

CHAPTER 2010-87

Committee Substitute for House Bill No. 765

An act relating to animal protection; providing a short title; amending s. 474.203, F.S.; revising a veterinary licensure exemption pertaining to certain persons practicing temporarily in the state; providing circumstances that render inapplicable a veterinary licensure exemption pertaining to part-time and independent contractors; amending s. 500.451, F.S.; prohibiting specified acts relating to horsemeat for human consumption; providing penalties; increasing the classification of offenses related to horsemeat for human consumption; providing for suspension of licenses of certain businesses for offenses related to horsemeat; providing mandatory minimum penalties; amending s. 828.073, F.S.; revising procedures for law enforcement officers and certain animal cruelty prevention agents to file petitions in custody proceedings involving neglected animals; exempting animal owners from payment of the care provided for their animals during such proceedings under certain circumstances; revising the period within which written notice of such proceedings must be served; deleting a provision requiring publication of notices of such proceedings under certain circumstances; revising provisions relating to remand of neglected animals directly to the seizing officer or agent for disposition; amending s. 828.125, F.S.; revising provisions prohibiting certain acts relating to horses to apply to all horses regardless of breed; providing mandatory minimum penalties for violations involving horses or certain cattle; creating s. 828.28, F.S.; requiring local governments to provide notice prior to licensing deadlines; encouraging local governments to develop online licensing systems; providing effective dates.

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

Section 1. This act may be cited as the “Ivonne Rodriguez and Victoria McCullough Horse Protection Act.”

Section 2. Section 474.203, Florida Statutes, is amended to read:

474.203 Exemptions.—This chapter ~~does~~ shall not apply to:

(1) Any faculty member practicing only in conjunction with teaching duties at a school or college of veterinary medicine located in this state and accredited by the American Veterinary Medical Association Council on Education. However, this exemption ~~applies~~ shall only apply to such a faculty member who does not hold a valid license issued under this chapter, but who is a graduate of a school or college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or a school or college recognized by the American Veterinary Medical Association Commission for Foreign Veterinary Graduates. The faculty member exemption ~~shall~~ automatically ~~expires~~ expire when such school or college terminates the faculty member from such teaching duties. On December

31 of each year, such school or college shall provide the board with a written list of all faculty who are exempt from this chapter. Such school or college shall also notify the board in writing of any additions or deletions to such list.

(2) A person practicing as an intern or resident veterinarian who does not hold a valid license issued under this chapter and who is a graduate in training at a school or college of veterinary medicine located in this state and accredited by the American Veterinary Medical Association Council on Education or a school or college recognized by the American Veterinary Medical Association Commission for Foreign Veterinary Graduates. Such intern or resident must be a graduate of a school or college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education. This exemption expires when such intern or resident completes or is terminated from such training. Each school or college at which such intern or resident is in training shall, on July 1 of each year, provide the board with a written list of all such interns or residents designated for this exemption, and the school or college shall also notify the board of any additions or deletions to the list.

(3) A student in a school or college of veterinary medicine while in the performance of duties assigned by her or his instructor or when working as a preceptor under the immediate supervision of a licensee, ~~if provided that~~ such preceptorship is required for graduation from an accredited school or college of veterinary medicine. The licensed veterinarian is ~~shall be~~ responsible for all acts performed by a preceptor under her or his supervision.

(4) Any doctor of veterinary medicine in the employ of a state agency or the United States Government while actually engaged in the performance of her or his official duties; however, this exemption does ~~shall~~ not apply to such person when the person is not engaged in carrying out her or his official duties or is not working at the installations for which her or his services were engaged.

(5)(a) Any person, or the person's regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title has been transferred or employment provided for the purpose of circumventing this law. This exemption does ~~shall~~ not apply to unlicensed out-of-state veterinarians practicing temporarily in the state. However, only a veterinarian may immunize or treat an animal for diseases that ~~which~~ are communicable to humans and that ~~which~~ are of public health significance.

(b) A person hired on a part-time or temporary basis, or as an independent contractor, by an owner to assist with herd management and animal husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or a person hired on a part-time or temporary basis, or as an independent contractor, by an owner to provide farriery and manual hand floating of teeth on equines. This exemption does not apply to any person who has been convicted of a violation of chapter 828 that relates to animal cruelty or a similar offense in another jurisdiction.

(6) State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof, which or who conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, serums, or methods of treatment, or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine.

(7) Any veterinary aide, nurse, laboratory technician, preceptor, or other employee of a licensed veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a licensed veterinarian, including those tasks identified by rule of the board requiring immediate supervision. However, the licensed veterinarian ~~is shall be~~ responsible for all such acts performed under this subsection by persons under her or his supervision.

