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LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Diaz) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. The Division of Law Revision is directed to create part XVII of chapter 468, Florida Statutes, consisting of ss. 468.901-468.919, Florida Statutes, to be entitled "Retail Pet Stores."

Section 2. Section 468.901, Florida Statutes, is created to read:



11 468.901 Short title.—This part may be cited as the “Florida
12 Pet Protection Act.”

13 Section 3. Section 468.903, Florida Statutes, is created to
14 read:

15 468.903 Definitions.—As used in this part, the term:

16 (1) “Animal rescue” means a nonprofit organization exempt
17 from federal income taxation under s. 501(c)(3) of the Internal
18 Revenue Code which keeps, houses, and maintains household pets
19 and which is dedicated to the welfare, health, safety, and
20 protection of such pets. The term includes an organization that
21 offers spayed or neutered household pets for adoption and
22 charges only reasonable adoption fees to cover the
23 organization’s costs, including, but not limited to, costs
24 related to spaying or neutering the pets.

25 (2) “Animal shelter” means a public facility, or a private
26 facility operated by a nonprofit organization that is exempt
27 from federal income taxation under s. 501(c)(3) of the Internal
28 Revenue Code, which keeps, houses, and maintains household pets,
29 such as a county or municipal animal control agency or pound, a
30 humane society, an animal welfare society, a society for the
31 prevention of cruelty to animals, or another nonprofit
32 organization devoted to the welfare, protection, and humane
33 treatment of household pets.

34 (3) “Department” means the Department of Business and
35 Professional Regulation.

36 (4) “Household pet” means a domestic dog or a domestic cat.

37 (5) “Pet broker” means a person who buys, sells, or offers
38 for sale household pets for resale to other persons, or who
39 sells or gives one or more pets to a retail pet store, and who



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40 holds a valid Class B animal dealer license issued by the United
41 States Department of Agriculture.

42 (6) "Professional breeder" means a person who is required
43 to be licensed as a Class A animal dealer by the United States
44 Department of Agriculture.

45 (7) "Retail pet store" means a retail store that sells or
46 offers for sale household pets to the public. The term does not
47 include an animal rescue; an animal shelter; or a breeder who
48 sells or transfers, directly to the public, household pets bred
49 and raised on the breeder's premises.

50 (8) "Veterinarian" means a health care practitioner
51 licensed under chapter 474, or licensed out of state by the
52 applicable entity in that state, to engage in the practice of
53 veterinary medicine.

54 Section 4. Section 468.905, Florida Statutes, is created to
55 read:

56 468.905 Licensure of retail pet stores.-

57 (1) A person may not operate a retail pet store in this
58 state without having a valid retail pet store license issued by
59 the department in accordance with this section.

60 (2) The department shall adopt procedures for the licensure
61 of retail pet stores. An applicant for a retail pet store
62 license shall apply to the department in a format prescribed by
63 the department. Upon licensure, the department shall assign a
64 unique license number for each licensed premises.

65 (3) The department may establish annual license periods
66 that are valid for 1 year and that may be renewed. An
67 application for renewal of a license must be submitted to the
68 department in a format prescribed by the department.



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69 (4) A retail pet store that does not have a valid license
70 may not display, offer for sale, deliver, barter, auction,
71 broker, give away, transfer, or sell any household pet from the
72 store.

73 (5) Nothing in this part shall be construed to prohibit or
74 regulate the sale of hunting dogs, field trial dogs, sporting
75 dogs, or cattle dogs.

76 Section 5. Section 468.907, Florida Statutes, is created to
77 read:

78 468.907 Sale or transfer of household pets by retail pet
79 stores.-

80 (1) As used in this section, the term "qualified breeder"
81 means a professional breeder that is located inside or outside
82 this state and meets all of the following requirements:

83 (a) Holds a valid Class A animal license issued by the
84 United States Department of Agriculture and, if required by the
85 respective state, is licensed by a state agency.

