CHAPTER 2
FLORIDA LAWS AND RULES
GOVERNING THE VETERINARY PRACTICE
(6 CE Hours)

Learning objectives

- List the acts that shall constitute grounds for disciplinary action.
- List the range of penalties that may be imposed for violations of prohibited acts.
- Describe premises permits and what types of veterinary practices are exempt.
- Summarize the law regarding medical patient records.
- Define animal cruelty as stated in Florida laws.
- List considerations to determine whether a person is fit to have custody of animals.
- Describe the preferred methods of euthanasia of cats and dogs.
- Describe the veterinarian’s role in ensuring the health of dogs and cats sold in the state of Florida.
- List the advertising rules that govern the profession.

Note: Updates to the laws and rules made since the last publication of this course are underlined.

PART 1 FLORIDA LAW

474.201 Purpose
The Legislature finds that the practice of veterinary medicine is potentially dangerous to the public health and safety if conducted by incompetent and unlicensed practitioners. The legislative purpose in enacting this chapter is to ensure that every veterinarian practicing in this state meets minimum requirements for safe practice. It is the legislative intent that veterinarians who are not normally competent or who otherwise present a danger to the public shall be disciplined or prohibited from practicing in this state.

474.202 Definitions
As used in this chapter:

1. “Animal” means any mammal other than a human being or any bird, amphibian, fish or reptile, wild or domestic, living or dead.
2. “Board” means the Board of Veterinary Medicine.
3. “Client” means the owner or caretaker of an animal who arranges for its veterinary care.
4. “Department” means the Department of Business and Professional Regulation.
5. “Immediate supervision” or words of similar purport means a licensed doctor of veterinary medicine is on the premises whenever veterinary services are being provided.
6. “Limited-service veterinary medical practice” means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.
7. “Mobile veterinary establishment” and “mobile clinic” mean a mobile unit which contains the same treatment facilities as are required of a permanent veterinary establishment or which has entered into a written agreement with another veterinary establishment to provide any required facilities not available in the mobile unit. The terms do not refer to the use of a car, truck or other motor vehicle by a veterinarian making a house call.
8. “Patient” means any animal for which the veterinarian practices veterinary medicine.
9. “Practice of veterinary medicine” means diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, applications, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease thereof; performing any manual procedure for the diagnosis of or treatment for pregnancy or fertility or infertility of animals; or representing oneself by the use of titles or words, or undertaking, offering, or holding oneself out, as performing any of these functions. The term includes the determination of the health, fitness or soundness of an animal.
10. “Responsible supervision” or words of similar purport mean the control, direction and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services which she or he delegates to unlicensed personnel.
11. “Veterinarian” means a health care practitioner who is licensed to engage in the practice of veterinary medicine in Florida under the authority of this chapter.
12. “Veterinarian/client/patient relationship” means a relationship where the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and its need for medical treatment.
13. “Veterinary medicine” includes, with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology and other branches or specialties of veterinary medicine.

474.203 Exemptions
This chapter shall not apply to:

1. Any faculty member practicing only in conjunction with teaching duties at a school or college of veterinary medicine located in this state and accredited by the American Veterinary Medical Association Council on Education.
   However, this exemption shall only apply to such a faculty member who does not hold a valid license issued under this chapter, but who is a graduate of a school or college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education or a school or college recognized by the American Veterinary Medical Association Commission for Foreign Veterinary Graduates.
   The faculty member exemption shall automatically expire when such school or college terminates the faculty member from such teaching duties. On December 31 of each year, such school or college shall provide the board with a written list of all faculty who are exempt from this chapter. Such school or college shall also notify the board in writing of any additions or deletions to such list.
2. A person practicing as an intern or resident veterinarian who does not hold a valid license issued under this chapter and who is a graduate in training at a school or college of veterinary medicine located in this state and accredited by the American Veterinary Medical Association Council on Education or a school or college recognized by the American Veterinary Medical Association Commission for Foreign Veterinary Graduates. Such intern or resident must be a graduate of a school or college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education. This exemption expires when such intern or resident completes or is terminated from such training. Each school or college at which such intern or resident is in training shall, on July 1 of each year, provide the board with a written list of all such interns or residents designated for this exemption, and the school or college shall also notify the board of any additions or deletions to the list.
3. A student in a school or college of veterinary medicine while in the performance of duties assigned by her or his instructor or when working as a preceptor under the immediate supervision of a licensee, provided that such preceptorship is required for graduation from an accredited school or college of veterinary medicine. The licensed veterinarian shall be responsible for all acts performed by a preceptor under her or his supervision.
4. Any doctor of veterinary medicine in the employ of a state agency or the United States government while actually engaged in the performance of her or his official duties.
   However, this exemption shall not apply to such person when the person is not engaged in carrying out her or his official duties or is not working at the installations for which her or his services were engaged.
5. a. Any person, or the person’s regular employee, administering to the ills or injuries of her or his own animals, including, but not limited to, castration, spaying, and dehorning of herd animals, unless title is transferred or employment provided for the purpose of circumventing this law. This exemption does not apply to any person licensed as a veterinarian in another state or foreign jurisdiction and practicing temporarily in this state. However, only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance.
b. A person hired on a part-time or temporary basis, or as an independent contractor, by an owner to assist with herd management and animal husbandry tasks for herd and flock animals, including castration, dehorning, parasite control and debeaking, or a person hired on a part-time or temporary basis, or as an independent contractor, by an owner to provide farriery and manual hand floating of teeth on equines.

6. State agencies, accredited schools, institutions, foundations, business corporations or associations, physicians licensed to practice medicine and surgery in all its branches, graduate doctors of veterinary medicine, or persons under the direct supervision thereof, which or who conduct experiments and scientific research on animals in the development of pharmaceuticals, biologicals, sera or methods of treatment or techniques for the diagnosis or treatment of human ailments, or when engaged in the study and development of methods and techniques directly or indirectly applicable to the problems of the practice of veterinary medicine.

7. Any veterinary aide, nurse, laboratory technician, preceptor or other employee of a licensed veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a licensed veterinarian, including those tasks identified by rule of the board requiring immediate supervision. However, the licensed veterinarian shall be responsible for all such acts performed under this subsection by persons under her or his supervision.

8. A veterinarian, licensed by and actively practicing veterinary medicine in another state, who is board certified in a specialty recognized by the board and who responds to a request of a veterinarian licensed in this state to assist with the treatment on a specific case of a specific animal or with the treatment on a specific case of the animals of a single owner, as long as the veterinarian licensed in this state requests the other veterinarian’s presence. A veterinarian who practices under this subsection is not eligible to apply for a premises permit under s. 474.215.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2) or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

474.204 Board of Veterinary Medicine
1. To carry out the provisions of this chapter, there is created within the department the Board of Veterinary Medicine consisting of seven members, who shall be appointed by the governor, subject to confirmation by the Senate.

2. Five members of the board shall be licensed veterinarians. Two members of the board shall be laypersons who are not and have never been veterinarians or members of any closely related profession or occupation.

3. All provisions of chapter 455 relating to activities of regulatory boards shall apply.

474.205 Headquarters
The board shall maintain its official headquarters in the city of Tallahassee.

474.206 Authority to make rules
The board has authority to adopt rules pursuant to ss. 120.53(1) and 120.54 to implement the provisions of this chapter conferring duties upon it.

474.2065 Fees
The board, by rule, shall establish fees for application and examination, reexamination, license renewal, inactive status, renewal of inactive status, license revocation, periodic inspection of veterinary establishments and duplicate copies of licenses, certificates and permits. The fee for the initial application and examination may not exceed $650 plus the actual per-applicant cost to the department for purchase of portions of the examination from the Professional Examination Service for the American Veterinary Medical Association or a similar national organization. The fee for licensure by endorsement may not exceed $500. The fee for temporary licensure may not exceed $200. The board shall establish fees that are adequate to ensure its continued operation and to fund the proportionate expenses incurred by the department which are allocated to the regulation of veterinarians. Fees shall be based on departmental estimates of the revenue required to administer this chapter and the provisions relating to the regulation of veterinarians.

474.207 Licensure by examination
1. Any person desiring to be licensed as a veterinarian shall apply to the department to take a licensure examination. The board may by rule adopt use of a national examination in lieu of part or all of the examination required by this section, with a reasonable passing score to be set by rule of the board.

2. The department shall license each applicant who the board certifies has:
   a. Completed the application form and remitted an examination fee set by the board.
   b. Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or
   c. Successfully completed the examination provided by the department for this purpose, or an examination determined by the board to be equivalent.

3. Demonstrated knowledge of the laws and rules governing the practice of veterinary medicine in Florida in a manner designated by rules of the board.

The department shall not issue a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

3. Notwithstanding the provisions of paragraph (2)(b), an applicant shall be deemed to have met the education requirements for licensure upon submission of evidence that the applicant meets one of the following:
   a. The applicant was certified for examination by the board prior to October 1, 1989; or
   b. The applicant immigrated to the United States after leaving her or his home country because of political reasons, provided such country is located in the Western Hemisphere and lacks diplomatic relations with the United States; and
   1. Was a Florida resident immediately preceding her or his application for licensure.
   2. Demonstrates to the board, through submission of documentation verified by the applicant’s respective professional association in exile, that she or he received a professional degree in veterinary medicine from a college or university located in the country from which she or he emigrated. However, the board may not require receipt transcripts from the Republic of Cuba as a condition of eligibility under this section; and
   3. Lawfully practiced her or his profession for at least 3 years.

4. Applicants certified for examination or reexamination under subsection (3) who fail the examination three times subsequent to October 1, 1989, shall be required to demonstrate to the board that they meet the requirements of paragraph (2)(b) prior to any further reexamination or certification for licensure.

5. An unlicensed doctor of veterinary medicine who has graduated from an approved college or school of veterinary medicine and has completed all parts of the examination for licensure is permitted, while awaiting the results of such examination for licensure or while awaiting issuance of the license, to practice under the immediate supervision of a licensed veterinarian. A person who fails any part of the examination may not continue to practice, except in the same capacity as other nonlicensed veterinary employees, until she or he passes the examination and is eligible for licensure.

474.211 Renewal of license
1. The department shall renew a license upon receipt of the renewal application and fee and an affidavit of compliance with continuing education requirements set by rule of the board.
2. The department shall adopt rules establishing a procedure for the biennial renewal of licenses.
3. The board may by rule prescribe continuing education, not to exceed 30 hours biennially, as a condition for renewal of a license or certificate. The criteria for such programs, providers and courses shall be approved by the board.

474.2125 Temporary license
1. The board shall adopt rules providing for the issuance of a temporary license to a licensed veterinarian of another state for the purpose of enabling her or him to provide veterinary medical services in this state for the animals of a specific owner or, as may be needed in an emergency as defined in s. 252.34(2), for the animals of multiple owners, provided the applicant would qualify for licensure by endorsement under s. 474.217. No temporary license shall be valid for more than 30 days after its issuance, and no license shall cover more than the treatment of the animals of one owner except in an emergency as defined in s. 252.34(2). After the expiration of 30 days, a new license is required.
2. Each application for a temporary license shall state the names of all persons who are to enter this state and shall be accompanied by a fee in an amount established by the board.
3. Upon certification of the applicant by the board, the department shall issue a temporary license to the applicant.
4. The application for a temporary license shall constitute the appointment of the Department of State as an agent of the applicant for service of process in any action or proceeding against the applicant arising out of any transaction or operation connected with, or incidental to, the practice of veterinary medicine for which the temporary license was issued.

