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LEGISLATIVE ACTION

Senate

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House

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The Committee on Agriculture (Albritton) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 779 and 780

insert:

Section 19. Section 828.261, Florida Statutes, is created to read:

828.261 Ongoing horse care covenants.-

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



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11 provisions:

12 (a) The obligations under the covenant may be satisfied by  
13 a third-party provider who is contractually obligated to provide  
14 continuing care for the horse upon its retirement, for an  
15 actuarially appropriate charge, which is not subject to chapter  
16 624.

17 (b) The covenant is valid and annexed to the horse, runs  
18 with the horse, and is binding and enforceable upon all future  
19 purchasers, if notice is provided pursuant to paragraph (c).

20 (c) Written notice of the covenant must be provided to all  
21 purchasers before a sale and must be acknowledged in writing by  
22 all such purchasers before consummation of the sale of a covered  
23 horse.

24 (d) The covenant must include liability for liquidated  
25 damages for a purchaser's failure to comply with the covenant.

26 (e) The covenant must include the ability of an owner to  
27 retire the horse into the care of the third-party provider under  
28 the covenant.

29 (f) A third-party provider who is contracted to provide the  
30 continuing care of a horse under the covenant shall, at a  
31 minimum, comply with the American Association of Equine  
32 Practitioners care guidelines for equine rescue and retirement  
33 facilities.

34 (2) An owner is not required to put in place a covenant for  
35 the continuing care of a horse and a purchaser is not required  
36 to purchase a horse that is subject to such a covenant.

37 (3) This section does not create any covenants that annex  
38 to or travel with any other chattel.

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40 ===== T I T L E A M E N D M E N T =====

41 And the title is amended as follows:

42       Between lines 42 and 43

43 insert:

44       creating s. 828.261, F.S.; authorizing a contract for  
45       the sale of a horse to include a covenant for the  
46       continuing care of the horse; providing requirements  
47       for such a covenant;