



493660

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/20/2019	.	
	.	
	.	
	.	

The Committee on Agriculture (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (4) of section 474.2165, Florida
Statutes, is amended to read:

474.2165 Ownership and control of veterinary medical
patient records; report or copies of records to be furnished.—

(4) Except as otherwise provided in this section, a
veterinarian may not furnish written patient medical such



493660

11 records ~~may not be furnished~~ to, and may not discuss the medical
12 condition of a patient ~~may not be discussed~~ with, any person
13 other than the client or the client's legal representative or
14 other veterinarians involved in the care or treatment of the
15 patient, unless the veterinarian has received ~~except upon~~
16 written authorization of the client. However, such records may
17 be furnished without written authorization under the following
18 circumstances:

19 (a) To any person, firm, or corporation that has procured
20 or furnished such examination or treatment with the client's
21 consent.

22 (b) In any civil ~~or criminal~~ action, unless otherwise
23 prohibited by law, upon the issuance of a subpoena from a court
24 of competent jurisdiction and ~~proper~~ notice to the client or the
25 client's legal representative by the party seeking such records.

26 (c) In any criminal action or a situation where a
27 veterinarian suspects a criminal violation. If criminal
28 violation is suspected, a veterinarian may, without notice to or
29 authorization from the client, discuss the condition of the
30 patient with and report the violation to a law enforcement
31 officer, an animal control officer who is certified pursuant to
32 s. 828.27(4) (a), or an agent appointed under s. 828.03. However,
33 if a suspected violation occurs on a commercial food-producing
34 animal operation on land classified as agricultural under s.
35 193.461, the veterinarian must provide notice to the client or
36 the client's legal representative before reporting the suspected
37 violation to an officer or agent under this paragraph. The
38 report may not include written medical records except upon the
39 issuance of an order from a court of competent jurisdiction.



40 (d)~~(e)~~ For statistical and scientific research, provided
41 the information is abstracted in such a way as to protect the
42 identity of the patient and the client, or provided written
43 permission is received from the client or the client's legal
44 representative.

45 Section 2. Present subsection (6) of section 828.12,
46 Florida Statutes, is redesignated as subsection (7), and a new
47 subsection (6) is added to that section, to read:

48 828.12 Cruelty to animals.—

49 (6) A person who leaves a dog outside and unattended by use
50 of a restraint during a manmade disaster or a natural disaster
51 commits animal cruelty, a misdemeanor of the first degree,
52 punishable as provided in s. 775.082 or by a fine of not more
53 than \$5,000, or both. As used in this subsection, the term:

54 (a) "Manmade disaster" means a situation in which a person
55 has received notice from a local or governmental authority that
56 an event attributed in part or entirely to human intent, error,
57 or negligence, or involving the failure of a manmade system,
58 which results in significant damage has occurred, is occurring,
59 or may soon occur in the person's vicinity.

60 (b) "Natural disaster" means a situation in which a
61 hurricane, tropical storm, or tornado warning has been issued
62 for a municipality or a county by the National Weather Service,
63 or the municipality or county is under a mandatory or voluntary
64 evacuation order.

65 (c) "Restraint" means a chain, rope, tether, leash, cable,
66 or other device that attaches a dog to a stationary object or
67 trolley system.

68 Section 3. Section 828.261, Florida Statutes, is created to



493660

69 read:

70 828.261 Ongoing horse care covenants.-

71 (1) Notwithstanding any other provision of law, a contract
72 for the sale of a horse may include a covenant for the
73 continuing care of the horse, subject to the following
74 provisions:

75 (a) The obligations under the covenant may be provided by a
76 third party that is obligated to provide services and care to an
77 animal that is retired from ownership, for an actuarially
78 appropriate charge, and is not subject to chapter 624.

79 (b) A covenant is valid and annexed to the horse, runs with
80 the horse, and is binding and enforceable upon the purchaser and
81 all future subpurchasers.

82 (c) A covenant must require notice, in writing, before
83 purchase of any subsequent purchaser and must be acknowledged in
84 writing by all such subsequent purchasers, before consummation
85 of the purchase of a covered horse.

86 (d) A covenant may include liquidated damages for failing
87 to comply with the provisions of the covenant.

88 (e) A covenant must include allow any owner to retire the
89 horse into the care and treatment of the third party provider of
90 services under the covenant.

91 (2) An owner is not required to include a covenant for the
92 continuing care of a horse in a contract for the sale of the
93 horse and a purchaser is not required to purchase a horse that
94 includes such a covenant.

95 (3) The Department of Agriculture and Consumer Services may
96 adopt rules adopting the American Association of Equine
97 Practitioners care guidelines for equine rescue and retirement



493660

98 facilities and may include additional standards for the ethical
99 treatment of horses by third party providers of a covenant for
100 the continuing care of the horse. The rules must:

101 (a) Require third party providers to make available a
102 request hotline during normal business hours to be used by an
103 owner that voluntarily decides to retire a horse and effectuate
104 its care under a covenant.

105 (b) Include provisions for the appropriate diet, shelter,
106 pasture, and medical care of horses that are retired under this
107 section.

108 (c) Allow all prior owners of a horse to have notice of the
109 retirement of the horse, along with the address where the horse
110 will be cared for, and the ability to visit the horse during
111 normal business hours 7 days a week.

112 (d) Require submission of an actuarial report and evidence
113 indicating the maintenance of adequate reserves by a third party
114 provider to adequately care for a horse subject to a covenant
115 under this section.

116 (4) This section does not create any covenants that annex
117 to or travel with any other chattel.

118 Section 4. This act shall take effect July 1, 2019.

119
120 ===== T I T L E A M E N D M E N T =====

121 And the title is amended as follows:

122 Delete everything before the enacting clause
123 and insert:

124 A bill to be entitled
125 An act relating to animal welfare; amending s.
126 474.2165, F.S.; authorizing a veterinarian to report



493660

127 suspected patient criminal violations to certain
128 officers and agents without notice to or authorization
129 from a client under specified circumstances; providing
130 an exception; prohibiting the report from including
131 written medical records except under certain
132 circumstances; amending s. 828.12, F.S.; prohibiting a
133 person from restraining a dog outside and unattended
134 during a manmade disaster or a natural disaster;
135 providing a criminal penalty; providing a fine;
136 defining terms; creating s. 828.261, F.S.; authorizing
137 a contract for the sale of a horse to include a
138 covenant for the continuing care of the horse;
139 providing requirements for such a covenant;
140 authorizing the Department of Agriculture and Consumer
141 Services to adopt rules that meet certain
142 requirements; providing an effective date.