

Tab 1	SB 722 by Burton; (Identical to H 00719) Practice of Veterinary Medicine
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Collins, Chair
Senator Boyd, Vice Chair

MEETING DATE: Monday, March 27, 2023
TIME: 3:00—6:00 p.m.
PLACE: 301 Senate Building

MEMBERS: Senator Collins, Chair; Senator Boyd, Vice Chair; Senators Baxley, Berman, Grall, Mayfield, Rouson, Simon, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 722 Burton (Identical H 719)	Practice of Veterinary Medicine; Exempting certain out-of-state veterinarians who provide specified services under the responsible supervision of a veterinarian licensed in this state from certain regulations governing veterinary medical practice; providing that the supervising licensed veterinarian is responsible for such services; specifying that such out-of-state veterinarians are ineligible for a premises permit, etc. RI 03/14/2023 Favorable AG 03/27/2023 Favorable RC	Favorable Yeas 9 Nays 0

Other Related Meeting Documents

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 Committee on Agriculture

BILL: SB 722

INTRODUCER: Senator Burton

SUBJECT: Practice of Veterinary Medicine

DATE: March 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 722 exempts a veterinarian who has an active license in good standing in another United States jurisdiction to perform, as an unpaid volunteer (exempted unpaid volunteer), dog and cat sterilization services, and routine preventative health services at the time of such sterilization services.

The exempted unpaid volunteer must be under the responsible supervision of a Florida-licensed veterinarian, which requires control, direction, and regulation by a licensed veterinarian of the veterinary services delegated to unlicensed personnel. The supervising licensed veterinarian is responsible for all acts performed by an exempted unpaid volunteer acting under such supervision.

An exempted unpaid volunteer, if not otherwise licensed as a veterinarian in Florida, is not eligible to apply for a premises permit for a permanent or mobile establishment in which veterinary services may be provided.

The bill has no fiscal impact on state government. See Section V, Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

Veterinary Medicine, the Practice of Veterinary Medicine, and Exempted Persons

In 1979, the Legislature determined the practice of veterinary medicine to be potentially dangerous to public health and safety if conducted by incompetent and unlicensed practitioners and that minimum requirements for the safe practice of veterinary medicine are necessary.¹ The Board of

¹ See s. 474.201, F.S.

Veterinary Medicine (board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., on Veterinary Medical Practice.² A veterinarian is a health care practitioner licensed to engage in the practice of veterinary medicine in Florida under ch. 474, F.S.³

Veterinary medicine includes, with respect to animals:⁴

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine);⁵ and
- Other branches or specialties of veterinary medicine.

The practice of veterinary medicine is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁶ Veterinarians who are incompetent or present a danger to the public are subject to discipline and may be prohibited from practicing in the state.⁷

Ten categories of persons are exempt from complying with ch. 474, F.S.:⁸

- Faculty veterinarians with assigned teaching duties at accredited⁹ institutions;
- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training;

² See ss. 474.204 through 474.2125, and s. 474.217, F.S., concerning the powers and duties of the board.

³ See s. 474.202(11), F.S.

⁴ See s. 474.202(13), F.S. Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁵ The Society for Theriogenology, established in 1954, is composed of veterinarians dedicated to standards of excellence in animal reproduction. See <https://www.therio.org/> (last visited Mar. 24, 2023).

⁶ See s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy, fertility, or infertility of animals.

⁷ See s. 474.213, F.S., on prohibited acts, and s. 474.214, F.S., on disciplinary proceedings. See also s. 474.201, F.S.

⁸ See s. 474.203, F.S.

⁹ Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. See <https://www.avma.org/professionaldevelopment/education/accreditation/colleges/pages/coe-pp-overview-of-the-coe.aspx> (last visited Mar. 24, 2023). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. See <https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (last visited Mar. 24, 2023). In turn, the Council for Higher Education Accreditation, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. See <http://chea.org/about> (last visited Mar. 24, 2023).

- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors¹⁰ (if the preceptorship is required for graduation from an accredited institution);
- Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged;
- Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd/flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.;
- Certain entities or persons¹¹ that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods or techniques to diagnose or treat of human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine;
- Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision¹² of a licensed veterinarian;
- Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the Florida Board of Veterinary Medicine, and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner;
- Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or incorporated political subdivision, whose work is confined solely to implanting radio frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.;¹³ and
- Paramedics or emergency medical technicians providing emergency medical care to a police canine¹⁴ injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar facility.

¹⁰ A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. *See*

<https://www.merriam-Webster.com/dictionary/preceptor#medicalDictionary> (last visited Mar. 24, 2023).

¹¹ *See* s. 474.203(6), F.S., which states that the exemption applies to “[s]tate 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”

¹² The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel.

¹³ *See* s. 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.

¹⁴ Section 401.254, F.S., defines the term “police canine” as “any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders.” A paramedic or an emergency medical

Persons who are eligible faculty veterinarians, intern veterinarians, resident veterinarians, or state or federal veterinarians exempt from complying with ch. 474, F.S., are deemed to be duly licensed practitioners authorized to prescribe drugs or medicinal supplies.¹⁵

Veterinarian/Client/Patient Relationship

Section 474.202(12), F.S., defines a “veterinarian/client/patient relationship” as one in which a veterinarian has assumed responsibility for making medical judgments about the health of an animal and its need for medical treatment. The term “patient” means any animal “for which a veterinarian practices veterinary medicine.”¹⁶

The term “valid veterinarian-client-patient relationship” (VCPR) used in federal regulations issued by the federal Food and Drug Administration (FDA), an agency within the United States Department of Health and Human Services, is similar to the definition in s. 474.202(12), F.S.¹⁷

The federal VCPR definition requires that veterinarians physically examine animal patients and make medically appropriate and timely visits to the location where the animals are kept.¹⁸ The FDA has amended its animal drug regulations to implement veterinary feed directive drugs.¹⁹ (VFD).²⁰ The FDA requires veterinarians to consider state VCPR requirements.²¹

Veterinarian Licensing

Chapter 474, F.S., relating to Veterinary Medical Practice (act) provides several pathways to licensure as a veterinarian in Florida. Licensure may be by examination or endorsement, and issuance of a temporary license is available in certain circumstances.

Licensure by Examination

An applicant for licensure as a veterinarian by examination must apply to the DBPR for such licensure. The board has established by administrative rule the required passing scores for a national examination and an examination relating to the practice of veterinary medicine in Florida.²²

The DBPR must license an applicant if the board finds the applicant has met these requirements:

technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.

¹⁵ See s. 474.203, F.S. (flush left language).

¹⁶ See s. 474.202(8), F.S.

¹⁷ See 21 C.F.R. s. 530.3.

¹⁸ *Id.*

¹⁹ See <https://www.fda.gov/animal-veterinary/development-approval-process/veterinary-feed-directive-vfd> (last visited Mar. 24, 2023).

²⁰ *Id.* See 21 C.F.R. s. 530 and 21 C.F.R. part 558. A VFD drug is intended for use in animal feeds, and use is permitted only under the professional supervision of a licensed veterinarian. See U.S. Food and Drug Administration, *Veterinary Feed Directive (VFD)* <https://www.fda.gov/animal-veterinary/development-approval-process/veterinary-feed-directive-vfd> (last visited Mar. 24, 2023).

²¹ See <https://www.fda.gov/animal-veterinary/development-approval-process/fact-sheet-veterinary-feed-directive-final-rule-and-next-steps> (last visited Mar. 24, 2023).

²² See s. 474.207(1), F.S. and Fla. Admin. Code R. 61G18-11.002. The rules promulgated by the board are available at <https://www.flrules.org/gateway/Division.asp?DivID=270> (last visited Mar. 24, 2023).

- Submission of a complete application form with the required examination fee;
- With some exceptions,²³ graduation from a college of veterinary medicine that is either:
 - Accredited by the American Veterinary Medical Association Council on Education; or
 - Listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence.
- The successful completion of the required licensure examinations, demonstrating the applicant's knowledge of the laws and rules governing the practice of veterinary medicine.²⁴

Pursuant to s. 474.207(5), F.S., an unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and completed all parts of the licensure examination is permitted, while awaiting the results of the examination or license issuance, to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the examination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until she or he passes the examination and is eligible for licensure.

