

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 641 CS Animal Service Providers
SPONSOR(S): Russell
TIED BILLS: **IDEN./SIM. BILLS:** SB 1654

	REFERENCE	ACTION	ANALYST	STAFF
DIRECTOR				
1) Agriculture Committee		9 Y, 1 N, w/CS	Kaiser	Reese
2) Business Regulation Committee		15 Y, 0 N, w/CS	Livingston	Liepshutz
3) State Resources Council		9 Y, 0 N, w/CS	Kaiser	Hamby
4) _____		_____	_____	_____
5) _____		_____	_____	_____

SUMMARY ANALYSIS

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. It provides exemptions relating to acts or conditions not in violation of the Florida Veterinary Practice Act. One exemption specifies that this chapter does not apply to:

“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...”

This legislation amends the list of exemptions currently contained in the Florida Veterinary Practice Act. The legislation expands the current exemption for owner’s administering to their own animals to apply to:

“a person hired on a part-time or temporary basis, or as an independent contractor, by an owner to assist with herd management, wellness, 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 the owner to provide manual hand floating of teeth and farriery on equines.”

This bill does not appear to have a fiscal impact on state or local government. The effective date of this legislation is July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty: The bill affords animal owners the ability to provide additional means of health care for their herd or flock or equine 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. It provides exemptions relating to acts or conditions not in violation of the Florida Veterinary Practice Act. One exemption specifies that this chapter does not apply to:

“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...”

The bill amends the list of exemptions currently contained in the Florida Veterinary Practice Act.

The bill expands the current exemption for owner’s administering to their own animals to apply to:

“a person hired on a part-time or temporary basis, or as an independent contractor, by an owner to assist with herd management, wellness, 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 the owner to provide manual hand floating of teeth and farriery on equines.”

C. SECTION DIRECTORY:

Section 1. Amends s. 474.203, F.S., to create additional exemptions from the Florida Veterinary Practice Act.

Section 2. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Unknown

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not 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:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On Wednesday, February 22, 2006, the Committee on Agriculture adopted a strike-all amendment to HB 641. The amendment expands the current exemption for owner's administering to their own animals to include the owner's regular or temporary employee or an independent contractor. It further expands the exemption to include farriery, nonmechanical floating of teeth, debeaking, and parasite control, which apply to livestock and flock animals, as well as herd animals.

The amendment also provides for independent contractors offering nonmedical services to complete minimum required hours of training by July 1, 2008. The minimum required hours for each service are provided in the amendment.

On March 16, 2006, the Business Regulation Committee adopted one strike all amendment which modified the bill in the following manner and reported the bill favorably with committee substitute.

- Removes language in the original bill and expands the current exemption for owner's administering to their own animals to include the owner's part-time or temporary hired hands. The exemption applies to specific activities relating to an animal or a herd or flock of animals to

assist with herd management, wellness, and animal-husbandry tasks for herd and flock animals, including castration, dehorning, parasite control, and debeaking, or to provide manual hand floating of teeth or farriery of equines.

On March 22, 2006, the State Resources Council adopted an amendment to HB 641 w/ CS. The amendment clarifies that the care or services provided are confined to equine, herd, or flock animals. The amendment also corrected a misspelled word.