474.213 Prohibitions; penalties
1. No person shall:
   a. Lead the public to believe that such person is licensed as a veterinarian, or is engaged in the licensed practice of veterinary medicine, without such person holding a valid, active license pursuant to this chapter.
   b. Use the name or title “veterinarian” when the person has not been licensed pursuant to this chapter.
   c. Present as her or his own the license of another.
   d. Give false or forged evidence to the board or a member thereof for the purpose of obtaining a license.
   e. Use or attempt to use a veterinarian’s license which has been suspended or revoked.
   f. Knowingly employ unlicensed persons in the practice of veterinary medicine.
   g. Knowingly conceal information relative to violations of this chapter.
   h. Obtain or attempt to obtain a license to practice veterinary medicine by fraudulent representation.
   i. Practice veterinary medicine in this state, unless the person holds a valid, active license to practice veterinary medicine pursuant to this chapter.
   j. Sell or offer to sell a diploma conferring a degree from a veterinary school or college, or a license issued pursuant to this chapter, or procure such diploma or license with the intent that it shall be used as evidence of that which the document stands for by a person other than the one upon whom it was conferred or to whom it was granted.
   k. Knowingly operate a veterinary establishment or premises without having a premise permit issued under s. 474.215.
2. A person who violates any provision of this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083 or s. 775.084.

474.214 Disciplinary proceedings
1. The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:
   a. Attempting to procure a license to practice veterinary medicine by bribery, by fraudulent representations or through an error of the department or the board.
   b. Having a license or the authority to practice veterinary medicine revoked, suspended or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including any agency or subdivision thereof.
   c. Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of veterinary medicine or the ability to practice veterinary medicine. Any crime which demonstrates a lack of regard for animal life relates to the ability to practice veterinary medicine. In addition, crimes relating to the ability to practice veterinary medicine shall include, but not be limited to, crimes involving any violation of state or federal drug laws.
   d. Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.
   e. Advertising goods or services in a manner which is fraudulent, false, deceptive or misleading in form or content.
   f. Violating any provision of this chapter or chapter 455, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.
   g. Practicing with a revoked, suspended, inactive or delinquent license.
   h. Being unable to practice veterinary medicine with reasonable skill or safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals or any other material or substance or as a result of any mental or physical condition. In enforcing this paragraph, upon a finding by the secretary, the secretary’s designee, or the probable cause panel of the board that probable cause exists to believe that the licensee is unable to practice the profession because of the reasons stated in this paragraph, the department shall have the authority to compel a licensee to submit to a mental or physical examination by a physician designated by the department. If the licensee refuses to comply with the department’s order, the department may file a petition for enforcement in the circuit court of the circuit in which the licensee resides or does business. The licensee shall not be named or identified by initials in any other public court records or documents and the enforcement proceedings shall be closed to the public. The department shall be entitled to the summary procedure provided in s. 51.011. A licensee affected under this paragraph shall be afforded an opportunity at reasonable intervals to demonstrate that she or he can resume the competent practice for which she or he is licensed with reasonable skill and safety to patients. Neither the record of proceedings nor the order entered by the board in any proceedings under this paragraph shall be used against a licensee in any other proceedings.
   i. Judicially determined mental incompetency. However, a license suspended for this cause may be reinstated upon legal restoration of the competency of the individual whose license was so suspended.
   j. Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of this chapter or the rules of the board or department. However, if the licensee verifies that the person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.
   k. Paying or receiving kickbacks, rebates, bonuses or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods.
l. Performing or prescribing unnecessary or unauthorized treatment.
m. Fraud in the collection of fees from consumers or any person, agency or organization paying fees to practitioners.
n. Attempting to restrict competition in the field of veterinary medicine other than for the protection of the public. However, this provision shall not apply to testimony made in good faith at a hearing or other proceeding in which the subject is the revocation of a license or a lesser penalty.
o. Fraud, deceit, negligence, incompetency or misconduct, in or related to the practice of veterinary medicine.
p. Conviction on a charge of cruelty to animals.
q. Permitting or allowing another to use a veterinarian’s license for the purpose of treating or offering to treat animals.
r. Being guilty of incompetence or negligence by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances.
s. Willfully making any misrepresentations in connection with the inspection of food for human consumption.
t. Fraudulently issuing or using any false health certificate, vaccination certificate, test chart or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal disease or transporting animals or issuing any false certificate relating to the sale of products of animal origin for human consumption.
u. Fraud or dishonesty in applying, treating or reporting on tuberculin, diagnostic or other biological tests.
v. Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition, having a premises permit suspended or revoked pursuant to s. 474.215, or operating or managing premises that do not comply with requirements established by rule of the board.
w. Practicing veterinary medicine at a location for which a valid premises permit has not been issued when required under s. 474.215.
x. Refusing to permit the department to inspect the business premises of the licensee during regular business hours.
y. Using the privilege of ordering, prescribing or making available medicinal drugs or drugs as defined in chapter 465, or controlled substances as defined in chapter 893, for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. Pursuant thereto, the veterinarian shall:
  1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and caring of the animal and has recently seen the animal or has made medically appropriate and timely visits to the premises where the animal is kept.
  2. Be available or provide for follow-up care and treatment in case of adverse reactions or failure of the regimen of therapy.
  3. Maintain records which document patient visits, diagnosis, treatment and other relevant information required under this chapter.
z. Providing, prescribing, ordering or making available for human use medicinal drugs or drugs as defined in chapter 465, controlled substances as defined in chapter 893, or any material, chemical or substance used exclusively for animal treatment.
aa. Failing to report to the department any person the licensee knows to be in violation of this chapter or of the rules of the department or board. However, if the licensee verifies that the person is actively participating in a board-approved program for the treatment of a physical or mental condition, the licensee is required only to report such person to the consultant.
c. Failing to provide adequate radiation safeguards.
d. Failing to perform any statutory or legal obligation placed upon a licensee.
e. Failing to keep contemporaneously written medical records as required by rule of the board.
f. Prescribing or dispensing a legend drug as defined in chapter 499, including any controlled substance, inappropriately or in excessive or inappropriate quantities.
g. Practicing or offering to practice beyond the scope permitted by law.
h. Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience or licensure to perform them.
ii. Prescribing blank prescription forms.
jj. Failing to report to the board within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.
k. Aiding or assisting another person in violating any provision of this chapter or any rule adopted pursuant thereto.
ll. Failing to respond within 60 days after receipt of a request to provide satisfactory proof of having participated in approved continuing education programs.
m. Failing to maintain accurate records or reports as required by this chapter or by federal or state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing and administering of controlled substances.
n. Failing to report a change of address to the board within 60 days thereof.
oo. Failure of the responsible veterinarian to report a change of premises ownership or responsible veterinarian within 60 days thereof.
pp. Failing to give the owner of a patient a written prescription when requested.

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

a. Denial of certification for examination or licensure.
b. Revocation or suspension of a license.
c. Imposition of an administrative fine not to exceed $5,000 for each count or separate offense.
d. Issuance of a reprimand.
e. Placement of the veterinarian on probation for a period of time and subject to such conditions as the board may specify, including requiring the veterinarian to attend continuing education courses or to work under the supervision of another veterinarian.
f. Restricting the authorized scope of practice.
g. Imposition of costs of the investigation and prosecution.
h. Requiring the veterinarian to undergo remedial education.

In determining appropriate action, the board must first consider those sanctions necessary to protect the public. Only after those sanctions have been imposed may the disciplining authority consider and include in its order requirements designed to rehabilitate the veterinarian. All costs associated with compliance with any order issued under this subsection are the obligation of the veterinarian.

3. The department shall reissue the license of a disciplined veterinarian upon certification by the board that the disciplined veterinarian has complied with all of the terms and conditions set forth in the final order and is capable of competently and safely engaging in the practice of veterinary medicine.

474.2145 Subpoena of certain records
Notwithstanding any provision of law to the contrary, the department may issue subpoenas duces tecum requiring the names and addresses of some of or all the clients of a licensed veterinarian against whom a complaint has been filed pursuant to s. 455.225 when the information has been
474.215 Premises permits
1. Any establishment, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the department. Upon application and payment of a fee not to exceed $250, as set by rule of the board, the department shall cause such establishment to be inspected. A premises permit shall be issued if the establishment meets minimum standards, to be adopted by rule of the board, as to sanitary conditions, recordkeeping, equipment, radiation monitoring, services required and physical plant.
2. Each application for a premises permit shall set forth the name of the licensed veterinarian who will be responsible for the management of the establishment and the name and address of the owners of the establishment.
3. The premises permit may be revoked, suspended or denied when inspection reveals that the establishment does not meet the standards set by rule or when the license of the responsible veterinarian has been suspended or revoked.
4. Any practitioner who provides veterinary service on a house-call basis and who does not maintain a veterinary establishment for receipt of patients shall not be required to obtain a premises permit, but must provide for minimum equipment and facilities as established by rule.
5. The department may issue a temporary premises permit to a responsible veterinarian who has submitted the application fee and a completed application form affirming compliance with the standards set by rule of the board. If the department inspects the establishment and discovers that it is not in compliance with the department’s standards, the department shall notify the veterinarian in writing of the deficiencies and shall provide 30 days for correction of the deficiencies and reinspection. Such temporary permit shall become void upon notification by the department that the establishment has failed, after reinspection, to meet those standards. Upon receipt of such notice, the responsible veterinarian shall close the establishment until completion of a subsequent inspection affirming that the required standards have been met and until another permit has been issued by the department.
6. Any practitioner who provides veterinary services solely to agricultural animals shall not be required to obtain a premises permit, but must provide for appropriate equipment and facilities, as established by rule.
7. The board by rule shall establish minimum standards for the operation of limited service veterinary medical practices. Such rules shall not restrict limited service veterinary medical practices and shall be consistent with the type of limited veterinary medical service provided.

a. Any person that offers or provides limited service veterinary medical practice shall obtain a biennial permit from the board, the cost of which shall not exceed $250. The limited service permittee shall register each location where a limited service clinic is held and shall pay a fee set by rule not to exceed $25 to register each such location.
b. All permits issued under this subsection are subject to the provisions of ss. 474.213 and 474.214.
c. Notwithstanding any provision of this subsection to the contrary, any temporary rabies vaccination effort operated by a county health department in response to a public health threat, as declared by the state health officer in consultation with the state veterinarian, is not subject to any preregistration, time limitation or fee requirements, but must adhere to all other requirements for limited service veterinary medical practice as prescribed by rule. The fee charged to the public for a rabies vaccination administered during such temporary rabies vaccination effort may not exceed the actual cost of administering the rabies vaccine. Such rabies vaccination efforts may not be used for any purpose other than to address the public health consequences of the rabies outbreak. The board shall be immediately notified in writing of any temporary rabies vaccination effort operated under this paragraph.
8. Any person who is not a veterinarian licensed under this chapter but who desires to own and operate a veterinary medical establishment or limited service clinic shall apply to the board for a premises permit. If the board certifies that the applicant complies with the applicable laws and rules of the board, the department shall issue a premises permit. No permit shall be issued unless a licensed veterinarian is designated to undertake the professional supervision of the veterinary medical practice and the minimum standards set by rule of the board for premises where veterinary medicine is practiced. Upon application, the department shall submit the permittee’s name for a statewide criminal records correspondence check through the Department of Law Enforcement. The permittee shall notify the board within 10 days after any designation of a new licensed veterinarian responsible for such duties. A permittee under this subsection is subject to the provisions of subsection (9) and s. 474.214.
9. a. The board or the department may deny, revoke, or suspend the permit of any permittee under this section and may fine, place on probation or otherwise discipline any such permittee who has:
   1. Obtained a permit by misrepresentation or fraud or through an error of the department or board.
   2. Attempted to procure, or has procured, a permit for any other person by making, or causing to be made, any false representation.
   3. Violated any of the requirements of this chapter or any rule of the board.
   4. Been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a felony in any court of this state, or any other state, or of the United States.
b. If the permit is revoked or suspended, the owner, manager, or proprietor shall cease to operate the premises as a veterinary medical practice as of the effective date of the suspension or revocation. In the event of such revocation or suspension, the owner, manager or proprietor shall remove from the premises all signs and symbols identifying the premises as a veterinary medical practice. The period of any such suspension shall be prescribed by rule of the board, but may not exceed 1 year. If the permit is revoked, the person owning or operating the establishment may not apply for a permit to operate a premises for a period of 1 year after the effective date of such revocation. Upon the effective date of such revocation, the permittee must advise the board of the disposition of all medicinal drugs and must provide for ensuring the security, confidentiality and availability to clients of all patient medical records.