Licensure by Endorsement

Under s. 474.217, F.S., an applicant for licensure as a veterinarian by endorsement must apply to the DBPR for such licensure, remit the required fee, and demonstrate to the board that the applicant is knowledgeable of the laws and rules governing the practice of veterinary medicine in Florida; and

- Holds and has held for the three years immediately preceding the application, a valid, active license to practice veterinary medicine in another state or a territory of the United States or the District of Columbia, and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board; or
- Meets the educational and other requirements set forth in s. 474.207(2)(b), F.S., and has successfully completed a state, regional, national, or other examination equivalent to or more stringent than the examination given by the DBPR and has passed the board's clinical competency examination or another clinical competency examination specified by the board.²⁵

The DBPR may not issue a license to any applicant by examination or by endorsement, if the applicant is under investigation in any state or territory in the United States or the District of Columbia for an act which would constitute a violation of Florida's veterinary medical practice act, until the investigation is complete and disciplinary proceedings have been terminated.

²³ Section 474.207(3), F.S., provides a pathway to licensure for applicants who were certified for examination by the board prior to October 1, 1989, or who immigrated to the United States after leaving her or his home country in the Western Hemisphere because of political reasons and the country lacks diplomatic relations with the United States, subject to other requirements set forth in this section.

²⁴ *Id.* Fla. Admin. Code R. 61G18-11.002 requires completion of two examinations: the North American Veterinary Licensing Examination (popularly known as NAVLE) developed by the International Council for Veterinary Assessment, and an examination covering Ch. 474, F.S., relating to Veterinary Medical Practice, the administrative rules promulgated by the board, specified Florida law, and the 2006 Edition of the "Practitioner's Manual," an informational outline of the Controlled Substances Act of 1970, published by the Drug Enforcement Administration of the United States Department of Justice.

²⁵ *See* Fla. Admin. Code R. 61-9.003.

Thereafter, the applicant is subject to the disciplinary proceedings set forth in s. 474.214, F.S., if the act constitutes grounds for disciplinary action, e.g., for having a veterinarian medicine license suspended or for violating state or federal drug laws.²⁶

Temporary Licensure

Pursuant to s. 474.2125, F.S., the board is authorized to issue a temporary license to a veterinarian licensed in another state to enable the veterinarian to provide veterinary medical services in Florida to animals of a specific owner or, in an emergency,²⁷ for the animals of multiple owners, provided the applicant would qualify for licensure by endorsement under s. 474.217, F.S. Temporary licenses are not valid for more than 30 days after issuance, and may not cover more than the treatment of the animals of one owner except in an emergency; after the expiration of 30 days, another temporary license is required.²⁸

An application for a temporary license must state the names, addresses, and titles of all persons who are to enter the state with the applicant to perform the treatment accompanied by the application fee established by the board.²⁹ Upon certification of the applicant by the board, the DBPR must issue the temporary license.

Under s. 474.2125(4), F.S., the temporary license application constitutes the appointment of the Florida Department of State as the applicant's agent for service of process in any action against the applicant arising out of any transaction or operation connected with, or incidental to, the practice of veterinary medicine authorized by the temporary license.

License Renewal

Upon receipt of a license renewal application, biennial renewal fee, and an affidavit of compliance with board-approved continuing education course requirements,³⁰ the DBPR must renew a license.³¹

License and Related Fees

The board is required to establish fees for application and examination, reexamination, license renewal, inactive status, renewal of inactive status, license reactivation, periodic inspection of veterinary establishments, and duplicate copies of licenses, certificates, and permits. There are maximum limits on fee amounts and all fees are adopted by the board, and fees must be based on the DBPR's estimates of the revenue required to administer the act and all provisions relating to the regulation of veterinarians.³²

²⁶ See ss. 474.207(2) and 474.217(2), F.S.

²⁷ Under s. 252.34(4), F.S., the term "emergency" means "any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property."

²⁸ See s. 474.2125, F.S., and Fla. Admin. Code R. 61G18-25.001.

²⁹ *Id.*; see also Fla. Admin. Code R. 61G18-12.010.

