

By Senator Book

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1 A bill to be entitled
 2 An act relating to the declawing of cats; creating s.
 3 828.095, F.S.; defining terms; prohibiting a person
 4 from performing a declawing on a cat within this
 5 state; providing an exception; providing a civil
 6 penalty; providing that a veterinarian who performs a
 7 prohibited declawing is subject to disciplinary action
 8 by the Board of Veterinary Medicine; amending s.
 9 474.214, F.S.; providing that a veterinarian who
 10 performs a prohibited declawing is subject to certain
 11 disciplinary action; providing an effective date.
 12

13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Section 828.095, Florida Statutes, is created to
 16 read:

17 828.095 Prohibition on the declawing of cats; penalty.-

18 (1) DEFINITIONS.-As used in this section, the term:

19 (a) "Declawing" means any of the following:

20 1. An onychectomy, dactylectomy, phalangectomy, partial
 21 digital amputation, or any other surgical procedure by which a
 22 portion of a cat's paw is amputated to remove the cat's claw.

23 2. A tendonectomy or another surgical procedure by which
 24 the tendons of a cat's limbs, paws, or toes are cut or modified
 25 so that the cat's claws cannot be extended.

26 3. Any other procedure that prevents the normal functioning
 27 of a cat's claws.

28 (b) "Therapeutic purpose" means the necessity of addressing
 29 the physical medical condition of a cat, such as an existing or

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30 recurring illness, infection, disease, injury, or abnormal
31 condition of the cat which compromises the cat's health. The
32 term does not include a cosmetic or an aesthetic reason or
33 reasons of convenience for keeping or handling the cat.

34 (2) PROHIBITION.—A person may not perform a declawing by
35 any means on a cat within this state unless the procedure is
36 necessary for a therapeutic purpose.

37 (3) PENALTIES.—

38 (a) A person, other than a veterinarian licensed under ch.
39 474, who violates this section is subject to a civil penalty of
40 up to \$1,000 for each violation.

41 (b) A veterinarian licensed under ch. 474 who violates this
42 section is subject to disciplinary action by the Board of
43 Veterinary Medicine pursuant to s. 474.214(2).

44 Section 2. Paragraph (qq) is added to subsection (1) of
45 section 474.214, Florida Statutes, and subsection (2) of that
46 section is republished, to read:

47 474.214 Disciplinary proceedings.—

48 (1) The following acts shall constitute grounds for which
49 the disciplinary actions in subsection (2) may be taken:

50 (qq) Performing a declawing, as defined in s. 828.095,
51 which is not necessary for a therapeutic purpose, as defined in
52 s. 828.095.

53 (2) When the board finds any applicant or veterinarian
54 guilty of any of the grounds set forth in subsection (1),
55 regardless of whether the violation occurred prior to licensure,
56 it may enter an order imposing one or more of the following
57 penalties:

58 (a) Denial of certification for examination or licensure.

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- 59 (b) Revocation or suspension of a license.
- 60 (c) Imposition of an administrative fine not to exceed
- 61 \$5,000 for each count or separate offense.
- 62 (d) Issuance of a reprimand.
- 63 (e) Placement of the veterinarian on probation for a period
- 64 of time and subject to such conditions as the board may specify,
- 65 including requiring the veterinarian to attend continuing
- 66 education courses or to work under the supervision of another
- 67 veterinarian.
- 68 (f) Restricting the authorized scope of practice.
- 69 (g) Imposition of costs of the investigation and
- 70 prosecution.
- 71 (h) Requiring the veterinarian to undergo remedial
- 72 education.
- 73
- 74 In determining appropriate action, the board must first consider
- 75 those sanctions necessary to protect the public. Only after
- 76 those sanctions have been imposed may the disciplining authority
- 77 consider and include in its order requirements designed to
- 78 rehabilitate the veterinarian. All costs associated with
- 79 compliance with any order issued under this subsection are the
- 80 obligation of the veterinarian.
- 81 Section 3. This act shall take effect July 1, 2020.