

1                   A bill to be entitled  
2           An act relating to animal protection; amending s. 474.203,  
3           F.S.; providing circumstances that render inapplicable  
4           certain veterinary licensure exemptions pertaining to  
5           part-time and independent contractors; providing  
6           circumstances that render inapplicable an exemption for  
7           certain employees under supervision; amending s. 500.451,  
8           F.S.; prohibiting specified acts relating to horsemeat for  
9           human consumption; providing penalties; increasing the  
10          classification of offenses related to horsemeat for human  
11          consumption; providing for suspension of licenses of  
12          certain businesses for offenses related to horsemeat;  
13          providing mandatory minimum penalties; amending s.  
14          828.073, F.S.; revising procedures for law enforcement  
15          officers and certain animal cruelty prevention agents to  
16          file petitions in custody proceedings involving neglected  
17          animals; directing county courts to expedite the  
18          commencement of such proceedings; exempting animal owners  
19          from payment of the care provided for their animals during  
20          such proceedings under certain circumstances; revising the  
21          period within which written notice of such proceedings  
22          must be served; deleting a provision requiring publication  
23          of notices of such proceedings under certain  
24          circumstances; revising provisions relating to remand of  
25          neglected animals directly to the seizing officer or agent  
26          for disposition; amending s. 828.125, F.S.; revising  
27          provisions prohibiting certain acts relating to horses to  
28          apply to all horses regardless of breed; providing

29 | mandatory minimum penalties for violations involving  
 30 | horses or certain cattle; providing effective dates.

31 |

32 | Be It Enacted by the Legislature of the State of Florida:

33 |

34 | Section 1. Section 474.203, Florida Statutes, is amended  
 35 | to read:

36 | 474.203 Exemptions.—This chapter does ~~shall~~ not apply to:

37 | (1) Any faculty member practicing only in conjunction with  
 38 | teaching duties at a school or college of veterinary medicine  
 39 | located in this state and accredited by the American Veterinary  
 40 | Medical Association Council on Education. However, this  
 41 | exemption applies ~~shall~~ only ~~apply~~ to such a faculty member who  
 42 | does not hold a valid license issued under this chapter, but who  
 43 | is a graduate of a school or college of veterinary medicine  
 44 | accredited by the American Veterinary Medical Association  
 45 | Council on Education or a school or college recognized by the  
 46 | American Veterinary Medical Association Commission for Foreign  
 47 | Veterinary Graduates. The faculty member exemption ~~shall~~  
 48 | automatically expires ~~expire~~ when such school or college  
 49 | terminates the faculty member from such teaching duties. On  
 50 | December 31 of each year, such school or college shall provide  
 51 | the board with a written list of all faculty who are exempt from  
 52 | this chapter. Such school or college shall also notify the board  
 53 | in writing of any additions or deletions to such list.

54 | (2) A person practicing as an intern or resident  
 55 | veterinarian who does not hold a valid license issued under this  
 56 | chapter and who is a graduate in training at a school or college

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57 | of veterinary medicine located in this state and accredited by  
58 | the American Veterinary Medical Association Council on Education  
59 | or a school or college recognized by the American Veterinary  
60 | Medical Association Commission for Foreign Veterinary Graduates.  
61 | Such intern or resident must be a graduate of a school or  
62 | college of veterinary medicine accredited by the American  
63 | Veterinary Medical Association Council on Education. This  
64 | exemption expires when such intern or resident completes or is  
65 | terminated from such training. Each school or college at which  
66 | such intern or resident is in training shall, on July 1 of each  
67 | year, provide the board with a written list of all such interns  
68 | or residents designated for this exemption, and the school or  
69 | college shall also notify the board of any additions or  
70 | deletions to the list.

71 |       (3) A student in a school or college of veterinary  
72 | medicine while in the performance of duties assigned by her or  
73 | his instructor or when working as a preceptor under the  
74 | immediate supervision of a licensee, if ~~provided that~~ such  
75 | preceptorship is required for graduation from an accredited  
76 | school or college of veterinary medicine. The licensed  
77 | veterinarian is ~~shall be~~ responsible for all acts performed by a  
78 | preceptor under her or his supervision.

79 |       (4) Any doctor of veterinary medicine in the employ of a  
80 | state agency or the United States Government while actually  
81 | engaged in the performance of her or his official duties;  
82 | however, this exemption does ~~shall~~ not apply to such person when  
83 | the person is not engaged in carrying out her or his official  
84 | duties or is not working at the installations for which her or

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85 his services were engaged.