(8) A veterinarian, licensed by and actively practicing veterinary medicine in another state, who is board certified in a specialty recognized by the board and who responds to a request of a veterinarian licensed in this state to assist with the treatment on a specific case of a specific animal or with the treatment on a specific case of the animals of a single owner, as long as the veterinarian licensed in this state requests the other veterinarian's presence. A veterinarian who practices under this subsection is not eligible to apply for a premises permit under s. 474.215.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 3. Effective October 1, 2010, section 500.451, Florida Statutes, is amended to read:

500.451 Horse meat; ~~offenses sale for human consumption.~~—

(1) It is unlawful for any person to:

(a) Sell in the markets of this state horse meat for human consumption unless the horse meat is clearly stamped, marked, and described as horse meat for human consumption.

(b) Knowingly transport, distribute, sell, purchase, or possess horsemeat for human consumption that is not clearly stamped, marked, and described as horsemeat for human consumption or horsemeat that is not acquired from a licensed slaughterhouse.

(2) A person that violates this section ~~commits is guilty of a felony misdemeanor~~ of the ~~third second~~ degree, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084~~, except that any person who commits a

violation of this section shall be sentenced to a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of 1 year.

(3) In addition to any penalties provided in subsection (2), any license of any restaurant, store, or other business may be suspended as provided in the applicable licensing law upon conviction of an owner or employee of that business for a violation of this section in connection with that business.

Section 4. Subsections (2) and (3) and paragraph (c) of subsection (4) of section 828.073, Florida Statutes, are amended to read:

828.073 Animals found in distress; when agent may take charge; hearing; disposition; sale.—

(2) Any law enforcement officer or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under the provisions of s. 828.03 may:

(a) Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or

(b) Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner's expense without removal of the animal from its present location,

and shall ~~file a forthwith~~ petition seeking relief under this section in the county court judge of the county in which wherein the animal is found within 10 days after the animal is seized or an order to provide care is issued. The court shall schedule and commence for a hearing on the petition, to be set within 30 days after the petition is filed date of seizure of the animal or issuance of the order to provide care and held not more than 15 days after the setting of such date, to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. The timeframes set forth in this subsection are not jurisdictional. However, if a failure to meet such timeframes is attributable to the officer or agent, the owner is not required to pay the officer or agent for care of the animal during any period of delay caused by the officer or agent. A No fee may not shall be charged for the filing of the petition. This subsection does not Nothing herein is intended to require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control agents.

(3) The officer or agent of any county or of any society or association for the prevention of cruelty to animals taking charge of any animal pursuant to the provisions of this section shall have written notice served, at least ~~3~~ 5 days ~~before prior to the hearing scheduled under set forth in~~ subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in conformance with the provisions of chapter 48 relating to service of process. The sheriff of the county shall not

charge a fee for service of such notice. ~~If the owner of the animal is known but is residing outside of the county wherein the animal was taken, notice of the hearing shall be by publication in conformance with the provisions of chapter 49.~~

(4)

(c) Upon the court’s judgment that the owner of the animal is unable or unfit to adequately provide for the animal:

1. The court may: shall

a. Order ~~that~~ the animal ~~to~~ be sold by the sheriff at public auction, ~~and shall provide in its order that the current owner shall have no further custody of the animal,~~ and that any animal not bid upon shall be remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or

~~b.2. The court may~~ Order that the animal be destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit, ~~upon the testimony of other qualified witnesses, that the animal requires destruction or other disposition for humanitarian reasons or is of no commercial value.~~

~~2.3. The court,~~ upon proof of costs incurred by the officer or agent or officer, ~~the court may~~ require that the owner pay for the care of the animal while in the custody of the officer or agent or officer. A separate hearing may be held.

~~3.4. The court may~~ order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or agent, if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner’s further possession or custody of other animals.

Section 5. Effective October 1, 2010, section (1) of section 828.125, Florida Statutes, is amended to read:

828.125 Killing or aggravated abuse of ~~registered breed~~ horses or cattle; offenses; penalties.—Any other provisions of this chapter to the contrary notwithstanding:

(1) Any person who willfully and unlawfully, by any means whatsoever, kills, maims, mutilates, or causes great bodily harm or permanent breeding disability to any animal of the genus Equus (horse) or any animal of any registered breed or recognized registered hybrid of the genus Equus (horse) or genus Bos (cattle) commits, ~~or any recognized registered hybrid of the specified genera,~~ shall be guilty of a felony of the second degree, punishable

as provided by s. 775.082, s. 775.083, or s. 775.084, except that any person who commits a violation of this subsection shall be sentenced to a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of 1 year.

Section 6. Section 828.28, Florida Statutes, is created to read:

828.28 Local animal licensing ordinances; notices.—

(1) Any county or municipality that has a licensing requirement for dogs must provide notice to dog owners at least 45 days prior to any licensure renewal deadline. The notice must contain information describing the licensing requirements and any associated penalties.

(2) Counties and municipalities with licensing requirements are encouraged to develop online licensing systems to provide a convenient and cost-effective licensing process.

Section 7. Except as otherwise expressly provided in this act, act shall take effect July 1, 2010.

Approved by the Governor May 14, 2010.

Filed in Office Secretary of State May 14, 2010.