

1                                   A bill to be entitled  
2           An act relating to dog breeding; creating part III of  
3           ch. 585, F.S., entitled "Dog Breeding"; creating s.  
4           585.71, F.S.; providing legislative findings and  
5           intent; creating s. 585.711, F.S.; defining terms;  
6           creating s. 585.712, F.S.; providing construction;  
7           providing a presumption that a breeding female dog is  
8           being used for breeding purposes unless certain  
9           conditions are met; creating s. 585.713, F.S.;  
10          requiring dog breeders to apply for and obtain a  
11          certification of registration from the Department of  
12          Agriculture and Consumer Services; requiring that the  
13          certificate of registration be renewed annually;  
14          requiring the department to notify a certificateholder  
15          in writing of the date for renewal; authorizing the  
16          department to assess late filing penalties and to  
17          extend a renewal date for a specified number of days;  
18          requiring the department to issue certificates of  
19          inspection for dog breeding facilities that meet  
20          certain requirements and rules; requiring dog breeders  
21          and dog breeding facilities to conspicuously post  
22          their certificates of registration and inspection;  
23          creating s. 585.714, F.S.; requiring the department to  
24          adopt rules; requiring the department to consult with  
25          certain entities in creating rules for standards of

26 care; providing specified criteria for such rules;  
27 authorizing the department to enter and inspect any  
28 dog breeding facility; requiring probable cause for  
29 such entry; authorizing the department to take certain  
30 enforcement actions against a dog breeder or dog  
31 breeding facility; authorizing the department to  
32 suspend or revoke certificates of registration and  
33 inspection under certain circumstances; authorizing  
34 the department to assess fines; authorizing the  
35 department to enter into cooperative agreements to  
36 conduct such inspections; authorizing the department  
37 to create a risk-based inspection frequency system;  
38 requiring the department to create a publicly  
39 available database on the department's website which  
40 contains certain information on dog breeders, dog  
41 breeding facilities, and retail establishments that  
42 sell dogs; requiring the department to create a  
43 whistleblower program for reporting violations;  
44 creating s. 585.715, F.S.; requiring dog breeders to  
45 microchip certain dogs; requiring such microchips to  
46 be registered with the department; requiring a retail  
47 establishment to conspicuously post certain  
48 certificates of registration and inspection;  
49 prohibiting a retail establishment from selling or  
50 accepting for sale dogs that do not meet the

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51 microchipping requirements; providing civil penalties;  
52 creating s. 585.716, F.S.; providing for enforcement;  
53 authorizing civil and criminal penalties; amending s.  
54 585.007, F.S.; conforming a provision to changes made  
55 by the act; providing an appropriation; providing an  
56 effective date.

57

58 Be It Enacted by the Legislature of the State of Florida:

59

60 Section 1. Part III of chapter 585, Florida Statutes,  
61 consisting of ss. 585.71-585.716, Florida Statutes, is created  
62 and entitled "Dog Breeding."

63 Section 2. Section 585.71, Florida Statutes, is created to  
64 read:

65 585.71 Legislative findings and intent.-

66 (1) The Legislature finds that:

67 (a) Breeding dogs for profit with no regard for the  
68 condition in which the dogs live or how they are cared for is an  
69 act of animal cruelty.

70 (b) The registration of individuals or corporations that  
71 breed dogs for profit is necessary to prevent the cruel  
72 treatment of dogs, to prevent bred dogs that end up in shelters  
73 from being euthanized at a financial cost to local and state  
74 governments, and to prevent the emotional suffering of  
75 individuals and families that experience the unethical and bad

76 business practices of some dog breeders.

77 (2) It is the intent of the Legislature to require any  
78 individual or corporation that breeds dogs for profit to  
79 register with the Department of Agriculture and Consumer  
80 Services and for dog breeding facilities to be inspected by the  
81 department to ensure that quality standards are met and that  
82 only qualified individuals and facilities are authorized to  
83 breed dogs, with a goal of reducing the number of sick and  
84 unwanted dogs in this state.

85 Section 3. Section 585.711, Florida Statutes, is created  
86 to read:

87 585.711 Definitions.—As used in this part, the term:

88 (1) "Breeding female dog" means a dog that has not been  
89 spayed and is more than 6 months old and capable of  
90 reproduction.

91 (2) "Certificate of inspection" means an official document  
92 issued by the department to a dog breeding facility stipulating  
93 compliance with this part and any department rules.

94 (3) "Certificate of registration" means an official  
95 document issued by the department to a dog breeder as evidence  
96 of being properly registered with the department in compliance  
97 with this part and any department rules.