474.216 License and premises permit to be displayed
Each person to whom a license or premises permit is issued shall keep such document conspicuously displayed in her or his office, place of business, or place of employment, whether a permanent or mobile veterinary establishment or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the board.

474.2165 Ownership and control of veterinary medical patient records; report or copies of records to be furnished
1. As used in this section, the term “records owner” means any veterinarian who generates a medical record after making a physical examination of, or administering treatment or dispensing legend drugs to, any patient; any veterinarian to whom records are transferred by a previous records owner; or any veterinarian’s employer, provided the employment contract or agreement between the employer and the veterinarian designates the employer as the records owner.
2. Each person who provides veterinary medical services shall maintain medical records, as established by rule.
3. Any records owner licensed under this chapter who makes an examination of, or administers treatment or dispenses legend drugs to, any patient shall, upon request of the client or the client’s legal representative, furnish, in a timely manner without delays for legal review, copies of all reports and records relating to such examination or treatment,
including X rays. The furnishing of such report or copies shall not be conditioned upon payment of a fee for services rendered.

4. Except as otherwise provided in this section, such records may not be furnished to, and 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, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:

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

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.

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.

5. Except in a medical negligence action or administrative proceeding when a veterinarian is or reasonably expects to be named as a defendant, information disclosed to a veterinarian by a client in the course of the care and treatment of the patient is confidential and may be disclosed only to other veterinarians involved in the care or treatment of the patient, or if permitted by written authorization from the client or compelled by subpoena at a deposition, evidentiary hearing or trial for which proper notice has been given.

6. The department may obtain patient records pursuant to a subpoena without written authorization from the client if the department and the probable cause panel of the board find reasonable cause to believe that a veterinarian has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of this chapter or that a veterinarian has practiced his or her profession below that level of care, skill and treatment required as defined by this chapter.

7. Notwithstanding the provisions of s. 455.242, records owners shall place an advertisement in the local newspaper or notify clients, in writing, when they are terminating practice, retiring or relocating and are no longer available to patients and shall offer clients the opportunity to obtain a copy of their medical records.

8. Notwithstanding the provisions of s. 455.242, records owners shall notify the board office when they are terminating practice, retiring or relocating and are no longer available to patients, specifying who the new records owner is and where the medical records can be found.

9. Whenever a records owner has turned records over to a new records owner, the new records owner shall be responsible for providing a copy of the complete medical record, upon written request, to the client or the client’s legal representative.

10. Veterinarians in violation of the provisions of this section shall be disciplined by the board.

11. A records owner furnishing copies of reports or records pursuant to this section shall charge no more than the actual cost of copying, including reasonable staff time, or the amount specified in administrative rule by the board.

12. Nothing in this section shall be construed to limit veterinarian consultations, as necessary.

474.217 Licensure by endorsement

1. The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the board, demonstrates to the board that she or he:

   a. Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

   b. 1. Either holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the requirements for licensure in the issuing state, district or territory are equivalent to or more stringent than the requirements of this chapter; or

   2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national or other examination which is equivalent to or more stringent than the examination given by the department and has passed the board’s clinical competency examination or another clinical competency examination specified by rule of the board.

2. The department shall not issue a license by endorsement to any applicant who is under investigation in any state, territory or the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

474.2185 Veterinarians consent; handwriting samples; mental or physical examinations

A veterinarian who accepts a license to practice veterinary medicine in this state shall, by so accepting the license or by making and filing a renewal of licensure to practice in this state, be deemed to have given her or his consent, during a lawful investigation of a complaint or of an application for licensure and when the information has been deemed necessary and relevant to the investigation as determined by the secretary of the department, to the following:

1. To render a handwriting sample to an agent of the department and, further, to have waived any objections to its use as evidence against her or him.

2. To waive the confidentiality and authorize the preparation and release of medical reports pertaining to the mental or physical condition of the licensee when the department has reason to believe that a violation of this chapter has occurred and when the department issues an order, based on the need for additional information, to produce such medical reports for the time period relevant to the complaint. As used in this section, “medical reports” means a compilation of medical treatment of the licensee which shall include symptoms, diagnosis, treatment prescribed, relevant history and progress.

3. To waive any objection to the admissibility of the reports as constituting privileged communications. Such material maintained by the department is confidential and exempt from s. 119.07(1) until probable cause is found and an administrative complaint is issued.

474.221 Impaired practitioner provisions; applicability

Notwithstanding the transfer of the Division of Medical Quality Assurance to the Department of Health or any other provision of law to the contrary, veterinarians licensed under this chapter shall be governed by the treatment of impaired practitioner provisions of s. 456.076 as if they were under the jurisdiction of the Division of Medical Quality Assurance, except that for veterinarians the Department of Business and Professional Regulation shall, at its option, exercise any of the powers granted to the Department of Health by that section, and “board” shall mean board as defined in this chapter.

CHAPTER 828

ANIMALS: CRUELTY; SALES; ANIMAL ENTERPRISE PROTECTION

828.02 Definitions

In this chapter, and in every law of the state relating to or in any way affecting animals, the word “animal” shall be held to include every living dumb creature; the words “torture,” “torment” and “cruelty” shall be held to include every act, omission or neglect whereby unnecessary or unjustifiable pain or suffering is caused, except when done in the interest of medical science, permitted, or allowed to continue when there is reasonable remedy or relief; and the words “owner” and “person” shall be held to include corporations and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation, shall be held to be the knowledge and act of such corporation.

828.03 Agents of counties, societies, etc., may prosecute violators

1. Any county or any society or association for the prevention of cruelty to children or animals,
organized under the laws of this state, may
appoint agents for the purpose of investigating
violations of any of the provisions of this
chapter or any other law of the state for the
purpose of protecting children and animals or
preventing any act of cruelty thereto.
2. All appointments of such agents by such
societies or corporations must have the
approval of the mayor of the city in which the
society or association exists, and if the society
or association exists or works outside of any
city, the appointment must be approved by the
county court judge or the judge of the circuit
court for the county, and the mayor or judge
shall keep a record of such appointment. The
approval of the appointment of any agent
by a county for either the incorporated or
unincorporated areas of such county shall be
by the county commission.

828.05 Killing an injured or diseased
domestic animal
1. The purpose of this section is to provide
a swift and merciful means whereby
domestic animals which are suffering from
an incurable or untreatable condition or are
imminently near death from injury or disease
may be destroyed without unconscionable
delay and in a humane and proficient manner.
2. As used in this section, the term “officer”
means:
a. Any law enforcement officer.
b. Any veterinarian.
c. Any officer or agent of any municipal
or county animal control unit or of any
society or association for the prevention
of cruelty to animals, or the designee of
such an officer or agent.
3. Whenever any domestic animal is so
injured or diseased as to appear useless and
is suffering, and it reasonably appears to
an officer that such animal is imminently
near death or cannot be cured or rendered
fit for service, and the officer has made a
reasonable and concerted but unsuccessful
effort to locate the owner, the owner’s agent
or a veterinarian, then such officer, acting in
good faith and upon reasonable belief, may
immediately destroy such animal by shooting
the animal or injecting it with a barbiturate
drug. If the officer locates the owner or the
owner’s agent, the officer shall notify him or
her of the animal’s location and condition.
If the officer locates only a veterinarian, the
officer shall destroy the animal only upon
the advice of the veterinarian. However,
this section does not prohibit an owner from
destroying his or her own domestic animal
in a humane and proficient manner when the
conditions described in this section exist.
4. No officer or veterinarian acting in good faith
and with due care pursuant to this section
will be liable either criminally or civilly
for such act, nor will any civil or criminal
liability attach to the employer of the officer
or veterinarian.
5. A court order is not necessary to carry out the
provisions of this section.

828.055 Sodium pentobarbital; permits
for use in euthanasia of domestic animals
1. The Board of Pharmacy shall adopt rules
providing for the issuance of permits
authorizing the purchase, possession and use of
sodium pentobarbital and sodium pentobarbital
with lidocaine by county or municipal animal
control agencies or humane societies registered
with the secretary of state for the purpose
of euthanizing injured, sick or abandoned
domestic animals which are in their lawful
possession. The rules shall set forth guidelines
for the proper storage and handling of sodium
pentobarbital and sodium pentobarbital with
lidocaine and such other provisions as may
be necessary to ensure that the drugs are used
solely for the purpose set forth in this section.
The rules shall also provide for an application
fee not to exceed $50 and a biennial renewal fee
not to exceed $50.
2. Any county or municipal animal control
agency or any humane society registered
with the secretary of state may apply to the
Department of Business and Professional
Regulation for a permit to purchase, possess,
and use sodium pentobarbital or sodium
pentobarbital with lidocaine pursuant
to subsection (1). Upon certification by
the board that the applicant meets the
qualifications set forth in the rules, the
department shall issue the permit.
3. The board may revoke or suspend the permit
upon a determination that the permittee is
using sodium pentobarbital or sodium
pentobarbital with lidocaine for any purpose
other than that set forth in this section or if the
permittee fails to follow the rules of the
board regarding proper storage and handling.