86 (5) (a) Any person, or the person's regular employee,  
87 administering to the ills or injuries of her or his own animals,  
88 including, but not limited to, castration, spaying, and  
89 dehorning of herd animals, unless title has been transferred or  
90 employment provided for the purpose of circumventing this law.  
91 This exemption does ~~shall~~ not apply to out-of-state  
92 veterinarians practicing temporarily in the state. However, only  
93 a veterinarian may immunize or treat an animal for diseases that  
94 ~~which~~ are communicable to humans and that ~~which~~ are of public  
95 health significance.

96 (b) A person hired on a part-time or temporary basis, or  
97 as an independent contractor, by an owner to assist with herd  
98 management and animal husbandry tasks for herd and flock  
99 animals, including castration, dehorning, parasite control, and  
100 debeaking, or a person hired on a part-time or temporary basis,  
101 or as an independent contractor, by an owner to provide farriery  
102 and manual hand floating of teeth on equines. This exemption  
103 does not apply to any person who has been convicted of a  
104 violation of chapter 828 that relates to animal cruelty or a  
105 similar offense in another jurisdiction.

106 (6) State agencies, accredited schools, institutions,  
107 foundations, business corporations or associations, physicians  
108 licensed to practice medicine and surgery in all its branches,  
109 graduate doctors of veterinary medicine, or persons under the  
110 direct supervision thereof, which or who conduct experiments and  
111 scientific research on animals in the development of  
112 pharmaceuticals, biologicals, serums, or methods of treatment,

113 or techniques for the diagnosis or treatment of human ailments,  
 114 or when engaged in the study and development of methods and  
 115 techniques directly or indirectly applicable to the problems of  
 116 the practice of veterinary medicine.

117 (7) Any veterinary aide, nurse, laboratory technician,  
 118 preceptor, or other employee of a licensed veterinarian who  
 119 administers medication or who renders auxiliary or supporting  
 120 assistance under the responsible supervision of a licensed  
 121 veterinarian, including those tasks identified by rule of the  
 122 board requiring immediate supervision. However, the licensed  
 123 veterinarian is ~~shall be~~ responsible for all such acts performed  
 124 under this subsection by persons under her or his supervision.  
 125 This exemption does not apply to any person whose license to  
 126 practice veterinary medicine is revoked, suspended, inactive, or  
 127 delinquent, whether in this state, another state, the District  
 128 of Columbia, any possession or territory of the United States,  
 129 or any foreign jurisdiction.

130 (8) A veterinarian, licensed by and actively practicing  
 131 veterinary medicine in another state, who is board certified in  
 132 a specialty recognized by the board and who responds to a  
 133 request of a veterinarian licensed in this state to assist with  
 134 the treatment on a specific case of a specific animal or with  
 135 the treatment on a specific case of the animals of a single  
 136 owner, as long as the veterinarian licensed in this state  
 137 requests the other veterinarian's presence. A veterinarian who  
 138 practices under this subsection is not eligible to apply for a  
 139 premises permit under s. 474.215.

140

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

145 Section 2. Effective October 1, 2010, section 500.451,  
 146 Florida Statutes, is amended to read:

147 500.451 Horse meat; offenses ~~sale for human consumption.~~

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

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

152 (b) Knowingly transport, distribute, sell, purchase, or  
 153 possess horsemeat for human consumption that is not clearly  
 154 stamped, marked, and described as horsemeat for human  
 155 consumption or horsemeat that is not acquired from a licensed  
 156 slaughterhouse.

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

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

168 Section 3. Subsections (2) and (3) and paragraph (c) of

169 subsection (4) of section 828.073, Florida Statutes, are amended  
 170 to read:

171 828.073 Animals found in distress; when agent may take  
 172 charge; hearing; disposition; sale.—

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

176 (a) Lawfully take custody of any animal found neglected or  
 177 cruelly treated by removing the animal from its present  
 178 location, or

179 (b) Order the owner of any animal found neglected or  
 180 cruelly treated to provide certain care to the animal at the  
 181 owner's expense without removal of the animal from its present  
 182 location,

183  
 184 and shall file a ~~forthwith~~ petition seeking relief under this  
 185 section in the county court ~~judge~~ of the county in which ~~wherein~~  
 186 the animal is found within 10 days after the animal is seized or  
 187 an order to provide care is issued. The court shall schedule and  
 188 commence ~~for~~ a hearing on the petition, ~~to be set~~ within 30 days  
 189 after the petition is filed ~~date of seizure of the animal or~~  
 190 ~~issuance of the order to provide care and held not more than 15~~  
 191 ~~days after the setting of such date,~~ to determine whether the  
 192 owner, if known, is able to provide adequately for the animal  
 193 and is fit to have custody of the animal. The hearing shall be  
 194 concluded and the court order entered thereon within 60 days  
 195 after the date the hearing is commenced. The county court shall  
 196 establish procedures to expedite the commencement of hearings on