98 (4) "Dog breeder" means a person who owns or possesses a  
99 breeding female dog and offers dogs bred from the breeding  
100 female dog for sale or exchange in return for consideration.

101        (5) "Dog breeding facility" means any location in which a  
 102 dog breeder has at least one breeding female dog.

103        (6) "Department" means the Department of Agriculture and  
 104 Consumer Services.

105        (7) "Federal regulations" means the federal Animal Welfare  
 106 Act, 9 C.F.R. Part 3, Subpart A.

107        Section 4. Section 585.712, Florida Statutes, is created  
 108 to read:

109        585.712 Construction; presumption of use for dog  
 110 breeding.—

111        (1) The authority of the department to regulate and  
 112 inspect dog breeders and breeding facilities does not preempt  
 113 local governmental entities from placing more restrictive  
 114 conditions on such facilities.

115        (2) For the purposes of this part, each breeding female  
 116 dog possessed by a dog breeder is presumed to be used for  
 117 breeding purposes unless the person establishes to the  
 118 satisfaction of the department, based on the dog breeder's  
 119 breeding records or other evidence reasonably acceptable to the  
 120 department, that the dog is not used for breeding.

121        Section 5. Section 585.713, Florida Statutes, is created  
 122 to read:

123        585.713 Certificate of registration and inspection.—

124        (1) Each dog breeder within this state must apply to the  
 125 department, on forms supplied by the department, for a

126 certificate of registration.

127 (2) The certificate of registration must be renewed  
 128 annually on its anniversary date upon satisfactory showing that  
 129 the applicant has complied with this part and the rules of the  
 130 department.

131 (3) The department shall provide to each dog breeder  
 132 subject to this section a written notice and renewal form 60  
 133 days before the annual renewal date, informing the dog breeder  
 134 of the certificate of registration renewal date.

135 (4) The department may assess penalties for late filing,  
 136 not to exceed \$500. Upon application before the renewal date,  
 137 the department may, for good cause, such as natural disasters,  
 138 hardship cases, or unusual circumstances, supported by written  
 139 documentation, extend the renewal date without penalty for up to  
 140 90 days.

141 (5) The department shall issue a certificate of inspection  
 142 to any dog breeding facility that meets the requirements of this  
 143 part and the rules of the department.

144 (6) Each dog breeder and dog breeding facility must  
 145 conspicuously post its certificates of registration and  
 146 inspection in a place that is in clear and unobstructed public  
 147 view.

148 Section 6. Section 585.714, Florida Statutes, is created  
 149 to read:

150 585.714 Powers and duties of the department.—The

151 department shall do all of the following:

152 (1) Adopt rules to administer and enforce this part.

153 (2) Adopt, in consultation with local governmental  
154 entities and dog rescue organizations, rules relating to  
155 standards of care for dog breeding. The standards of care rules  
156 must, at minimum:

157 (a) Meet the minimum federal regulations for dog breeding  
158 facilities.

159 (b) Include limitations on the number of breeding female  
160 dogs per dog breeder and on the number of times a breeding  
161 female dog may be bred annually.

162 (c) Include requirements for the space, exercise,  
163 confinement, veterinary care, temperature, food, and euthanasia  
164 of each bred dog.

165 (3) Adopt and publish rules governing the application for  
166 and issuance, suspension, and revocation of certificates of  
167 registration and inspection.

168 (4) Inspect, or cause to be inspected, all dog breeding  
169 facilities. In inspecting a dog breeding facility, the  
170 department may:

171 (a) Enter and inspect any dog breeding facility to  
172 determine whether this part and department rules are being  
173 complied with and to seize, without compensation, any dogs from  
174 such facilities or breeders in violation of this part or  
175 department rule. To enter a dog breeding facility under this

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176 section, there must be probable cause.

177 (b) Declare a dog breeding facility noncompliant and  
178 provide the facility owner or operator an opportunity to cure  
179 the noncompliance within a specified period of days, not to  
180 exceed 10 days.

181 (c) Assess fines.

182 (d) Enter into a cooperative arrangement with any person,  
183 municipality, county, or organization to perform inspections or  
184 boarding of confiscated dogs.

185 (e) Create a system of risk-based inspection frequency to  
186 reduce regulation while ensuring compliance with standards of  
187 care.

188 (f) Suspend or revoke certificates of registration and  
189 inspection of dog breeders and dog breeding facilities.

