

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.

28
 29 Be It Enacted by the Legislature of the State of Florida:

30
 31 Section 1. Subsection (4) of section 474.2165, Florida
 32 Statutes, is amended to read:

33 474.2165 Ownership and control of veterinary medical
 34 patient records; report or copies of records to be furnished.—

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

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

48 2.(b) In any civil or criminal action, unless otherwise
 49 prohibited by law, upon the issuance of a subpoena from a court
 50 of competent jurisdiction and proper notice to the client or the

51 client's legal representative by the party seeking such records.

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

57 (b) If a criminal violation is suspected, a veterinarian
58 may, without notice to or authorization from the client, report
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
69 do 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
 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
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
 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
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
 179 proficient 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.