

1 A bill to be entitled
 2 An act relating to animal health care services; defining
 3 the term "animal" for purposes of the act; authorizing the
 4 provision of certain animal health care services by a
 5 person who is not a licensed veterinarian; providing that
 6 the provision of such services is not the practice of
 7 veterinary medicine; prohibiting certain acts by a person
 8 who provides animal health care services; clarifying the
 9 authority of the owner of an animal to provide specified
 10 care for that animal; authorizing provision of animal
 11 nutrition or communication advice or hoof care services;
 12 providing for civil penalties; authorizing the Department
 13 of Agriculture and Consumer Services to seek judicial
 14 imposition of penalties; providing that an action in
 15 compliance with the act also complies with ch. 474, F.S.,
 16 relating to the practice of veterinary medicine; providing
 17 an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Animal health care services.--

22 (1) As used in this section, the term "animal" means any
 23 live mammal other than a human being or any live bird,
 24 amphibian, fish, or reptile.

25 (2) A person who, through training or experience, has
 26 knowledge of animal health care services offered to the public,
 27 and who is not a veterinarian licensed under chapter 474,
 28 Florida Statutes, may, at the request of the owner or caretaker

29 of an animal, provide animal health care services that include,
 30 but are not limited to:

31 (a) Providing an opinion about the condition of the animal
 32 to its owner or an authorized agent of the animal's owner,
 33 provided that such an opinion does not constitute a diagnosis.

34 (b) Making suggestions to the owner of the animal or an
 35 authorized agent of the animal's owner regarding
 36 nonpharmaceutical, nonprescription, or nonsurgical substances,
 37 services, or devices to address the animal's condition and
 38 providing the substance, service, or use of a device that was
 39 suggested.

40 (c) Providing traditional large animal health care
 41 services that include, but are not limited to, dehorning,
 42 castration, dentistry, or inoculation for noncommunicable
 43 diseases.

44 (d) Providing services and solutions that promote
 45 wellness, enhance healing, or address emotional or mental states
 46 of the animal.

47
 48 A person who provides animal health care services as permitted
 49 by this subsection is not engaged in the practice of veterinary
 50 medicine, as defined in s. 474.202, Florida Statutes, and shall,
 51 if not acting as an employee of the animal's owner, be
 52 considered an independent contractor.

53 (3) A person who provides the animal health care services
 54 permitted under subsection (2) may not:

55 (a) Claim to be a veterinarian or offer a diagnosis.

56 (b) Warrant or represent that the animal health care

57 services provided will cure any condition.
 58 (c) Violate animal cruelty laws, including, but not
 59 limited to, s. 828.12 or s. 828.24, Florida Statutes.
 60 (d) Provide an animal health care service without first:
 61 1. Discussing his or her suggestions for such service with
 62 the animal's owner or with an authorized agent of the animal's
 63 owner.
 64 2. Offering the animal's owner or the authorized agent of
 65 the animal's owner the option to seek the opinion or advice of a
 66 licensed veterinarian.
 67 (4) A person who owns an animal may:
 68 (a) Attend to, or authorize an employee to attend to, the
 69 ills or injuries of that animal.
 70 (b) Act to, or authorize an employee to act to, promote
 71 the wellness of, or prevent the illness of, that animal,
 72 including, but not limited to, the castration or dehorning of a
 73 herd animal.
 74 (5) Notwithstanding any provision of this section or of
 75 chapter 474, Florida Statutes, a person may:
 76 (a) At the request of the owner or caretaker of an animal,
 77 provide advice as to that animal's nutritional requirements or
 78 as to communication with that animal, or provide hoof care
 79 services to that animal; or
 80 (b) Offer unsolicited advice as to nutrition for an
 81 animal.
 82
 83 A person who provides such advice and who is not a veterinarian
 84 licensed under chapter 474, Florida Statutes, may not claim to

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85 be a veterinarian.

86 (6) A person who knowingly violates subsection (3) is
87 subject to a civil penalty of \$250 for the first violation and
88 \$500 for each subsequent violation, not to exceed \$5,000 per
89 person. The Department of Agriculture and Consumer Services may
90 institute a civil action in the courts of this state against
91 such a violator to impose and collect such penalties. Penalties
92 shall be deposited into the department's General Inspection
93 Trust Fund.

94 (7) An action that is in compliance with this section is
95 also in compliance with chapter 474, Florida Statutes.

96 Section 2. This act shall take effect July 1, 2005.