

# Horse auction rules take effect soon

## Regulations give new rights, responsibilities

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Ocala - Old-fashioned horse trading could take a step toward more transparency by June as rules demanded by Florida lawmakers are about to go into effect.

The new rules came about as the result of legislation passed last year and broad guidelines that called for rules to "address unfair and deceptive trade practices surrounding the sale and purchase of horse in Florida."

The rules will require sellers and middlemen to open their books about the horses they sell and information about agents who handle many of the state's sales.

The rules:

- \* Require bills of sale on horses.
- \* Require agents to disclose if they are working for more than one party involved in a sale.
- \* Ban certain medical procedures on auction property before a sale.
- \* Require sellers who provide medical information about their horses to be honest.

Florida lawmakers called on the Florida Department of Agriculture and Consumer Services to write the rules. In turn, the agency invited horsemen from throughout the country - many of whom do business in Florida - and the public, to make suggestions as to what the rules should contain.

Kentucky lawyer and horseman Joel Turner, who buys many of his horses in Florida, said the rules were a compromise among buyers, sellers and auction houses. He said the effort represents the first steps in protecting buyers from unscrupulous dealers.

"Regardless of how much we got and how much they got, we believe it's a giant step forward," Turner said.

Although Turner said he didn't get all he wanted, Florida lawmakers' mandate for rules got everyone to come to the negotiating table, "instead of sweeping it under the carpet."

The rules will go through administrative review and could become law sometime in June.

Originally, buyers wanted full disclosure about who owned horses.

But many in the industry, such as Ocala Breeders' Sales Co. General Manager Tom Ventura, said sellers should have the right to privacy.

"And if it's that important they don't have to go through with the sale," Ventura said Tuesday.

In the end, the Department of Agriculture and Consumer Services came up with rules that allowed sellers not to have to disclose their identities, but did require their representatives to sign bills of sale listing prices and general information about the horse.

Turner did manage to get a requirement that agents who want to represent both a buyer and seller to disclose to both parties their dual agency.

Turner said requiring dual agency disclosure was one of the most important issues of the proposed rules.

"It was something clearly that we were happy to get," Turner said. "It was a compromise to get things done."

Until now, there was nothing to protect both buyers and sellers using agents who had a second client and an additional interest in making a deal.

Some buyers also wanted complete disclosure of a horse's medical history available at auctions.

The new rules only require that auction houses make space available for medical records when sellers want to provide them.

Ventura said "the state had a difficult task" writing a compromise because medical record keeping would have been too complex for small auctions.

The rules require sellers who choose to answer questions about their horses' medical information to be honest about the information they disclose to potential sellers. The rules, however, do not require sellers to answer medical questions.

Turner said that should be enough to send up red flags with buyers.

Ventura said the medical aspect of the proposed rules was fair.

The rules ban, on auction property, the use of medical procedures to mask certain physical problems that some in the industry say can hinder a horse's ability to race.

Also banned are injections behind a horse's knee to conceal a deformation, along with mechanical or electrical devices used to make a horse run faster before a sale.

"It's not a perfect end product," Turner said. "It's two polar positions coming closer to the middle, like politicians close to election day."

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