86 (b) Has not been issued a report of a finally adjudicated
87 direct noncompliance violation by the United States Department
88 of Agriculture under the federal Animal Welfare Act, 7 U.S.C.
89 ss. 2131 et seq., in the 2 years immediately before offering for
90 sale, delivering, bartering, auctioning, brokering, giving away,
91 transferring, or selling a household pet. However, a
92 professional breeder is not considered a qualified breeder until
93 a pending report of a direct noncompliance violation is finally
94 adjudicated.

95 (c) Has not had three or more finally adjudicated
96 noncompliance violations documented in any report issued by the
97 United States Department of Agriculture under the federal Animal



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98 Welfare Act, 7 U.S.C. ss. 2131 et seq., for the year immediately
99 before offering for sale, delivering, bartering, auctioning,
100 brokering, giving away, transferring, or selling a household
101 pet. However, a professional breeder is not considered a
102 qualified breeder until a pending report of a noncompliance
103 violation is finally adjudicated.

104 (2) A retail pet store may not display, offer for sale,
105 deliver, barter, auction, broker, give away, transfer, or sell
106 any household pet from the store unless such pet was acquired
107 from one of the following sources:

108 (a) A qualified breeder.

109 (b) A person who, pursuant to 9 C.F.R. s. 2.1(a)(3)(ii)-
110 (vii), is exempt from licensure by the United States Department
111 of Agriculture.

112 (c) An animal rescue.

113 (d) An animal shelter.

114 (e) A pet broker; however, if the pet broker acquires the
115 pet from a professional breeder, the breeder must be a qualified
116 breeder.

117 (3) A retail pet store may not sell, deliver, barter,
118 auction, broker, give away, or transfer any of the following:

119 (a) A household pet younger than 8 weeks of age.

120 (b) A household pet that has not been implanted with an
121 identification microchip.

122 (c) A household pet that does not have a valid veterinary
123 certification, including the United States Interstate and
124 International Certificate of Health Examination for Small
125 Animals prescribed by the United States Department of
126 Agriculture or the official certificate of veterinary inspection



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127 prescribed by the Department of Agriculture and Consumer
128 Services pursuant to s. 828.29.

129 (d) A household pet to a person younger than 18 years of
130 age, as verified by a valid driver license, state identification
131 card, or other government-issued identification card bearing a
132 photograph of the cardholder.

133 (e) A household pet acquired from a qualified breeder or
134 pet broker, unless the retail pet store provides to the buyer
135 acquiring the pet, before completing the transaction, a written
136 certification that includes the following:

137 1. The name, address, and United States Department of
138 Agriculture license number, if applicable, of the breeder who
139 bred the household pet.

140 2. A copy of the breeder's most recent United States
141 Department of Agriculture inspection report, if applicable.

142 3. The household pet's date of birth, if known.

143 4. The date the retail pet store took possession of the
144 household pet.

145 5. The breed, gender, color, and any identifying marks of
146 the household pet.

147 6. A signed statement by the store's Florida-licensed
148 veterinarian, in a format prescribed by the department, which
149 describes any known disease, illness, or congenital or
150 hereditary condition that adversely affects the health of the
151 household pet at the time of examination.

152 7. A document signed by the owner or a manager or employee
153 of the retail pet store certifying that all information required
154 to be provided to the person acquiring the household pet under
155 this paragraph is accurate.



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A retail pet store shall keep a copy of the certification for at least 3 years after the date of acquisition of the household pet. The owner or a manager or an employee of a retail pet store may not fraudulently alter or provide false information on a certification provided in accordance with this paragraph.

(4) A licensed retail pet store shall provide to the buyer of a household pet:

(a) The pet's microchip identification number.

(b) The complete name, address, and telephone number of all professional breeders, pet brokers, or other persons who kept, housed, or maintained the pet before its coming into possession of the retail pet store or proof that the pet was acquired through an animal rescue or animal shelter.