828.058 Euthanasia of dogs and cats
1. Sodium pentobarbital, a sodium
pentobarbital derivative or other agent the Board of
Veterinary Medicine may approve by rule
shall be the only methods used for euthanasia
of dogs and cats by public or private
agencies, animal shelters or other facilities
which are operated for the collection and care
of stray, neglected, abandoned or unwanted
animals. A lethal solution shall be used in the
following order of preference:
a. Intravenous injection by hypodermic needle.
b. Intraperitoneal injection by hypodermic
needle.
c. Intracardial injection by hypodermic
needle.
d. Solution or powder added to food.
2. A dog or cat may be tranquilized with an
approved and humane substance before
euthanasia is performed.
3. Succinylcholine chloride, curare, curariform
mixtures, any substance which acts as a
neuromuscular blocking agent or a chamber
which causes a change in body oxygen
may not be used on a dog or cat for any
purpose. However, whenever an emergency
situation exists which requires the immediate
euthanasia of an injured, diseased or
dangerous animal, a law enforcement officer,
a veterinarian or an agent of a local animal
control unit or the designee of such an
agent may humanely destroy the animal, as
provided in s. 828.05.
4. a. Euthanasia shall be performed only by a
licensed veterinarian or an employee
or agent of a public or private agency,
animal shelter or other facility that is
operated for the collection and care of
stray, neglected, abandoned or unwanted
animals, provided the employee or agent
has successfully completed a 16-hour
euthanasia technician certification
course. The curriculum for such course
must be approved by the Board of
Veterinary Medicine and must include,
at a minimum, the pharmacology, proper
administration and storage of euthanasia
solutions; federal and state laws
regulating the storage and accountability of
euthanasia solutions; euthanasia
technician stress management; and
proper disposal of euthanized animals.
An employee or agent performing
euthanasia before October 1, 1993,
must obtain certification by October 1,
1994. An employee or agent who begins
performing euthanasia on or after October
1, 1993, must obtain certification before
performing any euthanasia. However,
a certified veterinarian technician who
is an employee or agent as defined in
the subsection, may perform euthanasia
without completing the certification
course required by this subsection.
Euthanasia must be performed in a
humane and proficient manner.
b. No dog or cat may be left unattended
between the time euthanasia procedures
are first begun and the time death occurs,
nor may its body be disposed of until
death is confirmed by a qualified person.
5. The state attorney may bring an action to
enjoin any violation of this act.
6. Any person who violates the provisions of
this act is guilty of a misdemeanor of the first
degree, punishable as provided in s. 775.082
or s. 775.083.

828.065 Euthanasia of animals offered
for sale by pet shops
1. A warm-blooded animal, except one held
as food for another animal, offered for
sale or obtained for sale by a pet shop
may be euthanized only by administering
sodium pentobarbital, a sodium
pentobarbital derivative or a substance
or procedure which acts on the central
nervous system and is clinically proven
to be humane.
b. A lethal solution must be administered in
the following order of preference:
1. By intravenous injection by
ehypodermic needle.
2. By intraperitoneal injection by
hypodermic needle;
3. By intracardial injection by
hypodermic needle.
4. By solution or powder added to food.
2. An animal may be tranquilized with an approved, humane substance before euthanasia is performed.

3. Succinylcholine chloride, curare, a curariform mixture, a substance which acts as a neuromuscular blocking agent or a chamber which causes a change in body oxygen, except a chamber which uses commercially bottled carbon monoxide gas, may not be used on a warm-blooded animal.

4. a. Euthanasia must be performed by a licensed veterinarian or layperson who is humane and proficient in the method used.
   
   b. An animal may not be left unattended between the time euthanasia procedures are commenced and the time death occurs, nor may its body be disposed of until death is confirmed by a qualified person.

5. The state attorney may bring an action to enjoin a violation of this section.

6. A person who violates this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

828.073 Animals found in distress; when agent may take charge; hearing; disposition; sale

1. The purpose of this section is to provide a means by which a neglected or mistreated animal can be:

   a. Removed from its present custody, or
   
   b. Made the subject of an order to provide care, issued to its owner by the county court, any law enforcement officer, or any agent of the county or of any society or association for the prevention of cruelty to animals appointed under s. 828.03, and given protection and an appropriate and humane disposition made.

2. Any law enforcement officer or any agent of any county or of any society or association for the prevention of cruelty to animals appointed under the provisions of s. 828.03 may:

   a. Lawfully take custody of any animal found neglected or cruelly treated by removing the animal from its present location, or
   
   b. Order the owner of any animal found neglected or cruelly treated to provide certain care to the animal at the owner’s expense without removal of the animal from its present location, and shall file a petition seeking relief under this section in the county court of the county in which the animal is found within 10 days after the animal is seized or an order to provide care is issued. The court shall schedule and commence a hearing on the petition within 30 days after the petition is filed to determine whether the owner, if known, is able to provide adequately for the animal and is fit to have custody of the animal. The hearing shall be concluded and the court order entered thereon within 60 days after the date the hearing is commenced. The timeframes set forth in this subsection are not jurisdictional. However, if a failure to meet such timeframes is attributable to the officer or agent, the owner is not required to pay the officer or agent for care of the animal during any period of delay caused by the officer or agent. A fee may not be charged for filing the petition. This subsection does not require court action for the taking into custody and making proper disposition of stray or abandoned animals as lawfully performed by animal control agents.

3. The officer or agent of any county or of any society or association for the prevention of cruelty to animals taking charge of any animal pursuant to the provisions of this section shall have written notice served, at least 3 days before the hearing scheduled under subsection (2), upon the owner of the animal, if he or she is known and is residing in the county where the animal was taken, in conformance with the provisions of chapter 48 relating to service of process. The sheriff of the county shall not charge a fee for service of such notice.

4. a. The officer or agent of any county or of any society or association for the prevention of cruelty to animals taking charge of an animal as provided for in this section shall provide for the animal until either:

   1. The owner is adjudged by the court to be able to provide adequately for, and have custody of, the animal, in which case the animal shall be returned to the owner upon payment by the owner for the care and provision for the animal while in the agent’s or officer’s custody; or

   2. The animal is turned over to the officer or agent as provided in paragraph (c) and a humane disposition of the animal is made.

   b. If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the order shall provide that the animal in the possession of the officer or agent be claimed and removed by the owner within 7 days after the date of the order.

   c. Upon the court’s judgment that the owner of the animal is unable or unfit to adequately provide for the animal:

      1. The court may:

         a. Order that the animal be sold by the sheriff at public auction, that the current owner have no further custody of the animal, and that any animal not bid upon be remanded to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit; or

         b. Order that the animal be destroyed or remanded directly to the custody of the Society for the Prevention of Cruelty to Animals, the Humane Society, the county, or any agency or person the judge deems appropriate, to be disposed of as the agency or person sees fit.

   2. The court, upon proof of costs incurred by the officer or agent, may require that the owner pay for the care of the animal while in the custody of the officer or agent. A separate hearing may be held.

   3. The court may order that other animals that are in the custody of the owner and that were not seized by the officer or agent be turned over to the officer or agent, if the court determines that the owner is unable or unfit to adequately provide for the animals. The court may enjoin the owner’s further possession or custody of other animals.

5. In determining the person’s fitness to have custody of an animal under the provisions of this act, the court may consider, among other matters:

   a. Testimony from the agent or officer who seized the animal and other witnesses as to the condition of the animal when seized and as to the conditions under which the animal was kept.

   b. Testimony and evidence as to the veterinary care provided to the animal.

   c. Testimony and evidence as to the type and amount of care provided to the animal.

   d. Expert testimony as to the community standards for proper and reasonable care of the same type of animal.

   e. Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.

   f. The owner’s past record of judgments under the provisions of this chapter.

   g. Convictions under the statutes prohibiting cruelty to animals.

   h. Any other evidence the court considers to be material or relevant.

6. If the evidence indicates a lack of proper and reasonable care of the animal, the burden is on the owner to demonstrate by clear and convincing evidence that he or she is able and fit to have custody of and provide adequately for the animal.

7. In any case in which an animal is offered for auction under the provisions of this section, the proceeds shall be:

   a. Applied, first, to the cost of the sale.

   b. Applied, secondly, to the care and provision for the animal by the officer or agent of any county or of any society or association for the prevention of cruelty to animals taking charge.

   c. Applied thirdly, to the payment of the owner for the sale of the animal.

   d. Paid over to the court if the owner is not known.

828.08 Penalty for exposing poison

Whoever leaves or deposits any poison or any substance containing poison, in any common
street, alley, lane or thoroughfare of any kind, or in any yard or enclosure other than the yard or enclosure occupied or owned by such person, shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

828.12 Cruelty to animals
1. A person who unnecessarily overloads, overdrives, torments, deprives of necessary sustenance or shelter, or unnecessarily mutilates or kills any animal, or causes the same to be done, or carries in or upon any vehicle or otherwise, any animal in a cruel or inhumane manner, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than $5,000, or both.
2. A person who intentionally commits an act to any animal which results in the cruel death or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than $10,000, or both.

a. A person convicted of a violation of this subsection, where the finder of fact determines that the violation includes the knowing and intentional torture or torment of an animal that injures, mutilates, or kills the animal, shall be ordered to pay a minimum mandatory fine of $2,500 and undergo psychological counseling or complete an anger management treatment program.

b. Any person convicted of a second or subsequent violation of this subsection shall be required to pay a minimum mandatory fine of $5,000 and serve a minimum mandatory period of incarceration of 6 months. In addition, the person shall be released only upon expiration of sentence, shall not be eligible for parole, controlled release or any form of early release, and must serve 100 percent of the court-imposed sentence. Any plea of nolo contendere shall be considered a conviction for purposes of this subsection.

3. A veterinarian licensed to practice in the state shall be held harmless from any claim, demand, suit, or action arising out of his or her part in an investigation of cruelty to animals.

4. A person who intentionally trips, falls, ropes or lassos the legs of a horse by any means for the purpose of entertainment or sport shall be guilty of a third degree felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, “trip” means any act that consists of the use of any wire, pole, stick, rope or other apparatus to cause a horse to fall or lose its balance, and “horse” means any animal of any registered breed of the genus Equus, or any recognized hybrid thereof. The provisions of this subsection shall not apply when tripping is used:

a. To control a horse that is posing an immediate threat to other livestock or human beings.
b. For the purpose of identifying ownership of the horse when its ownership is unknown.
c. For the purpose of administering veterinary care to the horse.

828.121 Conduct of simulated bullfighting exhibitions
It shall be unlawful and punishable as a misdemeanor for any person to conduct or engage in a simulated or bloodless bullfighting exhibition.

828.122 Fighting or baiting animals; offenses; penalties
1. This act may be cited as “The Animal Fighting Act.”
2. As used in this section, the term:

a. “Animal fighting” means fighting between roosters or other birds or between dogs, bears, or other animals.
b. “Baiting” means to attack with violence, to provoke or to harass an animal with one or more animals for the purpose of training an animal for, or to cause an animal to engage in, fights with or among other animals. In addition, “baiting” means the use of live animals in the training of racing greyhounds.
c. “Person” means every natural person, firm, copartnership, association or corporation.

d. Any person who knowingly commits any of the following acts commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

a. Baiting, breeding, training, transporting, selling, owning, possessing or using any wild or domestic animal for the purpose of animal fighting or baiting.
b. Owning, possessing or selling equipment for use in any activity described in paragraph (a).
c. Owning, leasing, managing, operating or having control of any property kept or used for any activity described in paragraph (a) or paragraph (b).
d. Promoting, staging, advertising or charging any admission fee to a fight or baiting between two or more animals.
e. Performing any service or act to facilitate animal fighting or baiting, including, but not limited to, providing security, refereeing or handling or transporting animals or being a stakeholder of any money wagered on animal fighting or baiting.
f. Removing or facilitating the removal of any animal impounded under this section from an agency where the animal is impounded or from a location designated by the court under subsection (4), subsection (5), or subsection (7), without the prior authorization of the court.
g. Betting or wagering any money or other valuable consideration on the fighting or baiting of animals.
h. Attending the fighting or baiting of animals. Notwithstanding any provision of this subsection to the contrary, possession of the animal alone does not constitute a violation of this section.

