A bill to be entitled

An act relating to the regulation of 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 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 pet stores; limiting the sources from which pet stores may acquire pets for sale;
providing certain restrictions on the sale of household pets; requiring certain documentation of the sources from which pet stores acquire pets for sale;
providing requirements for the living conditions for pets at pet stores; providing pet store veterinarian, trainer, and exercise and socialization requirements;
creating s. 468.909, F.S.; requiring the department to conduct periodic inspections of pet stores and audit sales records; requiring the department to establish procedures for the inspections and records of the inspections; authorizing contracts with 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;
providing civil penalties; authorizing the department to adopt rules; creating s. 468.913, F.S.; authorizing
Be It Enacted by the Legislature of the State of Florida:

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 “Household 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) “Accredited veterinarian” means a veterinarian accredited by the United States Department of Agriculture.
(2) “Adult cat” means a domestic cat that is 1 year of age or older.
(3) “Adult dog” means a domestic dog that is 1 year of age or older.
(4) “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.

(5) “Animal shelter” means a public facility, or 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, humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of household pets.

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

(7) “Hobby breeder” means an establishment that:
(a) Sells no more than four puppies or adult dogs and no more than four kittens or adult cats in any calendar year; or
(b) Keeps, houses, and maintains in any location no more than three intact adult female dogs, one intact male adult dog, three intact adult female cats, and one intact male adult cat.

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

(9) “Intact” means that an animal’s reproductive organs have not been removed through spaying or neutering.

(10) “Kitten” means a domestic cat younger than 1 year of
(11) “Pet broker” means a person who buys, sells, or offers for sale household pets at wholesale for resale to another or who sells or gives one or more pets to a pet store.

(12) “Pet store” means a retail store that sells or offers for sale household pets to the public and, with respect to such sales, the store’s salesperson, the pet’s buyer, and the pet being sold are each physically present during the sale so that the buyer may personally observe the pet and help ensure its health before taking custody. The term does not include an animal rescue or animal shelter unless the animal rescue or animal shelter purchases household pets for resale from a pet broker or professional breeder.

(13) “Professional breeder” means an establishment that, in exchange for money or other consideration, sells five or more puppies or adult dogs or five or more kittens or adult cats in any calendar year. The term does not include an animal rescue, an animal shelter, or a hobby breeder.

(14) “Puppy” means a domestic dog that is younger than 1 year of age.

(15) “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 pet stores.—

(1) A person may not operate a pet store in this state without having a valid pet store license issued by the
department in accordance with this section. An animal rescue or
animal shelter is not required to be licensed as a pet store
unless it purchases household pets for resale from a pet broker
or professional breeder.

(2) The department shall adopt procedures for the licensure
of pet stores. An applicant for a 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 location.

(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 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 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) Is licensed by the United States Department of
Agriculture under 7 U.S.C. s. 2133 and, if required, by a state
agency.

(b) Has not been issued a report of a 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.

(c) Has not had three or more 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.

(2) A 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 hobby breeder.
(c) An animal rescue.
(d) An animal shelter.
(e) Another pet store.
(f) A pet broker; however, if the pet broker acquires the pet from a professional breeder, the breeder must be a qualified breeder.

(3) A 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 without a health certificate signed by an accredited veterinarian.
(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 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 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 an accredited veterinarian 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 employee of the pet store certifying that all information required to be provided to the person acquiring the household pet under this paragraph is accurate. A 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 employee of a pet store may not fraudulently alter or provide false information on a
(4) A licensed pet store must 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 or other persons who kept, housed, or maintained the pet before its coming into possession of the 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 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 pet store must 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 pet store shall clean all primary enclosures daily, or as often as necessary to prevent accumulation of body waste, and keep a sanitation log of such cleanings.
   (b) An isolation enclosure with separate ventilation which allows a household pet to be kept separately from other pets while under veterinarian-directed observation.
   (c) Climate control that ensures temperatures in animal enclosures are kept between 67 and 78 degrees at all times. Pet
stores shall keep daily logs of temperatures in animal enclosures. If, for any reason, temperatures fall outside the required range, a corrective action record detailing steps taken to adjust temperatures must be kept.

(d) A veterinarian who is licensed in this state and who visits the pet store at least three times a week to observe the condition of the pets’ health and overall well-being.

(e) A dog trainer who visits the pet store at least once a week to assist with any behavioral or training issues.

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

(g) Photographs, digital images, or video footage depicting all breeding facilities from which the 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 pet store that is subject to licensure to ensure compliance with this part and 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 agreement with one or more veterinarians to conduct inspections under this section.

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 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 a pet store, or a person employed or contracted by a pet store, 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 pet stores; or
(2) Section 468.905(1) or (4), relating to operation of a
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 Local regulation.—This part preempts any local
ordinance or regulation of a county or municipality which
prohibits or regulates pet stores. This section does not preempt
a local government’s authority to levy a local business tax
pursuant to chapter 205.

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