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

Senate Substitute for Amendment (706506) (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. 468.901-468.921, Florida Statutes, to be entitled "Retail Pet Stores."

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

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

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

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

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

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

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

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

(5) “Pet broker” means a person who buys, sells, or offers for sale household pets for resale to other persons, or who
sells or gives one or more pets to a retail pet store, and who holds a valid Class B animal dealer license issued by the United States Department of Agriculture.

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

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

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

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

468.905 Licensure of retail pet stores.—

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

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

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

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

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

468.907 Sale or transfer of household pets by retail pet stores.—

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

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

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

(c) Has not had three or more finally adjudicated noncompliance violations documented in any report issued by the United States Department of Agriculture under the federal Animal Welfare Act, 7 U.S.C. ss. 2131 et seq., for the year immediately before offering for sale, delivering, bartering, auctioning,
brokering, giving away, transferring, or selling a household pet. However, a professional breeder is not considered a qualified breeder until a pending report of a noncompliance violation is finally adjudicated.

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

   (a) A qualified breeder.
   (b) A person who, pursuant to 9 C.F.R. s. 2.1(a)(3)(ii)-(vii), is exempt from licensure by the United States Department of Agriculture.
   (c) An animal rescue.
   (d) An animal shelter.
   (e) A pet broker; however, if the pet broker acquires the pet from a professional breeder, the breeder must be a qualified breeder.

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

   (a) A household pet younger than 8 weeks of age.
   (b) A household pet that has not been implanted with an identification microchip.
   (c) A household pet that does not have a valid veterinary certification, including the United States Interstate and International Certificate of Health Examination for Small Animals prescribed by the United States Department of Agriculture or the official certificate of veterinary inspection prescribed by the Department of Agriculture and Consumer Services pursuant to s. 828.29.
(d) A household pet to a person younger than 18 years of age, as verified by a valid driver license, state identification card, or other government-issued identification card bearing a photograph of the cardholder.

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

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

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

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

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

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

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

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

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
keep a daily sanitation log.

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

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

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

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

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

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

   468.909 Inspections.—

   (1)(a) At least annually, the department shall inspect each retail pet store that is subject to licensure to ensure compliance with this part and with rules adopted under this part, including, but not limited to, an audit of the records that the licensee maintains pursuant to s. 468.907(3)(e) and (4).

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

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

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

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

468.911 Administrative remedies; penalties.—
(1) The department shall deny an application for issuance or renewal of a retail pet store license if:
(a) The licensee or applicant violates this part or any rule or order issued under this part, if the violation materially threatens the health or welfare of a household pet;

or

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

(2) The department may enter an order doing one or more of the following if the department finds that the owner of a retail
pet store, or a person employed or contracted by a retail pet store about whom the owner knows or reasonably should have known, has violated or is operating in violation of this part or any rule or order issued pursuant to this part:

(a) Issuing a notice of noncompliance under s. 120.695.
(b) Imposing an administrative fine for each act or omission, not to exceed the following amounts:

1. For a first violation, $250.
2. For a second violation, $500.
3. For a third or subsequent violation, $1,000.

Each day that a violation continues constitutes a separate violation.

(c) Directing that the person cease and desist specified activities.
(d) Refusing to issue or renew a license or revoking or suspending a license.
(e) Placing the licensee on probation, subject to the conditions specified by the department.

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

(4) The department may adopt rules to administer this part.

Section 8. Section 468.913, Florida Statutes, is created to read:

468.913 Civil penalties; remedies.—The department may bring a civil action in a court of competent jurisdiction to recover any penalties or damages authorized by this part and for injunctive relief to enforce compliance with this part.
Section 9. Section 468.915, Florida Statutes, is created to read:

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

1. Section 468.907(2) or (3), relating to unlawful practices in the sale of household pets by retail pet stores; or
2. Section 468.905(1) or (4), relating to operation of a retail pet store without a license.

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

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

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

468.919 Construction of part.—This part may not be construed to prohibit or regulate the breeding, purchase, or sale of hunting dogs, field trial dogs, sporting dogs, or cattle dogs.

Section 12. Section 468.921, Florida Statutes, is created to read:

468.921 Local regulation.—

1. A county or municipal ordinance or regulation may not prohibit or regulate the breeding, purchase, or sale of hunting dogs, field trial dogs, sporting dogs, or cattle dogs.

2. A county or municipal ordinance or regulation, or an
amendment thereof, adopted on or after January 1, 2020, which regulates retail pet stores or the breeding, purchase, or sale of household pets may not impose any requirement more stringent than those imposed under s. 468.907.

(b) This subsection does not affect any requirement of a county or municipal ordinance or regulation in effect before January 1, 2020, which prohibits or regulates retail pet stores or the breeding, purchase, or sale of household pets and does not affect a local government’s authority to levy a local business tax pursuant to chapter 205.

Section 13. This act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled An act relating to the regulation of retail pet stores; providing a directive to the Division of Law Revision; creating s. 468.901, F.S.; providing a short title; creating s. 468.903, F.S.; defining terms; creating s. 468.905, F.S.; requiring the licensure of retail pet stores; requiring the Department of Business and Professional Regulation to adopt procedures for such licensure; creating s. 468.907, F.S.; defining the term “qualified breeder”; regulating the sale or transfer of household pets by retail pet stores; limiting the sources from which retail pet stores may acquire pets for sale; providing
certain restrictions on the sale of household pets; 
requiring certain documentation of the sources from 
which retail pet stores acquire pets for sale; 
providing requirements for the living conditions for 
pets at retail pet stores; providing retail pet store 
veterinarian, exercise, and socialization 
requirements; creating s. 468.909, F.S.; requiring the 
department to conduct periodic inspections of retail 
et pet stores and to audit sales records; requiring the 
department to establish procedures for the inspections 
and records of the inspections; authorizing contracts 
with certain veterinarians to conduct inspections; 
creating s. 468.911, F.S.; requiring the department to 
deny a license under certain circumstances; 
authorizing disciplinary action against licensees and 
applicants for licensure under certain circumstances; 
providing civil penalties; authorizing the department 
to adopt rules; creating s. 468.913, F.S.; authorizing 
civil actions for purposes of enforcement; creating s. 
468.915, F.S.; providing criminal penalties for 
specified violations; creating s. 468.917, F.S.; 
requiring certain moneys to be deposited into the 
department’s Professional Regulation Trust Fund; 
creating s. 468.919, F.S.; providing construction; 
creating s. 468.921, F.S.; providing applicability to 
county and municipal ordinances and regulations; 
providing an effective date.