4. If a court finds probable cause to believe that a violation of this section or s. 828.12 has occurred, the court shall order the seizure of any animals and equipment used in committing the violation and shall provide for appropriate and humane care or disposition of the animals. This subsection is not a limitation on the power to seize animals as evidence at the time of arrest.

5. If an animal shelter or other location is unavailable, a court may order the animal to be impounded on the property of its owner or possessor and shall order such person to provide all necessary care for the animal and to allow regular inspections of the animal by a person designated by the court.

6. If a veterinarian finds that an animal kept or used in violation of this section is suffering from an injury or a disease severe enough that it is not possible to humanely house and care for the animal pending completion of a hearing held under s. 828.073(2), final disposition of the criminal charges or court-ordered forfeiture the veterinarian may euthanize the animal as specified in s. 828.058. A veterinarian licensed to practice in this state shall be held harmless from criminal or civil liability for any decisions made or services rendered under this subsection.

7. If an animal can be housed in a humane manner, the provisions of s. 828.073 shall apply. For the purpose of a hearing provided pursuant to s. 828.073(2), any animal baited, bred, trained, transported, sold, owned, possessed or used for the purpose of animal fighting or baiting shall be considered mistreated.

8. In addition to other penalties prescribed by law, the court may issue an order prohibiting a person who is convicted of a violation of this section from owning, possessing, keeping, harboring or having custody or control over any animals within the species that are the subject of the conviction, or any animals kept for the purpose of fighting or baiting, for a period of time determined by the court.

9. This section shall not apply to:

a. Any person simulating a fight for the purpose of using the simulated fight as part of a motion picture which will be used on television or in a motion picture, provided s. 828.12 is not violated.
b. Any person using animals to pursue or take wildlife or to participate in any hunting regulated or subject to being regulated by the rules and regulations of the Fish and Wildlife Conservation Commission.
c. Any person using animals to work livestock for agricultural purposes.
d. Any person violating s. 828.121.
e. Any person using dogs to hunt wild hogs or to retrieve domestic hogs pursuant to customary hunting or agricultural practices.
10. This section shall not prohibit, impede or otherwise interfere with recognized animal husbandry and training techniques or practices not otherwise specifically prohibited by law.

828.123 Killing dog or cat with intent of selling or giving away pelt; possession, sale or importation of pelt with intent of selling or giving away; penalty

1. A person who kills any dog or cat with the sole intent of selling or giving away the pelt of such animal commits a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than $10,000, or by both imprisonment and a fine.

2. A person who possesses, imports into this state, sells, buys, gives away, or accepts any pelt of a dog or cat with the sole intent of selling or giving away the pelt of the dog or cat commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of $5,000, or by both imprisonment and a fine.

3. A person who possesses, imports into the state, sells, buys, gives away, or accepts any dog or cat with the sole intent of killing such dog or cat, or having such dog or cat killed, for the purpose of selling or giving away the pelt of such animal commits a felony of the third degree, punishable as provided in s. 775.082 or by a fine of not more than $10,000, or by both imprisonment and a fine.

4. It is unlawful for any person to knowingly engage in the business of a dealer or buyer in the pelts or furs of any dog or cat in the state or to purchase such pelts or furs within the state. No common carrier shall knowingly ship or transport or receive for transportation any dog or cat pelts or furs within the state. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

828.1231 Sale of garments or items of clothing containing dog or cat fur prohibited; sale of pelt of any dog or cat prohibited; penalty

1. It is unlawful for any person to knowingly sell or offer for sale, directly or indirectly, at wholesale or at retail, in this state any garment or any item of clothing or apparel that is made, in whole or in part, from the fur of any dog or cat, or which contains or to which is attached any dog or cat fur.

2. It is unlawful for any person to knowingly sell or offer for sale, directly or indirectly, at wholesale or at retail, or to give away, in this state the pelt of any dog or cat.

3. Any person who violates the provisions of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second or subsequent conviction for a violation of this subsection, the offender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. Any law enforcement agency, or humane officer as defined in s. 828.03, may institute proceedings in the appropriate circuit court to enforce compliance with the provisions of this section. Any law enforcement agency, or humane officer as defined in s. 828.03, may seek a civil penalty of up to $5,000 for each violation.

828.125 Killing or aggravated abuse of registered breed horses or cattle; offenses; penalties

Any other provisions of this chapter to the contrary notwithstanding:

1. Any person who willfully and unlawfully, by any means whatsoever, kills, maims, mutilates, or causes great bodily harm or permanent breeding disability to any animal of the genus Equus (horse) or any animal of any registered breed or recognized registered hybrid of the genus Bos (cattle) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, except that any person who commits a violation of this subsection shall be sentenced to a minimum mandatory fine of $3,500 and a minimum mandatory period of-incarceration of 1 year.

2. Any person who individually attempts or solicits, or jointly agrees, conspires, combines, or confederates with another person to commit, any act prohibited by subsection (1) and does an act in furtherance of said attempt, solicitation, or conspiracy shall be guilty of a felony of the second degree and is punishable as if the person or persons had actually committed such prohibited act as enumerated in subsection (1), notwithstanding any provisions found in s. 777.04. Nothing in this subsection shall be construed to prohibit separate convictions and sentences for a violation of this subsection and any violation of subsection (1).

3. Any person who verbally or in writing threatens to commit any act prohibited by subsection (1) and has the apparent ability to carry out such threat and places the owner or custodian of said animal in fear that such an act as described in subsection (1) is about to take place shall be guilty of a felony of the third degree, punishable as provided by s. 775.082, s. 775.083 or s. 775.084.

4. In addition to any other fines or penalties authorized by law, a person found guilty of violating any provision of subsection (1), subsection (2), or subsection (3) may be ordered by the court to make restitution to the aggrieved party in an amount not to exceed twice the gross fair market value of the said Equus or Bos killed or abused in an aggravated manner, or up to twice the gross loss caused, whichever is greater, plus attorney’s fees and any and all related costs. Upon notice the court shall hold a hearing to determine the amount of fines, restitution, or costs to be imposed under this section, if not agreed upon by the parties.

5. This section shall not be construed to abridge, impede, prohibit, or otherwise interfere in any way with the application, implementation, or conduct of recognized livestock husbandry practices or techniques by or at the direction of the owner of the livestock so housed; nor shall any person be held culpable for any act prohibited by this chapter which results from weather conditions or other acts of God, providing that the person is in compliance with recognized livestock husbandry practices.

828.126 Sexual activities involving animals

1. As used in this section, the term:
   a. “Sexual conduct” means any touching or fondling by a person, either directly or through clothing, of the sex organs, or anus of an animal or any transfer or transmission of semen by the person to any part of the animal for the purpose of sexual gratification or arousal of the animal.
   b. “Sexual contact” means any contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or any penetration, however slight, of any part of the body of the person into the sex organ or anus of an animal, or any penetration of the sex organs or anus of the person into the mouth of the animal, for the purpose of sexual gratification or sexual arousal of the person.

2. A person may not:
   a. Knowingly engage in any sexual conduct or sexual contact with an animal;
   b. Knowingly cause, aid, or abet another person to engage in any sexual conduct or sexual contact with an animal;
   c. Knowingly permit any sexual conduct or sexual contact with an animal to be conducted on any premises under his or her charge or control; or
   d. Knowingly organize, promote, conduct, advertise, aid, abet, participate in as an observer, or perform any service in the furtherance of an act involving any sexual conduct or sexual contact with an animal for a commercial or recreational purpose.

3. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

4. This section does not apply to accepted animal husbandry practices, conformation judging practices, or accepted veterinary medical practices.

828.13 Confinement of animals without sufficient food, water or exercise; abandonment of animals

1. As used in this section:
   a. “Abandon” means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal by its owner.
   b. “Owner” includes any owner, custodian or other person in charge of an animal.
2. Whoever:
   a. Impounds or confines any animal in any place and fails to supply the animal during such confinement with a sufficient quantity of good and wholesome food and water,
   b. Keeps any animals in any enclosure without wholesome exercise and change of air, or
   c. Abandons to die any animal that is maimed, sick, infirm or diseased, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than $5,000, or by both imprisonment and a fine.

3. Any person who is the owner or possessor, or has charge or custody, of any animal who abandons such animal to suffer injury or malnutrition or abandons any animal in a street, road or public place without providing for the care, sustenance, protection and shelter of such animal is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or by a fine of not more than $5,000, or by both imprisonment and a fine.

828.14 Water and food for stock on trains, vessels, etc.

1. No person or corporation, or agent of either, engaged in transporting livestock on railway trains or on steam or sailing vessels, or otherwise, shall detain such stock for a longer continuous period than 28 hours after the same are so placed without supplying the same with necessary food, water and attention, or shall permit them to be crowded so as to overlie, crush, wound or kill each other; and any person or agent as aforesaid violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or by a fine of not more than $5,000, or by both imprisonment and a fine.

2. Nothing in this section shall apply to owners, officers or crew of watercraft detained on the navigable waters of this state by storms and prevented by bad weather from reaching port.

828.16 Contagious diseases

Whoever, being the owner or having the charge of any animal, knowing the same to have any contagious or infectious disease, or to have been recently exposed thereto, sells, barters or disposes of such animal without first disclosing to the person to whom the same is sold, bartered or disposed of, that such animal is so diseased or has been exposed as aforesaid, or knowingly permits such animal to run at large, or knowing such animal to be diseased as aforesaid, knowingly allows the same to come into contact with any such animal of another person without his or her knowledge or permission, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

828.161 Prohibiting artificial coloring and sale of certain animals and fowls; construction

1. It is unlawful for any person to dye or color artificially any animal or fowl, including but not limited to rabbits, baby chickens and ducklings, or to bring any dyed or colored animal or fowl into this state.

2. It is unlawful for any person to sell, offer for sale or give away as merchandising premiums, baby chickens, ducklings or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys or retail premiums.

3. This section shall not be construed to apply to any animal or fowl, including but not limited to rabbits, baby chickens and ducklings to be used or raised for agricultural purposes by persons with proper facilities to care for them or for poultry or livestock exhibitions.

4. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

828.17 Officer to arrest without warrant

Any sheriff or any other peace officer of the state, shall arrest without warrant any person found violating any of the provisions of ss. 828.08, 828.12, and 828.13-828.16, and the officer making the arrest shall hold the offender until a warrant can be procured, and he or she shall use proper diligence to procure such warrant.

Note. – Transferred to s. 827.03 by s. 49, ch. 74-383.

828.22 Humane Slaughter Act; humane slaughter and livestock euthanasia; requirements

1. Sections 828.22-828.26 may be cited as the “Humane Slaughter Act.”

2. a. The Legislature of this state finds that the use of humane methods in the killing of livestock prevents needless suffering, results in safer and better working conditions for persons engaged in the slaughtering industry or other livestock operations, brings about improvement of products and economy in slaughtering or other livestock operations, and produces other benefits for producers, processors and consumers which tend to expedite the orderly flow of livestock and their products.

b. It is therefore declared to be the policy of this state to require that the slaughter of all livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods and to provide that methods of slaughter shall conform generally to those employed in other states where humane slaughter is required by law and to those authorized by the federal Humane Slaughter Act of 1958, and regulations thereunder.

3. Nothing in ss. 828.22-828.26 shall be construed to prohibit, abridge or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of ss. 828.22-828.26, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of ss. 828.22-828.26. For the purposes of this action the term “ritual slaughter” means slaughter in accordance with s. 828.23(3).