197 petitions filed under this subsection. The timeframes set forth  
 198 in this subsection are not jurisdictional. However, if a failure  
 199 to meet such timeframes is attributable to the officer or agent,  
 200 the owner is not required to pay the officer or agent for care  
 201 of the animal during any period of delay caused by the officer  
 202 or agent. A ~~no~~ fee may not shall be charged for ~~the~~ filing ~~of~~  
 203 the petition. This subsection does not ~~Nothing herein is~~  
 204 ~~intended to~~ require court action for the taking into custody and  
 205 making proper disposition of stray or abandoned animals as  
 206 lawfully performed by animal control agents.

207 (3) The officer or agent of any county or of any society  
 208 or association for the prevention of cruelty to animals taking  
 209 charge of any animal pursuant to the provisions of this section  
 210 shall have written notice served, at least 3 5 days before ~~prior~~  
 211 ~~to~~ the hearing scheduled under ~~set forth in~~ subsection (2), upon  
 212 the owner of the animal, if he or she is known and is residing  
 213 in the county where the animal was taken, in conformance with  
 214 the provisions of chapter 48 relating to service of process. The  
 215 sheriff of the county shall not charge a fee for service of such  
 216 notice. ~~If the owner of the animal is known but is residing~~  
 217 ~~outside of the county wherein the animal was taken, notice of~~  
 218 ~~the hearing shall be by publication in conformance with the~~  
 219 ~~provisions of chapter 49.~~

220 (4)

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

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

224 a. Order that the animal ~~to~~ be sold by the sheriff at



225 public auction, ~~and shall provide in its order~~ that the current  
 226 owner ~~shall~~ have no further custody of the animal, and that any  
 227 animal not bid upon ~~shall~~ be remanded to the custody of the  
 228 Society for the Prevention of Cruelty to Animals, the Humane  
 229 Society, the county, or any agency or person the judge deems  
 230 appropriate, to be disposed of as the agency or person sees fit;  
 231 or

232 ~~b.2. The court may Order~~ that the animal be destroyed or  
 233 remanded directly to the custody of the Society for the  
 234 Prevention of Cruelty to Animals, the Humane Society, the  
 235 county, or any agency or person the judge deems appropriate, to  
 236 be disposed of as the agency or person sees fit, ~~upon the~~  
 237 ~~testimony of the agent who took custody of the animal, or upon~~  
 238 ~~the testimony of other qualified witnesses, that the animal~~  
 239 ~~requires destruction or other disposition for humanitarian~~  
 240 ~~reasons or is of no commercial value.~~

241 ~~2.3. The court,~~ upon proof of costs incurred by the  
 242 officer or agent ~~or officer, the court~~ may require that the  
 243 owner pay for the care of the animal while in the custody of the  
 244 officer or agent ~~or officer~~. A separate hearing may be held.

245 ~~3.4.~~ The court may order that other animals that are in  
 246 the custody of the owner and that were not seized by the officer  
 247 or agent be turned over to the officer or agent, if the court  
 248 determines that the owner is unable or unfit to adequately  
 249 provide for the animals. The court may enjoin the owner's  
 250 further possession or custody of other animals.

251 Section 4. Effective October 1, 2010, section (1) of  
 252 section 828.125, Florida Statutes, is amended to read:

253           828.125 Killing or aggravated abuse of ~~registered breed~~  
 254 horses or cattle; offenses; penalties.—Any other provisions of  
 255 this chapter to the contrary notwithstanding:

256           (1) Any person who willfully and unlawfully, by any means  
 257 whatsoever, kills, maims, mutilates, or causes great bodily harm  
 258 or permanent breeding disability to any animal of the genus  
 259 Equus (horse) or any animal of any registered breed or  
 260 recognized registered hybrid of the genus ~~Equus (horse) or genus~~  
 261 Bos (cattle) commits, ~~or any recognized registered hybrid of the~~  
 262 ~~specified genera, shall be guilty of a felony of the second~~  
 263 degree, punishable as provided by s. 775.082, s. 775.083, or s.  
 264 775.084, except that any person who commits a violation of this  
 265 subsection shall be sentenced to a minimum mandatory fine of  
 266 \$3,500 and a minimum mandatory period of incarceration of 1  
 267 year.

268           Section 5. Except as otherwise expressly provided in this  
 269 act, act shall take effect July 1, 2010.