(c) A photograph or digital image of both of the pet's parents, sire and dam.

A retail pet store shall keep a copy of the documentation required under this subsection for at least 3 years after the date it acquired the household pet.

(5) A retail pet store shall provide for all of the following:

(a) Flooring in the primary enclosures that house household pets which is constructed of a solid surface or, if grid-style or wire flooring is used, the surface of which is covered with a rubberized or coated material that prevents a pet's toe or foot from passing through or being entrapped by the flooring. A retail pet store shall clean all primary enclosures daily, or as often as necessary to prevent accumulation of body waste, and



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185 keep a daily sanitation log.

186 (b) An isolation enclosure with separate ventilation which
187 allows a household pet to be kept separately from other pets
188 while under veterinarian-directed isolation.

189 (c) Climate control that ensures that the ambient air
190 temperature of the store's premises is kept between 67 and 78
191 degrees at all times. Retail pet stores shall keep daily logs of
192 the temperature. If, for any reason, the temperature falls
193 outside the required range, a corrective action record detailing
194 steps taken to adjust the temperature must be kept.

195 (d) A Florida-licensed veterinarian who visits the retail
196 pet store at least twice a week to observe the condition of the
197 pets' health and overall well-being.

198 (e) An enrichment program for puppies which consists of
199 exercise and socialization for at least two 30-minute periods
200 each day. A retail pet store must keep a log for each puppy of
201 the daily activities that the puppy participates in as part of
202 the program.

203 (f) A photograph or digital image and video footage
204 depicting each breeding facility from which the retail pet store
205 acquires household pets.

206 Section 6. Section 468.909, Florida Statutes, is created to
207 read:

208 468.909 Inspections.—

209 (1) (a) At least annually, the department shall inspect each
210 retail pet store that is subject to licensure to ensure
211 compliance with this part and with rules adopted under this
212 part, including, but not limited to, an audit of the records
213 that the licensee maintains pursuant to s. 468.907(3)(e) and



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214 (4) .

215 (b) The department also may conduct an inspection upon
216 receipt of a complaint or other information alleging a violation
217 of this part or rules adopted under this part.

218 (2) The department shall establish procedures for
219 conducting inspections and making records of inspections.
220 Inspections shall be conducted during regular business hours in
221 accordance with the department's procedures and may be conducted
222 without prior notice. A record of each inspection must be
223 maintained by the department in accordance with such procedures.

224 (3) The department may enter into a contract or agreement
225 with one or more veterinarians to conduct inspections under this
226 section. Such veterinarians must be independent and may not be
227 affiliated with an animal rights advocacy organization.

228 Section 7. Section 468.911, Florida Statutes, is created to
229 read:

230 468.911 Administrative remedies; penalties.-

231 (1) The department shall deny an application for issuance
232 or renewal of a retail pet store license if:

233 (a) The licensee or applicant violates this part or any
234 rule or order issued under this part, if the violation
235 materially threatens the health or welfare of a household pet;
236 or

237 (b) The licensee or applicant, in the past 20 years, has
238 been convicted of or pled guilty or nolo contendere to,
239 regardless of adjudication, a misdemeanor or felony under
240 chapter 828 or a misdemeanor or felony under chapter 741
241 involving an act of domestic violence.

242 (2) The department may enter an order doing one or more of



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243 the following if the department finds that the owner of a retail
244 pet store, or a person employed or contracted by a retail pet
245 store about who the owner knows or reasonably should have known,
246 has violated or is operating in violation of this part or any
247 rule or order issued pursuant to this part:

248 (a) Issuing a notice of noncompliance under s. 120.695.

249 (b) Imposing an administrative fine for each act or
250 omission, not to exceed the following amounts:

251 1. For a first violation, \$250.

252 2. For a second violation, \$500.

253 3. For a third or subsequent violation, \$1,000.

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255 Each day that a violation continues constitutes a separate
256 violation.

257 (c) Directing that the person cease and desist specified
258 activities.