828.23 Definitions; ss. 828.22-828.26

As used in ss. 828.22-828.26, the following words shall have the meanings indicated:

1. “Department” means the Department of Agriculture and Consumer Services.

2. “Person” means any individual, partnership, corporation or association doing business in this state, in whole or in part.

3. “Slaughter” means the act of killing one or more livestock animals for any purpose.

4. “Slaughterer” means any person other than a licensed veterinarian or an employee of a humane society or animal control agency who kills livestock.

5. “Livestock” means cattle, calves, sheep, swine, horses, mules, goats, ostriches, rheas, emus and any other domestic animal that can or may be used in the preparation of animal products. For the purposes of ss. 828.22-828.26, “livestock” does not include poultry and aquatic species.

6. “Humane method” means:
   a. A method whereby the animal is rapidly and effectively rendered insensible to pain by electrical or chemical means or by a penetrating captive bolt or gunshot with appropriate caliber and placement; or
   b. A method in accordance with ritual requirements of any religious faith whereby the animal suffers loss of consciousness by anemia of the brain caused by the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument.

828.24 Prohibited acts; exemption

1. No person shall kill an animal in any way except by an approved humane method.

2. No person shall shackles or hoist with intent to kill any animal prior to rendering the animal insensitive to pain.

3. Nothing in this section precludes the enforcement of s. 828.12 relating to cruelty to animals.

828.25 Administration; rules; inspection; fees

1. The department shall administer the provisions of ss. 828.22-828.26. It shall adopt and may from time to time revise rules, which rules must conform substantially to and must not be less restrictive than the rules and regulations promulgated by the secretary of agriculture of the United States pursuant to the federal Humane Methods of Slaughter Act of 1958, Pub. L. No. 85-765, 72 Stat. 862, and any amendments thereto.

2. The department may appoint any member of its staff as an official inspector for the purposes of ss. 828.22-828.26. Such inspector
shall have the power to enter the premises of any slaughterer for the purposes of verifying compliance or noncompliance with the provisions of ss. 828.22-828.26.
3. The department has the authority to conduct inspections of the premises of slaughterers at random intervals.

828.251 Instruction
The department, in conjunction with the state university system, the American Veterinary Medical Association and humane animal groups, shall make available to slaughterers the most current technical information. Such information may be in video or manual format, or another widely accepted media format.

828.252 Nonambulatory animals
This section acknowledges that natural emergencies may arise and that, even under recognized best management practices, injury or death may occur. In all cases, nonambulatory animals must be dealt with in a humane manner.
1. As used in this section, the term “nonambulatory animal” means any livestock that is unable to stand and walk unassisted.
2. A person may not buy, sell, give, receive, transfer, market, hold without providing proper care within 24 hours, or drag any nonambulatory animal unless the nonambulatory animal has been humanely euthanized, except in cases where providing proper care requires that the animal be moved.

828.26 Penalties
1. Any person who violates the provisions of ss. 828.22-828.26 and any rule associated with these sections shall be subject to an administrative fine of up to $10,000 for each violation.
2. Unless otherwise provided, any person who violates any provision of ss. 828.22-828.26 commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
3. Nothing in this section precludes the enforcement of s. 828.12, relating to cruelty to animals.

828.27 Local animal control or cruelty ordinances; penalty
1. As used in this section, the term:
   b. “Animal control officer” means any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. An animal control officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care and can demonstrate proficiency in chemical immobilization of animals in accordance with guidelines prescribed in the Chemical Immobilization Operational Guide of the American Humane Association.
   c. “Control” means the regulation of the possession, ownership, care and custody of animals.
   d. “Cruelty” means any act of neglect, torture, or torment that causes unjustifiable pain or suffering of an animal.
   e. “Officer” means any law enforcement officer defined in s. 943.10 or any animal control officer.
   f. “Citation” means a written notice, issued to a person by an officer, that the officer has probable cause to believe that the person has committed a civil infraction in violation of a duly enacted ordinance and that the county court will hear the charge. The citation must contain:
      1. The name and address of the person.
      2. The date and time the civil infraction was committed.
      3. The facts constituting probable cause.
      4. The applicable civil penalty if the person elects not to contest the citation.
      5. The applicable civil penalty if the person elects to contest the citation.
      6. The ordinance violated.
      7. The date and time of issuance.
   g. “Ordinance” means any ordinance relating to the control of or cruelty to animals enacted by the governing body of a county or municipality the violation of which is a civil infraction.
   h. “Officer” means any law enforcement officer defined in s. 943.10 or any animal control officer.
   i. “Person employed or appointed by a county or municipality” means any person employed or appointed by a county or municipality who is authorized to investigate, on public or private property, civil infractions relating to animal control or cruelty and to issue citations as provided in this section. An animal control officer is not authorized to bear arms or make arrests; however, such officer may carry a device to chemically subdue and tranquilize an animal, provided that such officer has successfully completed a minimum of 16 hours of training in marksmanship, equipment handling, safety and animal care and can demonstrate proficiency in chemical immobilization.
2. The governing body of a county or municipality is authorized to enact ordinances relating to animal control or cruelty, which ordinances must provide:
   a. That a violation of such an ordinance is a civil infraction.
   b. A maximum civil penalty not to exceed $500.
   c. A civil penalty of less than the maximum civil penalty if the person who has committed the civil infraction does not contest the citation.
   d. For the issuance of a citation by an officer who has probable cause to believe that a person has committed an act in violation of an ordinance.
   e. For the contesting of a citation in the county court.
   f. That if a person fails to pay the civil penalty, fails to appear in court to contest the citation or fails to appear in court as required by subsection (6), the court may issue an order to show cause upon the request of the governing body of the county or municipality. This order shall require such persons to appear before the court to explain why action on the citation has not been taken. If any person who is issued such order fails to appear in response to the court’s directive, that person may be held in contempt of court.
   g. Such procedures and provisions are necessary to implement any ordinances enacted under the authority of this section.
3. The commission of a charged infraction at a hearing authorized pursuant to this chapter must be proven by a preponderance of the evidence.
4. a. 1. County-employed animal control officers shall, and municipally employed animal control officers may, successfully complete a 40-hour minimum standards training course. Such course shall include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor and civil citations. The course curriculum must be approved by the Florida Animal Control Association. An animal control officer who successfully completes such course shall be issued a certificate indicating that he or she has received a passing grade.
   2. Any animal control officer who is authorized prior to January 1, 1990, by a county or municipality to issue citations is not required to complete the minimum standards training course.
3. In order to maintain valid certification, every 2 years each certified county-employed animal control officer shall complete 4 hours of post-certification continuing education training. Such training may include, but is not limited to, training for: animal cruelty investigations, search and seizure, animal handling, courtroom demeanor and civil citations.
   b. The governing body of a county or municipality may impose and collect a surcharge of up to $5 upon each civil penalty imposed for violation of an ordinance relating to animal control or cruelty. The proceeds from such surcharges shall be used to pay the costs of training for animal control officers.
5. Any person who willfully refuses to sign and accept a citation issued by an officer is guilty of
a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

6. The governing body of a county or municipality may require mandatory court appearances for certain aggravated violations of a local ordinance resulting in the unprovoked biting, attacking or wounding of a domestic animal; violations resulting in the destruction or loss of personal property; second or subsequent violations of local animal cruelty laws; or violations resulting in the issuance of a third or subsequent citation to a person. The citation must clearly inform the person of the mandatory court appearance. The governing body of the county or municipality shall maintain records to prove the number of citations issued to the person. Persons required to appear in court do not have the option of paying the fine instead of appearing in court.

7. Nothing contained in this section shall prevent any county or municipality from enacting any ordinance relating to animal control or cruelty which is identical to the provisions of this chapter or any other state law, except as to penalty. However, no county or municipal ordinance relating to animal control or cruelty shall conflict with the provisions of this chapter or any other state law. Notwithstanding the provisions of this subsection, the governing body of any county or municipality is authorized to enact ordinances prohibiting or regulating noise from any domesticated animal, violation of which shall be punishable upon conviction by a fine not to exceed $500 or by imprisonment in the county jail for a period not to exceed 60 days, or by both such fine and imprisonment, for each violation of such ordinance. This subsection shall not apply to animals on land zoned for agricultural purposes.

828.28 Local animal licensing ordinances; notices

1. Any county or municipality that has a licensing requirement for dogs must provide notice to dog owners at least 45 days prior to any licensure renewal deadline. The notice must contain information describing the licensing requirements and any associated penalties.

2. Counties and municipalities with licensing requirements are encouraged to develop online licensing systems to provide a convenient and cost-effective licensing process.

828.29 Dogs and cats transported or offered for sale; health requirements; consumer guarantee

1. a. For each dog transported into the state for sale, the tests, vaccines, and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered no more than 30 days and no less than 14 days before the dog’s entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each dog transported into the state for sale.

b. For each dog offered for sale within the state, the tests, vaccines and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:

<table>
<thead>
<tr>
<th>Disease</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canine distemper</td>
<td>administered in this state (required by this section must be administered no more than 21 days before sale within the state. If the dog is less than 4 months of age, the inoculation is administered at or after 3 months of age and the inoculation is administered by a licensed veterinarian.</td>
</tr>
<tr>
<td>Leptospirosis</td>
<td>administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection</td>
</tr>
<tr>
<td>Bordetella (by intranasal inoculation or by an alternative method of administration if deemed necessary by the attending veterinarian and noted on the health certificate, which must be administered in this state once before sale)</td>
<td></td>
</tr>
<tr>
<td>Parainfluenza</td>
<td>administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:</td>
</tr>
<tr>
<td>Hepatitis</td>
<td>administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:</td>
</tr>
<tr>
<td>Canine parvo</td>
<td>administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered before the dog is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the dog is not in the best medical interest of the dog, in which case the vaccine or anthelmintic may not be administered to that particular dog. Each dog must receive vaccines and anthelmintics against the following diseases and internal parasites:</td>
</tr>
</tbody>
</table>

2. a. For each cat transported into the state for sale, the tests, vaccines and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered no more than 30 days and no less than 14 days before the cat’s entry into the state. The official certificate of veterinary inspection certifying compliance with this section must accompany each cat transported into the state for sale.

b. For each cat offered for sale within the state, the tests, vaccines and anthelmintics required by this section must be administered by or under the direction of a veterinarian, licensed by the state and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered before the cat is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat. Each cat must receive vaccines and anthelmintics against the following diseases and internal parasites:

<table>
<thead>
<tr>
<th>Disease</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feline viral rhinotracheitis</td>
<td>administered in this state</td>
</tr>
<tr>
<td>Calici virus</td>
<td>administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered before the cat is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat. Each cat must receive vaccines and anthelmintics against the following diseases and internal parasites:</td>
</tr>
<tr>
<td>Rabies</td>
<td>administered by or under the direction of a veterinarian, licensed by the state of origin and accredited by the United States Department of Agriculture, who issues the official certificate of veterinary inspection. The tests, vaccines and anthelmintics must be administered before the cat is offered for sale in the state, unless the licensed, accredited veterinarian certifies on the official certificate of veterinary inspection that to inoculate or deworm the cat is not in the best medical interest of the cat, in which case the vaccine or anthelmintic may not be administered to that particular cat. Each cat must receive vaccines and anthelmintics against the following diseases and internal parasites:</td>
</tr>
</tbody>
</table>

3. a. Each dog or cat subject to subsection (1) or subsection (2) must be accompanied by a current official certificate of veterinary inspection at all times while being offered for sale within the state. If the cat is 4 months of age or older, the tests, vaccines, and anthelmintics required by this section must be administered at or after 3 months of age, but no more than 1 year before sale within the state.

b. The term “official certificate of veterinary inspection” means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows the age, sex, breed, color and health record of the dog or cat, the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser,
and the examining veterinarian and the veterinarian’s license number. The official certificate of veterinary inspection must list all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date and the dates of administration thereof, and must state that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks. The Department of Agriculture and Consumer Services shall supply the official intrastate certificate of veterinary inspection required by this section at cost.

c. The examination of each dog and cat by a veterinarian must take place no more than 30 days before the sale within the state. The examination must include, but not be limited to, a fecal test to determine if the dog or cat is free of internal parasites, including hookworms, roundworms, tapeworms and whipworms. If the examination warrants, the dog or cat must be treated with a specific anthelmintic. In the absence of a definitive parasitic diagnosis, each dog or cat must be given a broad spectrum anthelmintic. Each dog over 6 months of age must also be tested for heartworms. Each cat must also be tested for feline leukemia before being offered for sale in the state. All of these tests must be performed by or under the supervision of a licensed veterinarian, and the results of the tests must be listed on the official certificate of veterinary inspection.

d. All dogs and cats offered for sale and copies of certificates held by the seller and veterinarian are subject to inspection by any agent of the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer or any agent appointed under s. 828.03.

