

By Senator Wright

14-01072A-22

20221750__

1 A bill to be entitled
2 An act relating to sale of dogs and cats; amending s.
3 828.29, F.S.; requiring that if a pet sale is
4 terminated for certain reasons, a financing agreement
5 must be terminated without penalty; deleting a limit
6 on veterinary costs under certain provisions;
7 requiring all financing terms to be disclosed to a
8 consumer before the sale of an animal; requiring a
9 mandatory waiting period between the purchase and
10 receipt of an animal if the transaction is financed;
11 deleting certain provisions relating to return of an
12 animal; requiring a pet dealer to provide copies of
13 medical records to a consumer; revising requirements
14 for disclosures to a consumer; revising the text of a
15 required disclosure; requiring a pet dealer to retain
16 a copy of a specified notice for a specified period;
17 providing that violations constitute an unfair method
18 of competition or an unfair or deceptive act or
19 practice in violation of specified provisions and
20 subject to penalties; providing construction;
21 providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (5) through (8) and (12) of section
26 828.29, Florida Statutes, are amended, subsections (18), (19),
27 and (20) are added to that section, and subsection (17) of that
28 section is republished, to read:

29 828.29 Dogs and cats transported or offered for sale;

14-01072A-22

20221750__

30 health requirements; consumer guarantee; disclosures.—

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

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

56 (b) The right to return the animal and receive an exchange
57 dog or cat of the consumer's choice of equivalent value, and
58 reimbursement for reasonable veterinary costs directly related

14-01072A-22

20221750__

59 to the veterinarian's examination and certification that the dog
60 or cat is unfit for purchase pursuant to this section and
61 directly related to necessary emergency services and treatment
62 undertaken to relieve suffering; or

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

67
68 ~~Reimbursement for veterinary costs may not exceed the purchase~~
69 ~~price of the animal.~~ The cost of veterinary services is
70 reasonable if comparable to the cost of similar services
71 rendered by other licensed veterinarians in proximity to the
72 treating veterinarian and the services rendered are appropriate
73 for the certification by the veterinarian.

74 (6) All financing terms must be disclosed to the consumer
75 before the sale of the animal. A mandatory waiting period of at
76 least 3 calendar days must be imposed between the date of an
77 agreement to purchase an animal and the date on which the
78 consumer takes possession of the animal, if the consumer is
79 financing the animal. A financing agreement may not be signed by
80 the consumer until the conclusion of the 3-day waiting period. A
81 ~~consumer may sign a waiver relinquishing his or her right to~~
82 ~~return the dog or cat for congenital or hereditary disorders. In~~
83 ~~the case of such waiver, the consumer has 48 normal business~~
84 ~~hours, excluding weekends and holidays, in which to have the~~
85 ~~animal examined by a licensed veterinarian of the consumer's~~
86 ~~choosing. If the veterinarian certifies that, at the time of~~
87 ~~sale, the dog or cat was unfit for purchase due to a congenital~~

14-01072A-22

20221750__

88 ~~or hereditary disorder, the pet dealer must afford the consumer~~
89 ~~the right to choose one of the following options:~~

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

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

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

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

116 (12) Every pet dealer who sells an animal to a consumer

14-01072A-22

20221750__

117 must provide the consumer at the time of sale with a printed
 118 written notice signed by the consumer and separate from the
 119 contract, ~~printed or typed,~~ which reads as follows:

120 RIGHT TO CANCEL

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

126
 127 (Signature of Owner or Lessee, or Owner's or Lessee's
 128 Authorized Officer/Director/Partner/Manager)

129
 130 (Signatory's Title/Office)

131
 132 Sworn to (or affirmed) and subscribed before me
 133 this day of, ... (year) ..., by ... (name
 134 of person making statement)

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

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

138 Personally Known OR Produced
 139 Identification

140
 141 The pet dealer must retain a copy of the signed notice and the
 142 consumer must be given a copy of the signed notice.

143 ~~It is the consumer's right, pursuant to section~~
 144 ~~828.29, Florida Statutes, to receive a certificate of~~
 145 ~~veterinary inspection with each dog or cat purchased~~

14-01072A-22

20221750__

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

163
164 (17) Except as otherwise provided in this chapter, a person
165 who violates any provision of this section commits a misdemeanor
166 of the first degree, punishable as provided in s. 775.082 or s.
167 775.083.

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

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

14-01072A-22

20221750__

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

180 Section 2. This act shall take effect July 1, 2022.