190 (5) Create a publicly available database on the  
191 department's website which contains all of the following  
192 information:

193 (a) All dog breeder certificates of registration and dog  
194 breeding facility certificates of inspection issued pursuant to  
195 this part.

196 (b) Any administrative action taken against a dog breeder,  
197 dog breeding facility, or retail establishment pursuant to s.  
198 585.715(3)(c).

199 (6) Establish a whistleblower program whereby any  
200 individual may alert the department about violations, and



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201 provide a reward system for such alerts which may be funded with  
202 finances or through an agreement with a private organization.

203 Section 7. Section 585.715, Florida Statutes, is created  
204 to read:

205 585.715 Microchipping; retail sale of dogs.—

206 (1) A dog breeder or dog breeding facility must fit each  
207 breeding female dog or any dog that it intends to offer for sale  
208 with a unique microchip and register the unique microchip with  
209 the department. If a breeding female dog dies, the person who  
210 registered the dog must submit a notarized letter from a  
211 licensed veterinarian to the department with the dog's cause of  
212 death.

213 (2) A retail establishment that sells dogs in this state  
214 must do all of the following:

215 (a) Conspicuously post in a place that is in clear and  
216 unobstructed public view any certificates of registration and  
217 inspection from dog breeding facilities from which the  
218 establishment obtains dogs for sale.

219 (b) Ensure that any dog offered for sale in the retail  
220 establishment is fitted with a unique microchip by the dog  
221 breeder or dog breeding facility pursuant to subsection (1). The  
222 retail establishment may not accept any dog for sale which does  
223 not have a microchip registered with the department.

224 (3) (a) Any person who violates paragraph (2) (a) may be  
225 subject to a fine established by the department.

226 (b) A retail establishment that violates subsection (1) or  
 227 paragraph (2)(b) is subject to a Class I fine pursuant to s.  
 228 570.971. Each dog offered for sale in violation of this section  
 229 constitutes a separate violation.

230 (c) Any person, retail establishment, or dog breeding  
 231 facility that violates this section shall be placed on a  
 232 registry created by the department which details the violation.

233 Section 8. Section 585.716, Florida Statutes, is created  
 234 to read:

235 585.716 Enforcement; fines.—

236 (1) If the department determines that a dog breeder or dog  
 237 breeding facility is operating in violation of this part, the  
 238 department may revoke or suspend the breeder's or facility's  
 239 certificate of registration.

240 (2) The department may confiscate all or a portion of the  
 241 dogs in the dog breeding facility pending the outcome of any  
 242 hearings or appeals. The dog breeder is responsible for payment  
 243 of all boarding costs and other fees as may be required to  
 244 humanely and safely house the dogs pending any hearing or  
 245 appeal.

246 (3) Any administrative order made and entered by the  
 247 department imposing a fine pursuant to this part must specify  
 248 the amount of the fine and the time limit for payment, which may  
 249 not exceed 15 days. Upon failure to pay the fine within the time  
 250 limit, the certificate of registration or inspection of the

251 breeder or facility may be suspended or revoked without further  
 252 hearing. An additional fine of \$100 per day may be imposed until  
 253 the breeder or facility complies with the order.

254 (4) If a dog breeding facility certificate of registration  
 255 is revoked, the facility and its registered owners and officers  
 256 are prohibited from breeding dogs in this state and may be  
 257 subject to the following penalties:

258 (a) For a first offense, a misdemeanor of the first  
 259 degree, punishable as provided in s. 775.082 or s. 775.083; and

260 (b) For a second or subsequent offense, a felony of the  
 261 third degree, punishable as provided in s. 775.082, s. 775.083,  
 262 or s. 775.084.

263 Section 9. Subsection (1) of section 585.007, Florida  
 264 Statutes, is amended to read:

265 585.007 Violation of rules; violation of chapter.—

266 (1) Unless otherwise provided, a person who violates this  
 267 chapter or any rule of the department is ~~shall be~~ subject to the  
 268 imposition of an administrative fine in the Class III category  
 269 pursuant to s. 570.971 for each offense. Upon repeated  
 270 violation, the department may seek enforcement pursuant to s.  
 271 120.69.

272 Section 10. For the 2023-2024 fiscal year, the sum of  
 273 \$5.55 million in nonrecurring funds from the General Revenue  
 274 Fund is appropriated to the Department of Agriculture to be used  
 275 for 10 FTE positions with associated salary rate of 350,000 and

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276 | 100 FTE positions with associated salary rate of 5,200,000 for  
277 | the purposes of implementing this act.

278 |       Section 11. This act shall take effect July 1, 2023.