³⁰ See Fla. Admin. Code R. 61G-18-16.002 relating to the requirement for completion of a minimum of 30 hours of board-approved continuing education in veterinary medicine.

³¹ See s. 474.211, F.S.; the biennial renewal fee is \$260. See Fla. Admin. Code R. 61G18-12.0005.

³² See s. 474.2065, F.S., and the fee schedule set forth in Fla. Admin. Code R. 61G18-12.

Responsible Supervision by Licensed Veterinarians

The term “responsible supervision” means the control, direction, and regulation by a licensed veterinarian of the duties involving veterinary services delegated to unlicensed personnel.”³³ The delegation of professional responsibilities when the delegating veterinarian knows or has reason to know that the non-licensed person is not qualified by training, experience, or licensure to perform them, constitutes grounds for the imposition of discipline.³⁴

Premises Permits for Veterinary Practices

Section 474.215, F.S., relating to mandatory premises permits for all veterinary practices, requires a permanent or mobile establishment where a licensed veterinarian practices (establishment) to have a DBPR-issued premises permit. Such establishments must be inspected as part of the application procedure and meet minimum standards set by the board, including sanitary conditions, recordkeeping, equipment, radiation monitoring, required services, and physical plant requirements.³⁵ Practitioners who make house-calls and who do not maintain an establishment are not required to obtain a premises permit, but must provide for minimum equipment and facilities.³⁶ An establishment owner who is not licensed as a veterinarian must apply for a premises permit, and if the board certifies that the applicant complies with applicable law and board rules, the DBPR must issue a premises permit.³⁷

The DBPR or the board may deny, revoke, or suspend the permit of any establishment, and may fine, place on probation, or otherwise discipline any such permittee who has:

- Obtained a permit by misrepresentation or fraud or through DBPR or board error;
- Attempted to procure, or has procured, a permit for any other person through any false representation;
- Violated any of the requirements of ch. 474, F.S., or any board rule; or
- Been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a felony in any court of Florida, another state, or the United States.³⁸

If a premises permit is revoked or suspended, the owner, manager, or proprietor must:

- Discontinue operating the premises as a veterinary medical practice as of the effective date of the revocation or suspension; and
- Remove from the premises all signs and symbols identifying the premises as a veterinary medical practice.³⁹

A suspension of a premises permit may not exceed one year; if the permit is revoked, the person owning or operating the establishment must advise the board of the disposition of all medicinal drugs and must provide for ensuring the security, confidentiality, and availability to clients of all

³³ See s. 474.202(10), F.S.

³⁴ See s. 474.214(1)(hh), F.S. See also s. 474.214(2), F.S., relating to the penalties the board may impose.

³⁵ See Fla. Admin. Code R.61G18-15.002.

³⁶ See Fla. Admin. Code R. 61G18-15.006. Practitioners who serve solely agricultural animals are not required to obtain a premises permit, but must provide appropriate equipment and facilities. See Fla. Admin. Code R. 61G18-15.0022.

³⁷ See s. 474.215(8), F.S.

³⁸ See s. 474.215(9), F.S.

³⁹ *Id.*

patient medical records, and may not apply for a permit to operate a premises for a period of one year after the revocation's effective date.⁴⁰

Sterilization of Dogs and Cats

The American Society for the Prevention of Cruelty to Animals (ASPCA) is one of the largest humane societies in the world.⁴¹ According to the ASPCA, the spaying or neutering of dogs and cats (sterilization services) helps control pet homelessness, a crisis that results in millions of healthy dogs and cats in the United States being euthanized.⁴²

The ASPCA indicates there are also medical and behavioral benefits to sterilization of dogs and cats, as follows:

- Spaying prevents uterine infections and decreases the incidence of breast tumors, which are malignant or cancerous in about 90 percent of cats;
- Neutering prevents testicular cancer and some prostate problems;
- Improving behavioral issues, as a female animal will not be able to breed (i.e., go into heat), avoiding situations in which female felines possibly going into heat four to five days every three weeks during breeding season (yowling and urinating frequently); and
- Male dogs will be better behaved, perhaps less aggressive, and less likely to roam away from home, risking injury in traffic and fights with other animals.⁴³