259 (d) Refusing to issue or renew a license or revoking or
260 suspending a license.

261 (e) Placing the licensee on probation, subject to the
262 conditions specified by the department.

263 (3) The administrative proceedings that could result in the
264 entry of an order imposing any of the penalties specified in
265 subsection (1) or subsection (2) are governed by chapter 120.

266 (4) The department may adopt rules to administer this part.
267 Section 8. Section 468.913, Florida Statutes, is created to
268 read:

269 468.913 Civil penalties; remedies.—The department may bring
270 a civil action in a court of competent jurisdiction to recover
271 any penalties or damages authorized by this part and for



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272 injunctive relief to enforce compliance with this part.

273 Section 9. Section 468.915, Florida Statutes, is created to
274 read:

275 468.915 Criminal penalties.—A person commits a misdemeanor
276 of the second degree, punishable as provided in s. 775.082 or s.
277 775.083, if he or she violates:

278 (1) Section 468.907(2) or (3), relating to unlawful
279 practices in the sale of household pets by retail pet stores; or

280 (2) Section 468.905(1) or (4), relating to operation of a
281 retail pet store without a license.

282 Section 10. Section 468.917, Florida Statutes, is created
283 to read:

284 468.917 Deposit of funds.—All moneys collected by the
285 department under this part from license fees or civil penalties
286 must be deposited into the department's Professional Regulation
287 Trust Fund for use by the department for administration of this
288 part.

289 Section 11. Section 468.919, Florida Statutes, is created
290 to read:

291 468.919 Local regulation.—This part preempts any local
292 ordinance or regulation of a county or municipality which
293 prohibits or regulates retail pet stores or the purchase or sale
294 of hunting dogs, field trial dogs, sporting dogs, or cattle
295 dogs. This section does not preempt a local government's
296 authority to levy a local business tax pursuant to chapter 205.

297 Section 12. This act shall take effect July 1, 2020.

298
299 ===== T I T L E A M E N D M E N T =====

300 And the title is amended as follows:



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301 Delete everything before the enacting clause
302 and insert:
303 An act relating to the regulation of retail pet
304 stores; providing a directive to the Division of Law
305 Revision; creating s. 468.901, F.S.; providing a short
306 title; creating s. 468.903, F.S.; defining terms;
307 creating s. 468.905, F.S.; requiring the licensure of
308 retail pet stores; requiring the Department of
309 Business and Professional Regulation to adopt
310 procedures for such licensure; creating s. 468.907,
311 F.S.; defining the term "qualified breeder";
312 regulating the sale or transfer of household pets by
313 retail pet stores; limiting the sources from which
314 retail pet stores may acquire pets for sale; providing
315 certain restrictions on the sale of household pets;
316 requiring certain documentation of the sources from
317 which retail pet stores acquire pets for sale;
318 providing requirements for the living conditions for
319 pets at retail pet stores; providing retail pet store
320 veterinarian, exercise, and socialization
321 requirements; creating s. 468.909, F.S.; requiring the
322 department to conduct periodic inspections of retail
323 pet stores and to audit sales records; requiring the
324 department to establish procedures for the inspections
325 and records of the inspections; authorizing contracts
326 with certain veterinarians to conduct inspections;
327 creating s. 468.911, F.S.; requiring the department to
328 deny a license under certain circumstances;
329 authorizing disciplinary action against licensees and



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330 applicants for licensure under certain circumstances;
331 providing civil penalties; authorizing the department
332 to adopt rules; creating s. 468.913, F.S.; authorizing
333 civil actions for purposes of enforcement; creating s.
334 468.915, F.S.; providing criminal penalties for
335 specified violations; creating s. 468.917, F.S.;
336 requiring certain moneys to be deposited into the
337 department's Professional Regulation Trust Fund;
338 creating s. 468.919, F.S.; preempting certain county
339 and municipal ordinances and regulations; providing
340 construction; providing an effective date.