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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

04/21/2010 06:01 PM

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Senator Crist moved the following:

**Senate Amendment (with title amendment)**

Delete lines 17 - 59

and insert:

Section 1. This act may be cited as the "Ivonne Rodriguez and Victoria McCullough Act."

Section 2. Section 474.203, Florida Statutes, is amended to read:

474.203 Exemptions.—This chapter does ~~shall~~ not apply to:

(1) Any faculty member practicing only in conjunction with teaching duties at a school or college of veterinary medicine located in this state and accredited by the American Veterinary Medical Association Council on Education. However, this



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14 exemption applies ~~shall~~ only ~~apply~~ to such a faculty member who  
15 does not hold a valid license issued under this chapter, but who  
16 is a graduate of a school or college of veterinary medicine  
17 accredited by the American Veterinary Medical Association  
18 Council on Education or a school or college recognized by the  
19 American Veterinary Medical Association Commission for Foreign  
20 Veterinary Graduates. The faculty member exemption ~~shall~~  
21 automatically expires ~~expire~~ when such school or college  
22 terminates the faculty member from such teaching duties. On  
23 December 31 of each year, such school or college shall provide  
24 the board with a written list of all faculty who are exempt from  
25 this chapter. Such school or college shall also notify the board  
26 in writing of any additions or deletions to such list.

27 (2) A person practicing as an intern or resident  
28 veterinarian who does not hold a valid license issued under this  
29 chapter and who is a graduate in training at a school or college  
30 of veterinary medicine located in this state and accredited by  
31 the American Veterinary Medical Association Council on Education  
32 or a school or college recognized by the American Veterinary  
33 Medical Association Commission for Foreign Veterinary Graduates.  
34 Such intern or resident must be a graduate of a school or  
35 college of veterinary medicine accredited by the American  
36 Veterinary Medical Association Council on Education. This  
37 exemption expires when such intern or resident completes or is  
38 terminated from such training. Each school or college at which  
39 such intern or resident is in training shall, on July 1 of each  
40 year, provide the board with a written list of all such interns  
41 or residents designated for this exemption, and the school or  
42 college shall also notify the board of any additions or



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43 deletions to the list.

44 (3) A student in a school or college of veterinary medicine  
45 while in the performance of duties assigned by her or his  
46 instructor or when working as a preceptor under the immediate  
47 supervision of a licensee, if provided~~that~~ such preceptorship  
48 is required for graduation from an accredited school or college  
49 of veterinary medicine. The licensed veterinarian is ~~shall be~~  
50 responsible for all acts performed by a preceptor under her or  
51 his supervision.

52 (4) Any doctor of veterinary medicine in the employ of a  
53 state agency or the United States Government while actually  
54 engaged in the performance of her or his official duties;  
55 however, this exemption does ~~shall~~ not apply to such person when  
56 the person is not engaged in carrying out her or his official  
57 duties or is not working at the installations for which her or  
58 his services were engaged.

59 (5) (a) Any person, or the person's regular employee,  
60 administering to the ills or injuries of her or his own animals,  
61 including, but not limited to, castration, spaying, and  
62 dehorning of herd animals, unless title has been transferred or  
63 employment provided for the purpose of circumventing this law.  
64 This exemption does ~~shall~~ not apply to out-of-state  
65 veterinarians practicing temporarily in the state. However, only  
66 a veterinarian may immunize or treat an animal for diseases that  
67 ~~which~~ are communicable to humans and that ~~which~~ are of public  
68 health significance.

69 (b) A person hired on a part-time or temporary basis, or as  
70 an independent contractor, by an owner to assist with herd  
71 management and animal husbandry tasks for herd and flock



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72 animals, including castration, dehorning, parasite control, and  
73 debeaking, or a person hired on a part-time or temporary basis,  
74 or as an independent contractor, by an owner to provide farriery  
75 and manual hand floating of teeth on equines. This exemption  
76 does not apply to any person who has been convicted of a  
77 violation of chapter 828 which relates to animal cruelty or a  
78 similar offense in another jurisdiction.

79 (6) State agencies, accredited schools, institutions,  
80 foundations, business corporations or associations, physicians  
81 licensed to practice medicine and surgery in all its branches,  
82 graduate doctors of veterinary medicine, or persons under the  
83 direct supervision thereof, which or who conduct experiments and  
84 scientific research on animals in the development of  
85 pharmaceuticals, biologicals, serums, or methods of treatment,  
86 or techniques for the diagnosis or treatment of human ailments,  
87 or when engaged in the study and development of methods and  
88 techniques directly or indirectly applicable to the problems of  
89 the practice of veterinary medicine.

90 (7) Any veterinary aide, nurse, laboratory technician,  
91 preceptor, or other employee of a licensed veterinarian who  
92 administers medication or who renders auxiliary or supporting  
93 assistance under the responsible supervision of a licensed  
94 veterinarian, including those tasks identified by rule of the  
95 board requiring immediate supervision. However, the licensed  
96 veterinarian is shall be responsible for all such acts performed  
97 under this subsection by persons under her or his supervision.  
98 This exemption does not apply to any person whose license to  
99 practice veterinary medicine is revoked, suspended, inactive, or  
100 delinquent, whether in this state, another state, the District



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101 of Columbia, any possession or territory of the United States,  
102 or any foreign jurisdiction.