Low-cost, high-quality, high-volume spay-neuter clinics (sterilization clinics) have been established across the United States to increase the availability of such services, thereby reducing pet overpopulation and euthanasia of pets in animal shelters.⁴⁴ Some veterinary medicine practitioners contend that sterilization clinics compete with private practitioners or have concerns about the quality of care, while other practitioners promote programs benefiting both the private practitioners and the sterilization clinics.⁴⁵

In 2008, the Association of Shelter Veterinarians (ASV) established comprehensive guidelines dealing with anesthetic procedures, surgical care, and pre- and post-operative care for spay-neuter programs in an effort to ensure that sterilization clinics provide high-quality care along with high volume.⁴⁶

As to the issue of competition with private practitioners, a study published in 2016 reported that the majority of cats sterilized through a reduced-cost spay–neuter program in Massachusetts had

⁴⁰ *Id.*

⁴¹ See the ASPCA website <https://www.asPCA.org/about-us> (last visited Mar. 24, 2023).

⁴² See <https://www.asPCA.org/pet-care/general-pet-care/spayneuter-your-pet> (last visited Mar. 24, 2023).

⁴³ *Id.*

⁴⁴ See Philip A. Bushby, *Journal of Feline Medicine and Surgery* (2020) 22, at 208, (an open access, international, peer-reviewed journal) (Bushby), at <https://journals.sagepub.com/doi/full/10.1177/1098612X20903600> (last visited Mar. 24, 2023).

⁴⁵ See Bushby at 209 and accompanying footnotes.

⁴⁶ *Id.* The guidelines were updated in 2016. The author noted that a study of the “results at one [sterilization] clinic that performed spay–neuter on 71,557 cats and 42,349 dogs over a 7-year period documented mortality rates approximately 1/10th of those reported at low-volume private veterinary practices.” *Id.* (footnote omitted). Further, key principles for efficiency include “designating a block of time devoted to spay–neuter, performing the surgeries at an earlier age and adopting very efficient surgical techniques.” *Id.* at 210.

never been seen by a veterinarian before, primarily due to the cost of services.⁴⁷ According to the chief economist of the American Veterinary Medical Association, nearly a third of the nation's pets do not see a veterinarian at least once a year.⁴⁸

According to the DBPR, in Fiscal Year 2021-2022, there were 12,360 veterinarians with active licenses in Florida, an increase of fewer than 1,000 licensees since Fiscal Year 2019-2020.⁴⁹

III. Effect of Proposed Changes:

The bill exempts a veterinarian who has an active license in good standing in another United States jurisdiction to perform, as an unpaid volunteer (exempted unpaid volunteer), dog and cat sterilization services and routine preventative health services at the time of such sterilization services. The exempted unpaid volunteer must be under the responsible supervision of a Florida-licensed veterinarian, as defined in s. 474.202, F.S. Such supervision requires control, direction, and regulation by a licensed veterinarian of the duties involving veterinary services that are delegated to unlicensed personnel.

The bill further provides the supervising licensed veterinarian is responsible for all acts performed by an exempted unpaid volunteer who is acting under such supervision.

An exempted unpaid volunteer, if not otherwise licensed under the act, is not eligible to apply for a premises permit under s. 474.215, F.S. (see Section II, Premises Permits for Veterinary Practices, above relating to such permits).

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁴⁷ *Id.*

⁴⁸ See Malinda Larkin, *New, Old challenges beg for radical change in veterinary profession*, Dec. 3, 2020) summarizing the keynote address at the annual American Veterinary Medical Association (AVMA) Economic Summit by Matthew J. Salois, PhD, AVMA Chief Economist, at <https://www.avma.org/javma-news/2020-12-15/new-old-challenges-beg-radical-change-veterinary-profession> (last visited Mar. 24, 2023). According to the AVMA, it represents more than 100,000 members of the veterinary profession "to protect, promote and advance the needs of all veterinarians and those they serve." See <https://www.avma.org/about> (last visited Mar. 24, 2023).

⁴⁹ See Department of Business and Professional Regulation, *2021-2022 Annual Report, Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation* at 18, at http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY2021.pdf (last visited Mar. 24, 2023) and *2019-2020 Annual Report, Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation* at 20, at http://www.myfloridalicense.com/DBPR/os/documents/DivisionAnnualReport_FY1920.pdf (last visited Mar. 24, 2023).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Owners of dogs or cats who cannot afford the fees of full-service veterinary practices may have another avenue to have their pets spayed or neutered at a sterilization clinic at a lower cost.

A large volume of exempted unpaid volunteers performing dog or cat sterilization services, whether with or without accompanying routine preventive health services, may impact similar services typically performed by Florida-licensed veterinarians. However, sterilization of dogs and cats by exempt unpaid volunteers could reduce the number of puppies and kittens borne by animals that would otherwise not be sterilized due to cost considerations. Increased sterilization of pets may assist in reducing pet overpopulation and euthanasia of pets in animal shelters.

The Department of Business and Professional Regulation (DBPR) notes that the bill “may reduce expenditures in the private sector by expanding the ability for sterilization services to be performed on a voluntary basis.”⁵⁰

C. Government Sector Impact:

The DBPR notes the bill has no fiscal impact on state government.⁵¹

VI. Technical Deficiencies:

None.

⁵⁰ See Department of Business and Professional Regulation, *2023 Agency Legislative Bill Analysis for SB 722* at 4 (Feb. 15, 2023) (on file with the Senate Committee on Agriculture).

⁵¹ *Id.* at 4-5.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 474.203 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Burton

12-00645B-23

2023722__

1 A bill to be entitled
 2 An act relating to the practice of veterinary
 3 medicine; amending s. 474.203, F.S.; exempting certain
 4 out-of-state veterinarians who provide specified
 5 services under the responsible supervision of a
 6 veterinarian licensed in this state from certain
 7 regulations governing veterinary medical practice;
 8 providing that the supervising licensed veterinarian
 9 is responsible for such services; specifying that such
 10 out-of-state veterinarians are ineligible for a
 11 premises permit; providing an effective date.

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

15 Section 1. Subsection (11) is added to section 474.203,
 16 Florida Statutes, to read:

17 474.203 Exemptions.—This chapter does not apply to:
 18 (11) A veterinarian who holds an active license to practice
 19 veterinary medicine in another jurisdiction in the United States
 20 and is in good standing in such jurisdiction and who performs
 21 dog or cat sterilization services or routine preventative health
 22 services at the time of sterilization as an unpaid volunteer
 23 under the responsible supervision, as defined in s. 474.202, of
 24 a veterinarian licensed in this state. The supervising licensed
 25 veterinarian is responsible for all acts performed under this
 26 subsection by an out-of-state veterinarian acting under her or
 27 his responsible supervision. An out-of-state veterinarian
 28 practicing pursuant to this subsection is not eligible to apply
 29 for a premises permit under s. 474.215.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30
 31 For the purposes of chapters 465 and 893, persons exempt
 32 pursuant to subsection (1), subsection (2), or subsection (4)
 33 are deemed to be duly licensed practitioners authorized by the
 34 laws of this state to prescribe drugs or medicinal supplies.
 35 Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/23

Meeting Date

722

Bill Number (if applicable)

Topic Vet. Medicine

Amendment Barcode (if applicable)

Name Kate MacFall

Job Title state director

Address 1206 Walt Dr.

Phone 850 508-1001

Street

Tallahassee

FL.

City

State

Zip

Email kmacfall@hsus.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Humane Society of the United States

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

CourtSmart Tag Report

Room: SB 301

Caption: Committee on Agriculture

Case No.:

Judge:

Type:

Started: 3/27/2023 3:00:30 PM

Ends: 3/27/2023 3:03:52 PM

Length: 00:03:23

3:00:29 PM Chair Collins calls meeting to order
3:00:36 PM roll call - quorum present
3:00:49 PM Pledge of Allegiance
3:01:31 PM tab 1 - SB 722
3:01:36 PM Sen. Burton recognized to introduce bill
3:02:37 PM no questions on bill
3:02:43 PM Kate MacFall w/ Humane Society of the U.S., waives in support
3:02:56 PM no debate on bill
3:03:00 PM Sen. Burton waives close
3:03:03 PM roll call - SB 722 reported favorably
3:03:36 PM Sen. Boyd moves to adjourn