

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 791 CS Animal Health Care Services
SPONSOR(S): Attkisson and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 958

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Agriculture Committee</u>	<u>11 Y, 0 N, w/CS</u>	<u>Kaiser</u>	<u>Reese</u>
2) <u>Agriculture & Environment Appropriations Committee</u>	<u>9 Y, 1 N</u>	<u>Davis</u>	<u>Dixon</u>
3) <u>State Resources Council</u>	<u>9 Y, 0 N</u>	<u>Kaiser</u>	<u>Hamby</u>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Chapter 424, F.S., currently provides exemptions relating to acts or conditions not in violation of the Florida Veterinary Practice Act. One of those exemptions relates to animal owners or the owner's regular employee administering to the ills or injuries of his or her own animals. This exemption includes, but is not limited to, castration, spaying, and dehorning of herd animals.

This legislation expands the above-mentioned exemption to include an independent contractor under the supervision of the animal owner. In addition, the words "ills or injuries" are removed from the exemption to clarify the exemption does not presume an independent contractor to be practicing veterinary medicine.

This legislation does not appear to have a fiscal impact on state or local governments.

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.

Chapter 424, F.S., currently provides exemptions¹ relating to acts or conditions not in violation of the Florida Veterinary Practice Act. One of those exemptions relates to animal owners or the owner’s regular employee administering to the ills or injuries of his or her own animals. This exemption includes, but is not limited to, castration, spaying, and dehorning of herd animals.

This legislation expands the above-mentioned exemption to include an independent contractor under the supervision of the animal owner. In addition, the words “ills or injuries” are removed from the exemption to clarify the exemption does not presume an independent contractor to be practicing veterinary medicine.

C. SECTION DIRECTORY:

Section 1: Amends s. 474.203, F.S.; expanding exemption to include independent contractor.

Section 2: Providing an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

¹ s. 474.203, F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

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

On March 23, 2005, the Committee on Agriculture adopted a strike-all amendment to HB 791. The effects of the strike-all are reflected in this analysis. The basis of the legislation remains the same; however s. 474.203, F.S., is amended by the amendment rather than creating a new section as was the case in the original bill.