

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty: The bill affords animal owners the ability to choose alternative means of health care for their animals.

B. EFFECT OF PROPOSED CHANGES:

The Florida Veterinary Practice Act (Chapter 424, F.S.), “finds that the practice of veterinary medicine is potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners.” However, every day in Florida farriers are trimming, shoeing and making decisions regarding horses’ hoof care; massage therapists are graduating from human and animal massage schools and providing massage services to animals, particularly those in competition; feed companies and feed store owners are giving advice on nutrition and animal health care; trained and experienced equine dentists are providing equine dentistry services that many veterinarians do not provide; and experienced herd management professionals are dehorning cattle.

Theoretically, all of these individuals could be charged with a felony if a complaint was filed against them and, after an investigation, the Department of Business and Professional Regulation (DBPR) found them to be practicing veterinary medicine without a license; even though all of these services are being provided with the consent of the animals’ owners.

This bill allows a person who, through training or experience, has knowledge of animal health care services offered to the public, and who is not a licensed veterinarian to provide these services at the animal owners’ request. These services include:

- Providing an opinion about the condition of the animal;
- Making suggestions regarding nonpharmaceutical, nonprescription, or nonsurgical substances, services, or devices to address the animal’s condition and providing the substance, service, or use of a device that was suggested;
- Providing traditional large animal health care services (i.e. dehorning, castration, dentistry, etc.); and
- Providing services and solutions that promote wellness, enhance healing, or address emotional or mental states of the animal.

Persons providing these services, if not acting as an employee of the animal’s owner, will be considered as independent contractors.

The bill prohibits persons providing animal health care services from:

- claiming to be a veterinarian or offering a diagnosis;
- representing that the services provided will cure any condition;
- violating animal cruelty laws; and
- providing animal health care services without first consulting with the animal’s owner and offering the owner the option of seeking a second opinion or advice of a licensed veterinarian.

The bill clarifies the animal owners’ authority to provide specified care for the animal. Persons advising on animal nutrition, animal communicators, or persons providing hoof care services are authorized to provide their services without restrictions. Unsolicited nutritional advice is permissible but the person may not claim to be a veterinarian.

The penalty for violating this law is \$250 for the first violation and \$500 for each subsequent violation not to exceed \$5,000 per person. The Florida Department of Agriculture and Consumer Services is

authorized to institute a civil action to impose the penalties, with said penalties to be deposited into the departments' General Inspection Trust Fund.

And lastly, the bill states that actions in compliance with this section are also in compliance with chapter 474, Florida Statutes.

C. SECTION DIRECTORY:

Section 1: Providing a definition for "animal" as used in this act; authorizing persons, not licensed as a veterinarian, to perform certain health care services on animals; providing persons performing said services are not acting as a veterinarian; prohibiting certain acts by person providing animal health care services; clarifying animal owners rights; providing for hoof care or nutritional advice by any person at owners' request; providing for civil penalties; authorizing the department to institute civil action to impose and collect penalties; providing for penalties to deposited into the General Inspection Trust Fund; and, providing that actions in compliance with this section are also in compliance with chapter 474, F. S.

Section 2: Providing an effective date of July 1, 2005.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

Department of Agriculture and Consumer Services	FY 05-06	FY 06-07	FY 07-08
	Amt/FTE	Amt/FTE	Amt/FTE
Non-recurring costs:			
OCO			
3 professionals @ \$1800 (GR)	5,400		
1 support @ \$2,100 (GR)	2,100		
Expense			
3 professionals @ \$3,230 (GR)	9,690		
1 support @ \$2,786 (GR)	2,786		
One Time Expenses			
Siemens reprogramming and additional card in phone service (GR)	<u>4,050</u>		
 Total Non-recurring costs	 24,026		
Recurring costs:			
Positions:			
(2) Investigation Specialist II	94,220	96,204	98,026
(1) Attorney	70,042	71,443	72,872
(1) Staff Assistant	35,831	36,548	37,279
Expenses:			
(3) Professional expense package @ \$6,513 (GR)	19,539	19,539	19,539
(1) Support expense package @ \$5,364	5,364	5,364	5,364
Human resource allocation – 4 FTE (People First Expense)	1,556	1,556	1,556
Additional travel required – 2 investigator positions – 2 positions @ \$5,000 each	10,000	10,000	10,000

AGMIC (GR)			
Additional PC maintenance	2,250	2,250	2,250
Additional Siemens system maintenance	600	600	600
Additional computer system maintenance	<u>2,250</u>	<u>2,250</u>	<u>2,250</u>
Total Recurring Costs	<u>241,652</u>	<u>245,754</u>	<u>249,736</u>
Total Costs (Recurring & Non-recurring)	<u>\$265,678</u>	<u>\$245,754</u>	<u>\$249,736</u>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Unknown

2. Expenditures:

Unknown

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown

D. FISCAL COMMENTS:

This legislation does not fiscally impact the Department of Business and Professional Regulation.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, does not reduce the authority that counties or municipalities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Florida Veterinary Medical Association opposes this legislation.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES