

By Senator Bullard

39-00145-14

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1                                   A bill to be entitled  
 2           An act relating to the commercial breeding and selling  
 3           of animals; providing definitions; requiring  
 4           commercial breeders and dealers to comply with certain  
 5           federal animal welfare standards and rules adopted by  
 6           the Department of Business and Professional  
 7           Regulation; requiring commercial breeders and dealers  
 8           to register with the department; providing penalties;  
 9           providing registration and fee requirements; requiring  
 10          the department to inspect certain facilities;  
 11          authorizing the department to adopt rules; providing  
 12          applicability; requiring retail pet stores to annually  
 13          provide certain information to the department;  
 14          providing an effective date.

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

18           Section 1. Commercial breeding and selling of animals.—

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

20           (a) "Animal" means a dog or cat as defined in 9 C.F.R. s.

21           1.1.

22           (b) "Commercial breeder" means a person, partnership, firm,  
 23           corporation, or other entity that:

24           1. Owns, possesses, controls, or otherwise has custody of  
 25           female animals with intact sexual organs;

26           2. Is engaged in the business of breeding animals for sale;

27           and

28           3. Sells 16 or more animals during any 12-month period.

29           (c) "Dealer" means a person, partnership, firm,

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30 corporation, or other entity, excluding a retail pet store, that  
31 for profit or compensation is engaged in the business of:

32 1. Buying, selling, or offering to sell animals;

33 2. Transferring animals at wholesale for resale to another;

34 or

35 3. Offering to sell or maintaining animals at wholesale for  
36 resale to another as defined in 9 C.F.R. s. 1.1.

37 (d) "Department" means the Department of Business and  
38 Professional Regulation.

39 (e) "Federal animal welfare standards" means the  
40 requirements for humane handling, care, treatment, housing,  
41 temperature, exhibition, and transportation of animals under 9  
42 C.F.R. part 3.

43 (f) "Retail pet store" means a place of business as defined  
44 in 9 C.F.R. s. 1.1.

45 (2) (a) A commercial breeder or dealer in this state,  
46 regardless of whether the breeder or dealer is subject to  
47 regulation by the United States Department of Agriculture under  
48 9 C.F.R. part 2, must comply with the federal animal welfare  
49 standards. If the United States Department of Agriculture amends  
50 the federal animal welfare standards, the department may adopt  
51 rules requiring that commercial breeders and dealers comply with  
52 the amended standards.

53 (b) A commercial breeder or dealer must register with the  
54 department on a form prescribed by the department before  
55 engaging in the business of breeding animals for sale or buying,  
56 selling, or offering to sell animals; transferring animals at  
57 wholesale for resale to another; or offering to sell or  
58 maintaining animals at wholesale for resale to another.

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59       (c) Effective January 1, 2015, a commercial breeder who  
60 engages in the business of breeding animals for sale, or a  
61 dealer who engages in the business of buying, selling, or  
62 offering to sell animals; transferring animals at wholesale for  
63 resale to another; or offering to sell or maintaining animals at  
64 wholesale for resale to another, without being registered with  
65 the department under this section commits a felony of the third  
66 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
67 775.084, Florida Statutes.

68       (3) (a) A registration application must include the address  
69 of each location where the commercial breeder or dealer houses  
70 animals, including the address where the breeder's or dealer's  
71 mobile or traveling housing facilities are kept. The commercial  
72 breeder or dealer must allow the department to inspect any  
73 location or mobile or traveling housing facility where animals  
74 are housed. Before housing animals at any other location or  
75 using any other mobile or traveling housing facility, a  
76 commercial breeder or dealer must notify the department of such  
77 location or facility on a form prescribed by the department.

78       (b) An application for an initial or renewal registration  
79 must be accompanied by a registration fee prescribed by the  
80 department which, in the aggregate, does not exceed the  
81 department's actual costs of administering this section.

82       (c) The department must conduct an onsite inspection of  
83 each location or mobile or traveling housing facility and shall  
84 approve a commercial breeder or dealer's application if the  
85 application is complete and accompanied by the registration fee  
86 and, upon inspection, the department determines that the  
87 commercial breeder or dealer has complied with the federal

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88 animal welfare standards pursuant to paragraph (2) (a). The  
89 department must annually reinspect each location or mobile or  
90 traveling housing facility where a commercial breeder or dealer  
91 houses animals.

92 (d) Except as provided in this paragraph, a registration is  
93 valid for 2 years. A registration must be renewed on or before  
94 its expiration date. In order to establish staggered expiration  
95 dates, the department may extend the expiration date of an  
96 initial registration for a period not to exceed 12 months. A  
97 registration is only valid for the location or mobile or  
98 traveling housing facility listed on the registration.

99 (4) If the department determines that a commercial breeder  
100 or dealer has violated or is operating in violation of this  
101 section or rules or orders issued pursuant to this section, the  
102 department may enter an order for any of the following:

103 (a) Issuing a notice of noncompliance under s. 120.695,  
104 Florida Statutes.

105 (b) Imposing an administrative fine not to exceed \$5,000  
106 for each violation.

107 (c) Directing the commercial breeder or dealer to cease and  
108 desist specified activities.

109 (d) Refusing to register or revoking or suspending a  
110 registration.

111 (e) Placing the registrant on probation for a specified  
112 period, subject to the conditions specified by the department.

113 (5) Administrative proceedings seeking the entry of an  
114 order imposing any of the penalties specified in subsection (4)  
115 shall be governed by chapter 120, Florida Statutes.

116 (6) The department may adopt rules to administer this

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117 section.

118 (7) This section does not apply to:

119 (a) A breeder who sells directly to the consumer 15 or  
120 fewer animals per year that are born and raised on the breeder's  
121 residential property.

122 (b) An exhibitor licensed under 9 C.F.R. part 2.

123 (c) A kennel operated for the breeding, sale, or care of  
124 greyhounds that are not intended to be companion pets.

125 (d) A humane society.

126 (e) A public or private animal shelter.

127 (8) In order to enforce this section, a retail pet store  
128 shall annually provide to the department a list of commercial  
129 breeders and dealers from which the store purchases animals.

130 Section 2. This act shall take effect July 1, 2014.