4. A person may not transport into the state for sale or offer for sale within the state any dog or cat that is less than 8 weeks of age.

5. If, within 14 days following the sale by a pet dealer of an animal subject to this section, a licensed veterinarian of the consumer’s choosing certifies that, at the time of the sale, the animal was unfit for purchase due to illness or disease, the presence of symptoms of a contagious or infectious disease, or the presence of internal or external parasites, excluding fleas and ticks; or if, within 1 year following the sale of an animal subject to this section, a licensed veterinarian of the consumer’s choosing certifies such animal to be unfit for purchase due to a congenital or hereditary disorder which adversely affects the health of the animal; or if, within 1 year following the sale of an animal subject to this section, the breed, sex or health of such animal is found to have been misrepresented to the consumer, the pet dealer shall afford the consumer the right to choose one of the following options:

a. The right to return the animal and receive a refund of the purchase price, including the sales tax, and reimbursement for reasonable veterinary costs directly related to the veterinarian’s examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering;

b. The right to return the animal and receive an exchange dog or cat of the consumer’s choice of equivalent value and reimbursement for reasonable veterinary costs directly related to the veterinarian’s examination and certification that the dog or cat is unfit for purchase pursuant to this section and directly related to necessary emergency services and treatment undertaken to relieve suffering;

c. The right to retain the animal and receive reimbursement for reasonable veterinary costs for necessary services and treatment related to the attempt to cure or curing of the dog or cat.

5. Reimbursement for veterinary costs may not exceed the purchase price of the animal. The cost of veterinary services is reasonable if comparable to the cost of similar services rendered by other licensed veterinarians in proximity to the treating veterinarian and the services rendered are appropriate for the certification by the veterinarian.

6. A consumer may sign a waiver relinquishing his or her right to return the dog or cat for congenital or hereditary disorders. In the case of such waiver, the consumer has 48 normal business hours, excluding weekends and holidays, in which to have the animal examined by a licensed veterinarian of the consumer’s choosing. If the veterinarian certifies that, at the time of sale, the dog or cat was unfit for purchase due to a congenital or hereditary disorder, the pet dealer must afford the consumer the right to choose one of the following options:

a. The right to return the animal and receive a refund of the purchase price, including sales tax, but excluding the veterinary costs related to the certification that the dog or cat is unfit; or

b. The right to return the animal and receive an exchange dog or cat of the consumer’s choice of equivalent value, but not a refund of the veterinary costs related to the certification that the dog or cat is unfit.

7. A pet dealer may specifically state at the time of sale, in writing to the consumer, the presence of specific congenital or hereditary disorders, in which case the consumer has no right to any refund or exchange for those disorders.

8. The refund or exchange required by subsection (5) or subsection (6) shall be made by the pet dealer not later than 10 business days following receipt of a signed veterinary certification as required in subsection (5) or subsection (6). The consumer must notify the pet dealer within 2 business days after the veterinarian’s determination that the animal is unfit. The written certification of unfitness must be presented to the pet dealer not later than 3 business days following receipt thereof by the consumer.

9. An animal may not be determined unfit for sale on account of an injury sustained or illness contracted after the consumer takes possession of the animal. A veterinary finding of intestinal or external parasites is not grounds for declaring a dog or cat unfit for sale unless the animal is clinically ill because of that condition.

10. If a pet dealer wishes to contest a demand for veterinary expenses, refund or exchange made by a consumer under this section, the dealer may require the consumer to produce the animal for examination by a licensed veterinarian designated by the dealer. Upon such examination, if the consumer and the dealer are unable to reach an agreement that constitutes one of the options set forth in subsection (5) or subsection (6) within 10 business days following receipt of the animal for such examination, the consumer may initiate an action in a court of competent jurisdiction to recover or obtain reimbursement for veterinary expenses, refund, or exchange.

11. This section does not in any way limit the rights or remedies that are otherwise available to a consumer under any other law.

12. Every pet dealer who sells an animal to a consumer must provide the consumer at the time of sale with a written notice, printed or typed, which reads as follows:

It is the consumer’s right, pursuant to section 828.29, Florida Statutes, to receive a certificate of veterinary inspection with each dog or cat purchased from a pet dealer. Such certificate shall list all vaccines and deworming medications administered to the animal and shall state that the animal has been examined by a Florida-licensed veterinarian who certifies that, to the best of the veterinarian’s knowledge, the animal was found to have been healthy at the time of the veterinary examination. In the event that the consumer purchases the animal and finds it to have been unfit for purchase as provided in section 828.29(5), Florida Statutes, the consumer must notify the pet dealer within 2 business days of the veterinarian’s determination that the animal was unfit. The consumer has the right to retain, return or exchange the animal and receive reimbursement for certain related veterinary services rendered to the animal, subject to the right of the dealer to have the animal examined by another veterinarian.
13. For the purposes of subsections (5)-(12) and (16), the term “pet dealer” means any person, firm, partnership, corporation or other association which, in the ordinary course of business, engages in the sale of more than two litters, or 20 dogs or cats, per year, whichever is greater, to the public. This definition includes breeders of animals who sell such animals directly to a consumer.

14. The state attorney may bring an action to enjoin any violator of this section or s. 828.12 or s. 828.13 from being a pet dealer.

15. County-operated or city-operated animal control agencies and registered nonprofit humane organizations are exempt from this section.

16. A pet dealer may not knowingly misrepresent the breed, sex or health of any dog or cat offered for sale within the state.

17. Except as otherwise provided in this chapter, a person who violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

828.30 Rabies vaccination of dogs, cats, and ferrets

1. All dogs, cats, and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species. The owner of every dog, cat, and ferret shall have the animal revaccinated 12 months after the initial vaccination. Thereafter, the interval between vaccinations shall conform to the vaccine manufacturer’s directions. The cost of vaccination must be borne by the animal’s owner. Evidence of circulating rabies virus neutralizing antibodies shall not be used as a substitute for current vaccination in managing rabies exposure or determining the need for booster vaccinations.

2. A dog, cat or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and has certified in writing that at the time, vaccination would endanger the animal’s health because of its age, infirmity, disability, illness or other medical considerations. An exempt animal must be vaccinated against rabies as soon as its health permits.

3. Upon vaccination against rabies, the licensed veterinarian shall provide the animal’s owner and the animal control authority with a rabies vaccination certificate. Each animal control authority and veterinarian shall use the “Rabies Vaccination Certificate” of the National Association of State Public Health Veterinarians (NASPHV) or an equivalent form approved by the local government that contains all the information required by the NASPHV Rabies Vaccination Certificate. The veterinarian who administers the rabies vaccine to an animal as required under this section may affix his or her signature stamp in lieu of an actual signature.

4. Each ferret vaccinated according to this section must be quarantined, when necessary, according to rules of the Department of Health.

5. An animal owner’s name, street address, phone number and animal tag number contained in a rabies vaccination certificate provided to the animal control authority is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, any person who has been bitten, scratched or otherwise exposed to a zoonotic disease or the physician of such person; a veterinarian who is treating an animal that has been bitten, scratched or otherwise exposed to a zoonotic disease; or the owner of an animal that has been bitten, scratched or otherwise exposed to a zoonotic disease shall be provided with any information contained in a rabies vaccination certificate but only with respect to the particular animal biting, scratching or otherwise causing exposure.

6. Any person with an animal tag number may receive vaccination certificate information with regard to that animal. Law enforcement and prosecutorial agencies; other animal control authorities; emergency and medical response and disease control agencies; or other governmental health agencies shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, the receiving agencies and authorities must not release the exempt information.

7. Violation of this section is a civil infraction, punishable as provided in s. 828.27(2).

8. This section does not prohibit or limit municipalities or counties from establishing requirements similar to or more stringent than the provisions of this section for the implementation and enforcement of rabies-control ordinances. However, local governments shall not mandate revaccination of currently vaccinated animals except in instances involving postexposure treatment for rabies.

828.40 Short title. – Sections 828.40-828.43 may be cited as the “Florida Animal Enterprise Protection Act.”

828.41 Definitions relating to Florida Animal Enterprise Protection Act.

As used in ss. 828.40-828.43, the term:

1. “Animal enterprise” means:
   a. A commercial or academic enterprise that uses animals for food or fiber production, agriculture, research, or testing.
   b. A zoo, aquarium, circus, rodeo, or lawful competitive animal event.
   c. Any fair or similar event intended to advance agricultural arts and sciences.
   d. “Physical disruption” does not include any lawful disruption that results from lawful public, governmental or animal enterprise employee reaction to the disclosure of information about an animal enterprise.
   e. “Serious bodily injury” means bodily injury that creates a substantial risk of death or causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

2. “Economic damage” means the replacement costs of lost or damaged property or records, the costs of repeating an interrupted or invalidated experiment, and the loss of profits.

828.42 Animal enterprise disruption; criminal penalties

1. A person who intentionally causes physical disruption to the property, personnel or operations of an animal enterprise by intentionally stealing, damaging or causing the loss of any property, including animals or records, used by the animal enterprise and thereby causes economic damage, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who in the course of a violation of subsection (1) causes serious bodily injury to another commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. A person who violates subsection (1), if such violation results in economic damage exceeding $10,000, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. The offender must pay restitution under s. 775.089. Restitution includes, but is not limited to:
   a. The reasonable cost of repeating any experimentation that was interrupted or invalidated as a result of the offense.
   b. The loss of food production or farm income reasonably attributable to the offense.

828.43 Injunction

In a case of ongoing animal enterprise disruption, the aggrieved animal enterprise may obtain injunctive relief.

PART II ADMINISTRATIVE RULES

61G18-22.001 Active Status License.

1. The department shall renew an inactive license to practice veterinary medicine upon timely receipt of the complete application for active status, the biennial renewal fee and certification that the licensee has demonstrated participation in the continuing professional education requirements of Rule 61G18-16.002.

2. “Complete application” for purposes of active status licensure shall be the department renewal card and the continuing education affidavit.

