

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Agriculture

BILL: CS/SB 1738

INTRODUCER: Committee on Agriculture and Senator Gruters

SUBJECT: Restraint of Dogs

DATE: March 19, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	Fav/CS
2.			CJ	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1738 authorizes a veterinarian to report evidence of suspected animal cruelty to law enforcement or animal control officers and to furnish written patient medical records without authorization from a client. If the suspected offense occurs on a commercial food-producing animal operation, veterinarians would provide notice to the farmer prior to reporting the violation to give them an opportunity to come into compliance. It prohibits a person to leave a restrained dog outside and unattended during a manmade disaster or a natural disaster. Such person would be guilty of animal cruelty, a misdemeanor of the first degree. It also provides the option for horse owners to include a covenant on the sale of a horse, requiring any subsequent owner to call a contracted third party to pick up a horse that is ready to be retired rather than destroying the animal. The bill authorizes the Department of Agriculture and Consumer Services to adopt rules concerning equine rescue and retirement.

II. Present Situation:

Reporting of Animal Cruelty

Currently a private citizen may report suspected animal cruelty to a law enforcement officer or an animal control officer. However, the Veterinary Medical Practice Act contains a

confidentiality provision that prohibits a veterinarian from discussing a patient's medical condition with anyone except the client, except for a few narrow exceptions such as research.¹

Animals Tethered and Abandoned During Disasters

As a dangerous storm approaches, many residents flee to safer areas, and some leave their pets behind. The Palm Beach County Animal Care and Control director reported that many pets are left chained to trees and parked cars, as their owner left them behind to "ride out the storm" on their own. During Hurricane Irma, 49 dogs and two cats were rescued by animal control officers. In Palm Beach County, it is illegal for anyone to leave a dog tied up without the owner being present, but it is considered animal cruelty and a felony when done during a storm.² Collier, Fernandina Beach, Hernando, Hillsborough, Lake, Lee, Miami, Martin, Miami-Dade, Mount Dora, Okaloosa, Palm Beach, Pembroke Park, Pinellas, Sarasota, and St. Lucie Counties also prohibit animals from being tethered in extreme weather, including but not limited to hurricanes, tropical storms, or tornadoes.

Horse Care Covenants

Many horses, particularly in the racing and hunter jumper fields, are simply destroyed after they can no longer compete, because it costs thousands of dollars per year for continued care. Some are put in less age-dependent disciplines, and some are sold to farms or families whose children want a horse to ride. All horses cannot be placed, and the ASPCA calculates that over 100,000 American horses are sent across the borders for slaughter each year.³ Currently, common law only allows covenants to travel with real property. Because a horse is "chattel," a covenant does not travel with a horse.⁴

III. Effect of Proposed Changes:

Section 1 amends s. 474.2165, F.S., to authorize a veterinarian to report suspected patient criminal violations to law enforcement or animal control officers and to furnish written patient medical records without authorization from a client. If the suspected offense occurs on a commercial food-producing animal operation, veterinarians would provide notice to the farmer prior to reporting the violation to give them an opportunity to come into compliance.

Section 2 amends s. 828.12, F.S., to prohibit a person to leave a restrained dog outside and unattended during a manmade disaster or a natural disaster. Such person would be guilty of animal cruelty, a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than \$5,000, or both.

The bill defines the following terms:

¹ See s. 474.2165, F.S.

² See "Pets Abandoned, Chained on Leashes, as Owners Flee Hurricane Irma," accessed at <https://dmlnews.com/pets-abandoned-chained-leashes-owners-flee-hurricane-irma/> (Last visited March 14, 2019).

³ See "What Happens to Retired Racehorses?," accessed at <https://www.care2.com/causes/what-happens-to-retired-racehorses.html> (Last visited March 19, 2019).

⁴ "Any article of tangible property other than land, buildings, and other things annexed to land," Webster's Encyclopedic Unabridged Dictionary.

- *Manmade disaster* as a situation in which a person has received notice from a local or governmental authority that an event attributed in part or entirely to human intent, error, or negligence, or involving the failure of a manmade system, which results in significant damage has occurred, is occurring, or may soon occur in the person's vicinity.
- *Natural disaster* as a situation in which a hurricane, tropical storm, or tornado warning has been issued for a municipality or a county by the National Weather Service, or the municipality or county is under a mandatory or voluntary evacuation order.
- *Restraint* as a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Section 3 creates s. 828.261, F.S., to authorize a contract for the sale of a horse to include a covenant for the continuing care of the horse. An owner would not be required to include such covenant, and a purchaser would not be required to purchase a horse that includes such a covenant. The bill authorizes the Department of Agriculture and Consumer Services to adopt rules that adopt the American Association of Equine Practitioners care guidelines for equine rescue and retirement facilities. This section does not create any covenants that annex to or travel with any other chattel.

Section 4 provides that this act shall take effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Persons who are found guilty of leaving a restrained dog outside and unattended during a manmade or natural disaster would be punished as provided in s. 775.082, F.S., or be charged a fine of not more than \$5,000, or both.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 474.2165 and 828.12 of the Florida Statutes.
This bill creates section 828.261 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Committee on Agriculture on March 18, 2019:**

The committee substitute:

- Authorizes a veterinarian to report suspected patient criminal violations to law enforcement or animal control officers and to furnish written patient medical records without authorization from a client. If the suspected offense occurs on a commercial food-producing animal operation, veterinarians would provide notice to the farmer prior to reporting the violation to give them an opportunity to come into compliance;
- Authorizes a contract for the sale of a horse to include a covenant for the continuing care of the horse. An owner would not be required to include such covenant, and a purchaser would not be required to purchase a horse that includes such a covenant. The bill authorizes the Department of Agriculture and Consumer Services to adopt rules that adopt the American Association of Equine Practitioners care guidelines for equine rescue and retirement facilities. This section does not create any covenants that annex to or travel with any other chattel; and
- An amendment to the amendment makes a technical correction.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
