

By Senator Gruters

23-00559C-19

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1                   A bill to be entitled  
2           An act relating to animal welfare; amending s.  
3           474.2165, F.S.; authorizing a veterinarian to report  
4           criminal violations to certain officers and agents  
5           without notice to or authorization from a client;  
6           creating s. 725.09, F.S.; providing that certain  
7           contracts entered into on or after a specified date  
8           for the sale or lease of dogs and cats are void and  
9           unenforceable; providing remedies for noncompliance;  
10          providing an exception for contracts for the repayment  
11          of unsecured loans; amending s. 741.30, F.S.;  
12          authorizing a court to take certain actions regarding  
13          the care, custody, possession, or control of an animal  
14          in domestic violence actions; amending s. 828.058,  
15          F.S.; requiring an employee or agent of a public or  
16          private agency, animal shelter, or other animal  
17          collection facility to complete specified continuing  
18          education to retain certification to perform  
19          euthanasia beginning on a specified date; requiring  
20          the curriculum to be approved by the Board of  
21          Veterinary Medicine; deleting obsolete language;  
22          amending s. 828.29, F.S.; requiring county-operated or  
23          city-operated animal control agencies and registered  
24          nonprofit humane organizations to meet certain  
25          Department of Agriculture and Consumer Services'  
26          animal import requirements; providing an effective  
27          date.

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29   Be It Enacted by the Legislature of the State of Florida:

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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) (a) Except as otherwise provided in this section, a veterinarian may not furnish written patient medical ~~such~~ records ~~may not be furnished to,~~ and may not discuss the medical condition of a patient ~~may not be discussed with,~~ any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, unless the veterinarian has received ~~except upon~~ written authorization from ~~of~~ the client. However, such records may be furnished without written authorization under the following circumstances:

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

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

3.(c) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient and the client, or provided written permission is received from the client or the client's legal representative.

(b) If a criminal violation is suspected, a veterinarian may, without notice to or authorization from the client, report

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59 the violation to a law enforcement officer, an animal control  
60 officer who is certified pursuant to s. 828.27(4)(a), or an  
61 agent appointed under s. 828.03. The report may not include  
62 written medical records except upon the issuance of an order  
63 from a court of competent jurisdiction.

64 Section 2. Section 725.09, Florida Statutes, is created to  
65 read:

66 725.09 Sale of dogs and cats; lease contracts and dogs and  
67 cats as collateral.-

68 (1) A contract entered into on or after July 1, 2019, to do  
69 any of the following is void and unenforceable:

70 (a) Transfer ownership of a dog or cat, if ownership is  
71 contingent upon the making of payments over a period of time  
72 subsequent to the transfer of possession of the dog or cat.

73 (b) Transfer ownership of a dog or cat at the end of a  
74 lease term.

75 (c) Repay a loan for the purchase of a dog or cat, if a  
76 security interest is granted in the dog or cat purchased.

77 (2) In addition to any other remedies provided by law, the  
78 consumer taking possession of a dog or cat transferred under a  
79 contract described in subsection (1) is the owner of the dog or  
80 cat and is entitled to the return of all amounts the consumer  
81 paid under the contract.

82 (3) This section does not apply to contracts for payments  
83 to repay an unsecured loan for the purchase of a dog or cat.

84 Section 3. Paragraphs (a) and (c) of subsection (6) of  
85 section 741.30, Florida Statutes, are amended to read:

86 741.30 Domestic violence; injunction; powers and duties of  
87 court and clerk; petition; notice and hearing; temporary

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88 injunction; issuance of injunction; statewide verification  
89 system; enforcement; public records exemption.—

90 (6) (a) Upon notice and hearing, when it appears to the  
91 court that the petitioner is either the victim of domestic  
92 violence as defined by s. 741.28 or has reasonable cause to  
93 believe he or she is in imminent danger of becoming a victim of  
94 domestic violence, the court may grant such relief as the court  
95 deems proper, including an injunction:

96 1. Restraining the respondent from committing any acts of  
97 domestic violence.

98 2. Awarding to the petitioner the exclusive use and  
99 possession of the dwelling that the parties share or excluding  
100 the respondent from the residence of the petitioner.

101 3. On the same basis as provided in chapter 61, providing  
102 the petitioner with 100 percent of the time-sharing in a  
103 temporary parenting plan that remains in effect until the order  
104 expires or an order is entered by a court of competent  
105 jurisdiction in a pending or subsequent civil action or  
106 proceeding affecting the placement of, access to, parental time  
107 with, adoption of, or parental rights and responsibilities for  
108 the minor child.

