

By the Committee on Agriculture; and Senator Gruters

575-03188-19

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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 suspected patient criminal violations to certain
5 officers and agents without notice to or authorization
6 from a client under specified circumstances; providing
7 an exception; prohibiting the report from including
8 written medical records except under certain
9 circumstances; amending s. 828.12, F.S.; prohibiting a
10 person from restraining a dog outside and unattended
11 during a manmade disaster or a natural disaster;
12 providing a criminal penalty; providing a fine;
13 defining terms; creating s. 828.261, F.S.; authorizing
14 a contract for the sale of a horse to include a
15 covenant for the continuing care of the horse;
16 providing requirements for such a covenant;
17 authorizing the Department of Agriculture and Consumer
18 Services to adopt rules that meet certain
19 requirements; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsection (4) of section 474.2165, Florida
24 Statutes, is amended to read:

25 474.2165 Ownership and control of veterinary medical
26 patient records; report or copies of records to be furnished.—

27 (4) Except as otherwise provided in this section, a
28 veterinarian may not furnish written patient medical ~~such~~
29 ~~records may not be furnished~~ to, and may not discuss the medical

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30 condition of a patient ~~may not be discussed~~ with, any person
31 other than the client or the client's legal representative or
32 other veterinarians involved in the care or treatment of the
33 patient, unless the veterinarian has received ~~except upon~~
34 written authorization of the client. However, such records may
35 be furnished without written authorization under the following
36 circumstances:

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

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

44 (c) In any criminal action or a situation where a
45 veterinarian suspects a criminal violation. If criminal
46 violation is suspected, a veterinarian may, without notice to or
47 authorization from the client, discuss the condition of the
48 patient with and report the violation to a law enforcement
49 officer, an animal control officer who is certified pursuant to
50 s. 828.27(4)(a), or an agent appointed under s. 828.03. However,
51 if a suspected violation occurs on a commercial food-producing
52 animal operation on land classified as agricultural under s.
53 193.461, the veterinarian must provide notice to the client or
54 the client's legal representative before reporting the suspected
55 violation to an officer or agent under this paragraph. The
56 report may not include written medical records except upon the
57 issuance of an order from a court of competent jurisdiction.

58 (d) ~~(e)~~ For statistical and scientific research, provided

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59 the information is abstracted in such a way as to protect the
60 identity of the patient and the client, or provided written
61 permission is received from the client or the client's legal
62 representative.

63 Section 2. Present subsection (6) of section 828.12,
64 Florida Statutes, is redesignated as subsection (7), and a new
65 subsection (6) is added to that section, to read:

66 828.12 Cruelty to animals.—

67 (6) A person who leaves a dog outside and unattended by use
68 of a restraint during a manmade disaster or a natural disaster
69 commits animal cruelty, a misdemeanor of the first degree,
70 punishable as provided in s. 775.082 or by a fine of not more
71 than \$5,000, or both. As used in this subsection, the term:

72 (a) "Manmade disaster" means a situation in which a person
73 has received notice from a local or governmental authority that
74 an event attributed in part or entirely to human intent, error,
75 or negligence, or involving the failure of a manmade system,
76 which results in significant damage has occurred, is occurring,
77 or may soon occur in the person's vicinity.

78 (b) "Natural disaster" means a situation in which a
79 hurricane, tropical storm, or tornado warning has been issued
80 for a municipality or a county by the National Weather Service,
81 or the municipality or county is under a mandatory or voluntary
82 evacuation order.

83 (c) "Restraint" means a chain, rope, tether, leash, cable,
84 or other device that attaches a dog to a stationary object or
85 trolley system.

86 Section 3. Section 828.261, Florida Statutes, is created to
87 read:

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88 828.261 Ongoing horse care covenants.-

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

93 (a) The obligations under the covenant may be provided by a
94 third party that is obligated to provide services and care to an
95 animal that is retired from ownership, for an actuarially
96 appropriate charge, and is not subject to chapter 624.

97 (b) A covenant is valid and annexed to the horse, runs with
98 the horse, and is binding and enforceable upon the purchaser and
99 all future subpurchasers.

100 (c) A covenant must require notice, in writing, before
101 purchase of any subsequent purchaser and must be acknowledged in
102 writing by all such subsequent purchasers, before consummation
103 of the purchase of a covered horse.

104 (d) A covenant may include liquidated damages for failing
105 to comply with the provisions of the covenant.

106 (e) A covenant must allow any owner to retire the horse
107 into the care and treatment of the third party provider of
108 services under the covenant.

109 (2) An owner is not required to include a covenant for the
110 continuing care of a horse in a contract for the sale of the
111 horse and a purchaser is not required to purchase a horse that
112 includes such a covenant.

113 (3) The Department of Agriculture and Consumer Services may
114 adopt rules adopting the American Association of Equine
115 Practitioners care guidelines for equine rescue and retirement
116 facilities and may include additional standards for the ethical

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117 treatment of horses by third party providers of a covenant for
118 the continuing care of the horse. The rules must:

119 (a) Require third party providers to make available a
120 request hotline during normal business hours to be used by an
121 owner that voluntarily decides to retire a horse and effectuate
122 its care under a covenant.

123 (b) Include provisions for the appropriate diet, shelter,
124 pasture, and medical care of horses that are retired under this
125 section.

126 (c) Allow all prior owners of a horse to have notice of the
127 retirement of the horse, along with the address where the horse
128 will be cared for, and the ability to visit the horse during
129 normal business hours 7 days a week.

130 (d) Require submission of an actuarial report and evidence
131 indicating the maintenance of adequate reserves by a third party
132 provider to adequately care for a horse subject to a covenant
133 under this section.

134 (4) This section does not create any covenants that annex
135 to or travel with any other chattel.

136 Section 4. This act shall take effect July 1, 2019.