

## ENROLLED

CS/HB 765, Engrossed 1

2010 Legislature

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

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29 | for violations involving horses or certain cattle;  
 30 | creating s. 828.28, F.S.; requiring local governments to  
 31 | provide notice prior to licensing deadlines; encouraging  
 32 | local governments to develop online licensing systems;  
 33 | providing effective dates.

34 |

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

36 |

37 | Section 1. This act may be cited as the "Ivonne Rodriguez  
 38 | and Victoria McCullough Horse Protection Act."

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

41 | 474.203 Exemptions.—This chapter does ~~shall~~ not apply to:

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

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57 | this chapter. Such school or college shall also notify the board  
58 | in writing of any additions or deletions to such list.

59 |       (2) A person practicing as an intern or resident  
60 | veterinarian who does not hold a valid license issued under this  
61 | chapter and who is a graduate in training at a school or college  
62 | of veterinary medicine located in this state and accredited by  
63 | the American Veterinary Medical Association Council on Education  
64 | or a school or college recognized by the American Veterinary  
65 | Medical Association Commission for Foreign Veterinary Graduates.  
66 | Such intern or resident must be a graduate of a school or  
67 | college of veterinary medicine accredited by the American  
68 | Veterinary Medical Association Council on Education. This  
69 | exemption expires when such intern or resident completes or is  
70 | terminated from such training. Each school or college at which  
71 | such intern or resident is in training shall, on July 1 of each  
72 | year, provide the board with a written list of all such interns  
73 | or residents designated for this exemption, and the school or  
74 | college shall also notify the board of any additions or  
75 | deletions to the list.

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

84 |       (4) Any doctor of veterinary medicine in the employ of a

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85 state agency or the United States Government while actually  
86 engaged in the performance of her or his official duties;  
87 however, this exemption does ~~shall~~ not apply to such person when  
88 the person is not engaged in carrying out her or his official  
89 duties or is not working at the installations for which her or  
90 his services were engaged.

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

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

111 (6) State agencies, accredited schools, institutions,  
112 foundations, business corporations or associations, physicians

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113 licensed to practice medicine and surgery in all its branches,  
114 graduate doctors of veterinary medicine, or persons under the  
115 direct supervision thereof, which or who conduct experiments and  
116 scientific research on animals in the development of  
117 pharmaceuticals, biologicals, serums, or methods of treatment,  
118 or techniques for the diagnosis or treatment of human ailments,  
119 or when engaged in the study and development of methods and  
120 techniques directly or indirectly applicable to the problems of  
121 the practice of veterinary medicine.

122 (7) Any veterinary aide, nurse, laboratory technician,  
123 preceptor, or other employee of a licensed veterinarian who  
124 administers medication or who renders auxiliary or supporting  
125 assistance under the responsible supervision of a licensed  
126 veterinarian, including those tasks identified by rule of the  
127 board requiring immediate supervision. However, the licensed  
128 veterinarian is ~~shall be~~ responsible for all such acts performed  
129 under this subsection by persons under her or his supervision.

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.

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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 3. 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.

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168 Section 4. 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 timeframes set

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

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

218 (4)

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

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

222 a. Order that the animal ~~to~~ be sold by the sheriff at  
 223 public auction, ~~and shall provide in its order that the current~~



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

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

239 ~~2.3. The court,~~ upon proof of costs incurred by the  
 240 officer or agent ~~or officer, the court~~ may require that the  
 241 owner pay for the care of the animal while in the custody of the  
 242 officer or agent ~~or officer~~. A separate hearing may be held.

243 ~~3.4.~~ The court may order that other animals that are in  
 244 the custody of the owner and that were not seized by the officer  
 245 or agent be turned over to the officer or agent, if the court  
 246 determines that the owner is unable or unfit to adequately  
 247 provide for the animals. The court may enjoin the owner's  
 248 further possession or custody of other animals.

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

251 828.125 Killing or aggravated abuse of ~~registered breed~~

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252 horses or cattle; offenses; penalties.—Any other provisions of  
 253 this chapter to the contrary notwithstanding:

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

266 Section 6. Section 828.28, Florida Statutes, is created to  
 267 read:

268 828.28 Local animal licensing ordinances; notices.--

269 (1) Any county or municipality that has a licensing  
 270 requirement for dogs must provide notice to dog owners at least  
 271 45 days prior to any licensure renewal deadline. The notice must  
 272 contain information describing the licensing requirements and  
 273 any associated penalties.

274 (2) Counties and municipalities with licensing  
 275 requirements are encouraged to develop online licensing systems  
 276 to provide a convenient and cost-effective licensing process.

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