties under s. 828.073 or s.
327 828.12; the individual, dog breeder, or dog breeding facility
328 must be placed on the Department of Law Enforcement's website
329 pursuant to s. 828.12(7); and the department shall provide all
330 applicable information to law enforcement to pursue criminal
331 charges:

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

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

336 (c) Dogs exhibiting untreated infections or parasites due
337 to unsanitary conditions.

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

339 (e) Breeding a female dog more than two times per year.

340 (f) Exposing breeding female dogs and their litters to
341 extreme temperatures without appropriate shelter.

342 Section 4. This act shall take effect July 1, 2026.