109 4. On the same basis as provided in chapter 61,  
110 establishing temporary support for a minor child or children or  
111 the petitioner. An order of temporary support remains in effect  
112 until the order expires or an order is entered by a court of  
113 competent jurisdiction in a pending or subsequent civil action  
114 or proceeding affecting child support.

115 5. Ordering the respondent to participate in treatment,  
116 intervention, or counseling services to be paid for by the

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117 respondent. When the court orders the respondent to participate  
118 in a batterers' intervention program, the court, or any entity  
119 designated by the court, must provide the respondent with a list  
120 of batterers' intervention programs from which the respondent  
121 must choose a program in which to participate.

122 6. Referring a petitioner to a certified domestic violence  
123 center. The court must provide the petitioner with a list of  
124 certified domestic violence centers in the circuit which the  
125 petitioner may contact.

126 7. Granting the petitioner exclusive care, custody,  
127 possession, or control of an animal owned, possessed, harbored,  
128 kept, or held by the petitioner, the respondent, or a minor  
129 child residing in the residence or household of the petitioner  
130 or the respondent; ordering the respondent to have no contact  
131 with the animal; and enjoining the respondent from interfering  
132 with the custody, transferring, encumbering, concealing,  
133 harming, or otherwise disposing of the animal.

134 ~~8.7.~~ Ordering such other relief as the court deems  
135 necessary for the protection of a victim of domestic violence,  
136 including injunctions or directives to law enforcement agencies,  
137 as provided in this section.

138 (c) The terms of an injunction restraining the respondent  
139 under subparagraph (a)1. or ordering other relief for the  
140 protection of the victim under subparagraph (a)8. ~~subparagraph~~  
141 ~~(a)7.~~ shall remain in effect until modified or dissolved. Either  
142 party may move at any time to modify or dissolve the injunction.  
143 No specific allegations are required. Such relief may be granted  
144 in addition to other civil or criminal remedies.

145 Section 4. Subsection (4) of section 828.058, Florida

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146 Statutes, is amended to read:

147 828.058 Euthanasia of dogs and cats.—

148 (4) (a) Euthanasia may ~~shall~~ be performed only by:

149 1. A licensed veterinarian; or

150 2. An employee or agent of a public or private agency,  
151 animal shelter, or other facility that is operated for the  
152 collection and care of stray, neglected, abandoned, or unwanted  
153 animals, if provided the employee or agent has successfully  
154 completed a 16-hour euthanasia technician certification course.

155 (b) Beginning January 1, 2020, a certified employee or  
156 agent authorized to perform euthanasia under subparagraph (a)2.  
157 must complete 4 hours of continuing education every 2 years to  
158 remain certified.

159 (c) The curriculum for such course must be approved by The  
160 Board of Veterinary Medicine must approve the curriculum for the  
161 required initial certification and continuing education  
162 requirements under this subsection. The curriculum and must  
163 include, at a minimum, the pharmacology, proper administration,  
164 and storage of euthanasia solutions; federal and state laws  
165 regulating the storage and accountability of euthanasia  
166 solutions; euthanasia technician stress management; and proper  
167 disposal of euthanized animals. The continuing education course  
168 may include any of the topics covered in the initial  
169 certification course ~~An employee or agent performing euthanasia~~  
170 ~~before October 1, 1993, must obtain certification by October 1,~~  
171 ~~1994.~~

172 (d) An employee or agent who begins performing euthanasia  
173 on or after October 1, 1993, must obtain certification before  
174 performing any euthanasia. However, a certified veterinarian

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175 technician who is an employee or agent as described in this  
176 ~~defined in the~~ subsection, may perform euthanasia without  
177 completing the certification course required by this subsection.

178 (e) Euthanasia must be performed in a humane and proficient  
179 manner.

180 (f) ~~(b)~~ A ~~No~~ dog or cat may not be left unattended between  
181 the time euthanasia procedures are first begun and the time  
182 death occurs, nor may its body be disposed of until death is  
183 confirmed by a qualified person.

184 Section 5. Subsection (15) of section 828.29, Florida  
185 Statutes, is amended to read:

186 828.29 Dogs and cats transported or offered for sale;  
187 health requirements; consumer guarantee.—

188 (15) County-operated or city-operated animal control  
189 agencies and registered nonprofit humane organizations are  
190 exempt from this section; however, such agencies and  
191 organizations are not exempt from the requirements of s.  
192 585.145(2).

193 Section 6. This act shall take effect July 1, 2019.