

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Agriculture Committee

BILL: SB 444

INTRODUCER: Senator Bullard

SUBJECT: Sale of Dogs and Cats

DATE: March 27, 2008

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Robinson	Poole	AG	Fav
2.			JU	
3.			GA	
4.				
5.				
6.				

I. Summary:

This bill amends the definition of a “pet dealer” and provides that violations of s. 828.29, F.S., will be a misdemeanor of the first degree. Additionally, the bill authorizes the Department of Agriculture and Consumer Services (department) to require the state attorney in any circuit or county to institute suits in order to implement this chapter and enforce the rules of the department and this section, authorizes the department to adopt rules to administer this section, sets a maximum administrative fine of \$10,000 for violation of this section or any rule of the department established under this section, and authorizes the department to create one full time position and provides \$82,669 in funding for the purpose of carrying out this act.

This bill amends section 828.29 of the Florida Statutes.

II. Present Situation:

The United States Department of Agriculture (USDA) has a licensing program for wholesale pet dealers. However, retail shops that sell pets directly to the public remain outside the jurisdiction of the USDA’s licensing authority.

The department is statutorily obligated through section 570.07, F.S., to work with the USDA to ensure the application of the Animal Welfare Act. Currently any agent of the department, any agent of the USDA, any law enforcement officer, any county agent, or any agent of a society or association for the prevention of cruelty to children or animals has authority to inspect all dogs and cats transported into or offered for sale in the state, along with copies of certificate of inspection held by the sellers and veterinarians of the respective dogs and cats. The staff of the

department reports that the department does not currently have explicit statutory authority to enforce the provisions of section 828.29, F.S., nor can it require the state attorney in any circuit or county to institute suits to enforce or implement the provisions of chapter 828, F.S., and the rules of the department under this section, in an effort to prevent violations.

The current definition of “pet dealer” specifies that the person, firm, partnership, corporation, or other association must sell more than two litters, or 20 or more dogs or cats, per year, whichever is greater, to the public. This includes breeders, hobby or otherwise, who sell these animals directly to the public.

III. Effect of Proposed Changes:

Section 1. This section authorizes the Department of Agriculture and Consumer Services (department) to enforce the health requirements and consumer guarantees of all dogs and cats transported or offered for sale in the state pursuant to section 828.29, F.S.. A “pet dealer” is defined as any person, firm, partnership, corporation, or other association that, in the ordinary course of business, engages in the sale of 20 or more dogs or cats per year to the public. The department is authorized to enforce this section, as provided in chapter 570, F.S., and to require the state attorney in any circuit or county to institute suits in order to enforce this chapter and the rules of the department under this chapter. The department is authorized to adopt rules to administer this section. In addition, the department is authorized to impose an administrative fine of up to \$10,000 and seek a first degree misdemeanor charge against violators of the provisions in the section.

Section 2. This section authorizes the department to add one full-time equivalent position, and appropriates \$82,669 from the General Revenue Fund to the department for fiscal year 2008-2009.

Section 3 The provisions of this bill become effective July 1, 2008.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Violators of section 828.29, F.S., will be fined up to \$10,000, and may be prosecuted for a first degree misdemeanor charge, which would include a prison sentence up to one year and a fine of \$1,000.

C. Government Sector Impact:

This bill creates a new position within the Department of Agriculture and Consumer Services for fiscal year 2008-2009. The fiscal impact to the government for the creation of the position is reflected in the following table.

	(FY 08-09) Amount/FTE
Recurring Revenue	\$62,317
Non-Recurring Revenue	\$20, 352
Total	\$82,669

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.