103 (8) A veterinarian, licensed by and actively practicing  
104 veterinary medicine in another state, who is board certified in  
105 a specialty recognized by the board and who responds to a  
106 request of a veterinarian licensed in this state to assist with  
107 the treatment on a specific case of a specific animal or with  
108 the treatment on a specific case of the animals of a single  
109 owner, as long as the veterinarian licensed in this state  
110 requests the other veterinarian's presence. A veterinarian who  
111 practices under this subsection is not eligible to apply for a  
112 premises permit under s. 474.215.

113  
114 For the purposes of chapters 465 and 893, persons exempt  
115 pursuant to subsection (1), subsection (2), or subsection (4)  
116 are deemed to be duly licensed practitioners authorized by the  
117 laws of this state to prescribe drugs or medicinal supplies.

118 Section 3. Effective October 1, 2010, section 500.451,  
119 Florida Statutes, is amended to read:

120 500.451 Horse meat; offenses sale for human consumption.—

121 (1) It is unlawful for any person to:

122 (a) Sell in the markets of this state horse meat for human  
123 consumption unless the horse meat is clearly stamped, marked,  
124 and described as horse meat for human consumption.

125 (b) Knowingly transport, distribute, sell, purchase, or  
126 possess horsemeat for human consumption that is not clearly  
127 stamped, marked, and described as horsemeat for human  
128 consumption or horsemeat that is not acquired from a licensed  
129 slaughterhouse.



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130 (2) A person that violates this section commits is guilty  
131 of a felony misdemeanor of the third ~~second~~ degree, punishable  
132 as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084, except  
133 that any person who commits a violation of this section shall be  
134 sentenced to a minimum mandatory fine of \$3,500 and a minimum  
135 mandatory period of incarceration of 1 year.

136 (3) In addition to any penalties provided in subsection  
137 (2), any license of any restaurant, store, or other business may  
138 be suspended as provided in the applicable licensing law upon  
139 conviction of an owner or employee of that business for a  
140 violation of this section in connection with that business.

141 Section 4. Subsections (2) and (3) and paragraph (c) of  
142 subsection (4) of section 828.073, Florida Statutes, are amended  
143 to read:

144 828.073 Animals found in distress; when agent may take  
145 charge; hearing; disposition; sale.—

146 (2) Any law enforcement officer or any agent of any county  
147 or of any society or association for the prevention of cruelty  
148 to animals appointed under the provisions of s. 828.03 may:

149 (a) Lawfully take custody of any animal found neglected or  
150 cruelly treated by removing the animal from its present  
151 location, or

152 (b) Order the owner of any animal found neglected or  
153 cruelly treated to provide certain care to the animal at the  
154 owner's expense without removal of the animal from its present  
155 location,

156  
157 and shall file a forthwith petition seeking relief under this  
158 section in the county court judge of the county in which wherein



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159 the animal is found within 10 days after the animal is seized or  
160 an order to provide care is issued. The court shall schedule and  
161 commence for a hearing on the petition, to be set within 30 days  
162 after the petition is filed ~~date of seizure of the animal or~~  
163 ~~issuance of the order to provide care and held not more than 15~~  
164 ~~days after the setting of such date,~~ to determine whether the  
165 owner, if known, is able to provide adequately for the animal  
166 and is fit to have custody of the animal. The hearing shall be  
167 concluded and the court order entered thereon within 60 days  
168 after the date the hearing is commenced. The county court shall  
169 establish procedures to expedite the commencement of hearings on  
170 petitions filed under this subsection. The timeframes set forth  
171 in this subsection are not jurisdictional. However, if a failure  
172 to meet such timeframes is attributable to the officer or agent,  
173 the owner is not required to pay the officer or agent for care  
174 of the animal during any period of delay caused by the officer  
175 or agent. A No fee may not shall be charged for ~~the~~ filing ~~of~~  
176 the petition. This subsection does not ~~Nothing herein is~~  
177 ~~intended to~~ require court action for the taking into custody and  
178 making proper disposition of stray or abandoned animals as  
179 lawfully performed by animal control agents.

180 (3) The officer or agent of any county or of any society or  
181 association for the prevention of cruelty to animals taking  
182 charge of any animal pursuant to the provisions of this section  
183 shall have written notice served, at least 3 5 days before ~~prior~~  
184 ~~to~~ the hearing scheduled under ~~set forth in~~ subsection (2), upon  
185 the owner of the animal, if he or she is known and is residing  
186 in the county where the animal was taken, in conformance with  
187 the provisions of chapter 48 relating to service of process. The



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188 sheriff of the county shall not charge a fee for service of such  
189 notice. ~~If the owner of the animal is known but is residing~~  
190 ~~outside of the county wherein the animal was taken, notice of~~  
191 ~~the hearing shall be by publication in conformance with the~~  
192 ~~provisions of chapter 49.~~

193 (4)

194 (c) Upon the court's judgment that the owner of the animal  
195 is unable or unfit to adequately provide for the animal:

196 1. The court may: ~~shall~~

197 a. Order that the animal ~~to~~ be sold by the sheriff at  
198 public auction, ~~and shall provide in its order~~ that the current  
199 owner ~~shall~~ have no further custody of the animal, and that any  
200 animal not bid upon ~~shall~~ be remanded to the custody of the  
201 Society for the Prevention of Cruelty to Animals, the Humane  
202 Society, the county, or any agency or person the judge deems  
203 appropriate, to be disposed of as the agency or person sees fit;  
204 or

205 b.2. ~~The court may~~ Order that the animal be destroyed or  
206 remanded directly to the custody of the Society for the  
207 Prevention of Cruelty to Animals, the Humane Society, the  
208 county, or any agency or person the judge deems appropriate, to  
209 be disposed of as the agency or person sees fit, ~~upon the~~  
210 ~~testimony of the agent who took custody of the animal, or upon~~  
211 ~~the testimony of other qualified witnesses, that the animal~~  
212 ~~requires destruction or other disposition for humanitarian~~  
213 ~~reasons or is of no commercial value.~~

214 2.3. ~~The court,~~ upon proof of costs incurred by the officer  
215 or agent ~~or officer,~~ ~~the court~~ may require that the owner pay  
216 for the care of the animal while in the custody of the officer





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217 or agent ~~or officer~~. A separate hearing may be held.

218 3.4. The court may order that other animals that are in the  
219 custody of the owner and that were not seized by the officer or  
220 agent be turned over to the officer or agent, if the court  
221 determines that the owner is unable or unfit to adequately  
222 provide for the animals. The court may enjoin the owner's  
223 further possession or custody of other animals.

224 Section 5. Effective October 1, 2010, section (1) of  
225 section 828.125, Florida Statutes, is amended to read:

226 828.125 Killing or aggravated abuse of ~~registered breed~~  
227 horses or cattle; offenses; penalties.—Any other provisions of  
228 this chapter to the contrary notwithstanding:

229 (1) Any person who willfully and unlawfully, by any means  
230 whatsoever, kills, maims, mutilates, or causes great bodily harm  
231 or permanent breeding disability to any animal of the genus  
232 Equus (horse) or any animal of any registered breed or  
233 recognized registered hybrid of the genus ~~Equus (horse) or genus~~  
234 Bos (cattle) commits, or any recognized registered hybrid of the  
235 specified genera, shall be guilty of a felony of the second  
236 degree, punishable as provided by s. 775.082, s. 775.083, or s.  
237 775.084, except that any person who commits a violation of this  
238 subsection shall be sentenced to a minimum mandatory fine of  
239 \$3,500 and a minimum mandatory period of incarceration of 1  
240 year.

241 Section 6. Section 828.28, Florida Statutes, is created to  
242 read:

243 828.28 Local animal licensing ordinances; notices.—

244 (1) Any county or municipality that has a licensing  
245 requirement for dogs must provide notice to dog owners at least



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246 45 days prior to any licensure renewal deadline. The notice must  
247 contain information describing the licensing requirements and  
248 any associated penalties.

249 (2) Counties and municipalities that have licensing  
250 requirements are encouraged to develop online licensing systems  
251 to provide a convenient and cost-effective licensing process.

252 Section 7. Except as otherwise expressly provided in this  
253 act, this act shall take effect July 1, 2010.

254  
255 ===== T I T L E A M E N D M E N T =====

256 And the title is amended as follows:

257 Delete lines 2 - 13

258 and insert:

259 An act relating to animal protection; amending s.  
260 474.203, F.S.; providing circumstances that render  
261 inapplicable certain veterinary licensure exemptions  
262 pertaining to part-time and independent contractors;  
263 providing circumstances that render inapplicable an  
264 exemption for certain employees under supervision;  
265 amending s. 500.451, F.S.; prohibiting specified acts  
266 relating to horsemeat for human consumption; providing  
267 penalties; increasing the classification of offenses  
268 related to horsemeat for human consumption; providing  
269 for suspension of licenses of certain businesses for  
270 offenses related to horsemeat; providing mandatory  
271 minimum penalties; amending s. 828.073, F.S.; revising  
272 procedures for law enforcement officers and certain  
273 animal cruelty prevention agents to file petitions in  
274 custody proceedings involving neglected animals;



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275 directing county courts to expedite the commencement  
276 of such proceedings; exempting animal owners from  
277 payment of the care provided for their animals during  
278 such proceedings under certain circumstances; revising  
279 the period within which written notice of such  
280 proceedings must be served; deleting a provision  
281 requiring publication of notices of such proceedings  
282 under certain circumstances; revising provisions  
283 relating to remand of neglected animals directly to  
284 the seizing officer or agent for disposition; amending  
285 s. 828.125, F.S.; revising provisions prohibiting  
286 certain acts relating to horses to apply to all horses  
287 regardless of breed; providing mandatory minimum  
288 penalties for violations involving horses or certain  
289 cattle; creating s. 828.28, F.S.; requiring local  
290 governments to provide notice prior to licensing  
291 deadlines; encouraging local governments to develop  
292 online licensing systems; providing effective dates.