61G18-21.001 Advertising

1. Advertising by veterinarians is permitted in order to disseminate information for the purpose of providing the public sufficient basis upon which to make an informed selection of veterinarians. In the interest of protecting the public health, safety and welfare, advertising which is false and misleading is prohibited.

2. As used in the rules of this board, the terms “advertisement” and “advertising” shall mean any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering
the purpose, either directly or indirectly, of selling professional services, or offering to perform professional services, or inducing members of the public to enter any obligation relating to such professional services. The terms advertisement or advertising shall include the name under which professional services are performed.

3. No veterinarian shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading in form or content. Any advertisement or advertising shall be deemed by the board to be fraudulent, false, deceptive or misleading if:
   a. Contains a misrepresentation of facts.
   b. Is misleading or deceptive because in its content or in the context in which it is presented it makes only a partial disclosure of relevant facts.
   c. Creates false or unjustified expectations of beneficial treatment or successful cures.
   d. Conveys the impression that the veterinarian disseminating the advertising, referred to therein, his staff, his services or method of delivery of veterinary services are superior to any other licensed veterinary services, licensed veterinarian or legally recognized method of delivery unless such claims can be substantiated. A veterinarian shall not advertise that he is a specialist unless he is a diplomate of one or more national specialty boards which are recognized by the Board of Veterinary Medicine. For the purposes of this rule the board recognizes only those national specialty boards which are recognized by the American Veterinary Medical Association. It is permissible for a veterinarian to advertise that he limits his practice to or has a particular interest in a particular species or particular area of practice.
   e. Fails to conspicuously identify the veterinarian or veterinarians referred to in the advertising as a veterinarian or veterinarians.
   f. Contains any representations or claims as to which the veterinarian, referred to in the advertising, fails to perform.
   g. Contains any other representation, statement or claim which is misleading or deceptive in form or content.

4. The provisions of this rule shall apply to media exposure of any nature, regardless of whether it is in the form of paid advertising.

5. A veterinarian who advertises a veterinary hospital or clinic shall include in all emergency hospital or clinic advertisements the hours during which such emergency services are provided and the availability of the veterinarian who is to provide the emergency service. The availability of the veterinarian who is to provide emergency service shall be specified as either “veterinarian on premises” or “veterinarian on call.” The phrase “veterinarian on premises” shall mean that there is a veterinarian actually present at the hospital who is prepared to render emergency veterinary services. The phrase “veterinarian on call” shall mean that a veterinarian is not present at the hospital, but is able to respond within a reasonable time to requests for emergency services and has been designated to so respond.

61G18-16.001 Continuing Education Requirements for Inactive Status License

1. As a condition of activation or reactivation of an inactive status license which has been inactive for less than four years, a veterinarian must satisfy the continuing education requirements of Rule 61G18-16.002, F.A.C. and must file a complete application as defined by subsection 61G18-23.001(1), F.A.C.

2. As a condition of reactivation of an inactive status license which has been inactive for four or more years, a veterinarian must satisfy the continuing education requirements of Rule 61G18-16.002, F.A.C. and must file a complete application as defined in subsection 61G18-23.001(3), F.A.C.

61G18-16.002 Continuing Education Requirements for Active Status License Renewal

1. All licensed veterinarians shall be required to obtain continuing professional education which contributes to the advancement, extension or enhancement of professional skills and knowledge in the field of veterinary medicine.

2. Licensed veterinarians shall complete a minimum of thirty (30) hours of continuing professional education in veterinary medicine every biennium, two of which shall be in the area of dispensing legend drugs.
   a. One (1) hour equals a minimum of fifty (50) minutes and a maximum of sixty (60) minutes. Total hours of lecture time cannot be added up and divided into 50 minute intervals to obtain 1 hour credit for each 50 minute interval.
   b. Not more than fifteen (15) hours shall be non-interactive, correspondence courses. Computer online programs that involve online, real-time, live or delayed participatory questioning or responses are not correspondence courses.

3. During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the board. Failure to receive any notification during this period does not relieve the licensee of the responsibility of meeting the requirement. The application for renewal shall include a form on which the licensee shall state that he has completed the required continuing education. The licensee must retain for a period of not less than three years from the date the course was taken certificates of attendance or verification from the provider, to document completion of the continuing education certified on the renewal form. The board will audit at random a number of licenses as is necessary to assure that the continuing education requirements are met.

4. Failure to comply with the continuing professional education requirement shall prohibit license renewal and result in delinquent status at the end of the renewal period.

5. A licensed veterinarian shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.

6. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action up to and including license revocation.

61G18-16.003 Continuing Education Standards

1. The continuing education requirements outlined in Rules 61G18-16.001 and 61G18-16.002, F.A.C., may be complied with by attendance at approved scientific veterinary medical meetings. A licensed veterinarian shall receive credit for no more than five (5) hours of continuing professional education in business, practice management courses or stress and impairment seminars during any biennium period.

2. Approved courses are scientific and continuing education courses provided by:
   a. National, state and international veterinary association meetings and board meetings.
   b. Board certified specialties recognized by the AVMA.
   c. University of Florida, College of Veterinary Medicine-sponsored courses, including clinical grand rounds, veterinary resident’s seminars and board specialty review sessions.
   d. The Registry of Approved Continuing Education Courses (RACE).

3. Upon specific request, continuing education courses shall be approved by the board whenever the courses provide additional current information with respect to the practice of veterinary medicine. Such requests shall include the following:
   a. A detailed course outline or syllabus.
   b. A current curriculum vitae of each speaker or lecturer.
   c. The procedure to be used for recording attendance.
   d. The number of continuing education hours for which the course sponsor requests approval.

4. Beginning on May 31, 2006, each provider, unless exempted by rule, shall be registered with the board. The fee for such registration shall be $200, and such registration must be renewed by May 31 of every other even-numbered year.

5. Course approval shall expire four (4) years from the date of approval. Continuing education providers shall reapply for approval of any course that has expired by complying with Rule 61G18-16.0035, F.A.C.
61G18-16.003 Standards for Providers of Continuing Veterinary Medical Education

1. Each proposal for program or course approval submitted by a provider must contain a detailed outline of the content of the program or course and must build upon a basic course or courses offered in the curricula of accredited schools or colleges of veterinary medicine. Continuing education must consist of postdoctoral degree programs offered by accredited college or schools of veterinary medicine, post-correspondence and online, real-time courses, or other board-approved educational methods.

2. All offerings of continuing education must meet the following standards:
   a. Educational content development.
      1. Continuing education offerings shall include a statement of measurable educational goals and behavioral objectives.
      2. Continuing education offerings shall be designed to reflect the educational needs of the veterinarian and build upon the standards for practice and courses as found in the curricula of accredited colleges of schools of veterinary medicine.
      3. Each continuing education offering shall be designed to explore one subject or a group of closely related subjects or standards.
   b. Methods of delivery.
      1. The method of delivery of a course shall be determined by giving appropriate consideration to such factors as educational content, objectives and composition of the audience.
      2. The method of delivery must encourage active participation and involvement on the part of the veterinarian.
   c. Program faculty qualification.
      1. The program faculty for a particular continuing education offering shall be competent in the subject matter and qualified by experience.
      2. An appropriate number of program faculty for each activity shall be utilized.
      3. There shall be adequate personnel to assist with administrative matters and personnel with competencies outside content areas in cases where the method of delivery requires technical or other special expertise.
   d. Facilities. The facilities to be utilized shall be appropriate and adequate to the content, method of delivery, size of the audience and promote the attainment of the objectives of the offering.
   e. Contact hour criteria. The number of contact hours of continuing education units shall be determined by the provider in advance of the offering subject to approval by the board and awarded upon the successful completion of the entire planned education experience.
   f. Record keeping.

3. Records of individual offerings shall be maintained by the provider for inspection by the board. The records shall be adequate to serve the needs of the participants and to permit the board to monitor for adherence to the standards for continuing education offerings. The records shall also be adequate to identify the individual participant.

4. An individual certificate of attendance specifying title of offering, provider number, date of offering and number of contact hours earned shall be furnished to each participant by the provider. The individual certificate of attendance shall be maintained by the veterinarian for a period of three (3) years and shall be provided to the board upon audit or request.

5. Records shall be maintained by the provider for a minimum of three (3) years.

3. Providers seeking board approval shall meet each of the standards outlined herein:
   a. All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules.
   b. There shall be a visible, continuous and identifiable authority charged with administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience in presenting courses in and having experience in the administration of continuing education.

4. Providers must be registered with and approved by the board. Such board approval must be renewed by the provider every four years.

61G18-16.005 Euthanasia of Dogs and Cats; Technician Certification Course

1. Euthanasia shall be performed only by:
   a. A licensed veterinarian; or
   b. An employee or agent of a public or private agency, animal shelter or other facility that is operated for the collection and care of stray, neglected, abandoned or unwanted animals, as provided herein.

2. Any employee or agent of a public or private agency, animal shelter or other facility that is operated for the collection and care of stray, neglected, abandoned or unwanted animals who performs euthanasia shall successfully complete a 16-hour euthanasia technician certification course. Any employee or agent who before October 1, 1993, has performed euthanasia shall obtain certification by October 1, 1994. Any employee or agent who after October 1, 1993, begins performing euthanasia must have successfully completed the euthanasia technician certification course before performing any euthanasia.

3. The curriculum for the 16-hour euthanasia technician certification course shall provide information on the following subjects:
   a. Pharmacology, proper administration and storage of euthanasia solutions; eight (8) hours.
   b. Federal and state laws regulating the storage and accountability of euthanasia solutions; two (2) hours.
   c. Euthanasia technician stress management; four (4) hours.
   d. Disposal of euthanized animals; two (2) hours.

4. A certified veterinary technician who is an employee or agent of a public or private agency, animal shelter or other facility which is operated for the collection of stray, neglected, abandoned or unwanted animals may perform euthanasia without completion of the certification course. A licensed veterinarian who delegates the performance of euthanasia to a technician shall verify that said technician has either completed the certification course or is a certified veterinary technician who has graduated from a veterinary technology training program that is accredited by the American Veterinary Medical Association Committee on Veterinary Technicians Education and Activities (CVTEA) and has successfully completed the examinations required by the Florida Veterinary Medical Association’s Technician Committee.

5. Approval of the curriculum of the 16-hour euthanasia technician certification course by the Board of Veterinary Medicine prior to its presentation shall be required. All providers of a 16-hour euthanasia technician certification course shall comply with the requirements of Rule 61G18-16.003, F.A.C.


1. The failure of any license holder to elect active or inactive status before the license expires shall cause the license to become delinquent.

2. The delinquent status licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to become active or inactive before the expiration of the biennium which the license became delinquent shall render the license null and void without further action by the board or the department.

3. The delinquent status licensee who applies for active or inactive license status shall:
   a. File with the board the complete application for either active or inactive status as defined in Rule 61G18-23.001, F.A.C.;
   b. Pay to the board either the active status or inactive status license fee, the delinquent status license fee and, if applicable, the processing fee; and
   c. Demonstrate compliance with the continuing education requirements of Rule 61G18-16.002, F.A.C.
1. When the board finds an applicant or licensee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.213(1), F.S., which are felonies of the third degree as well as violations of the Practice Act, it shall issue a final order imposing appropriate penalties, using the following disciplinary guidelines:

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<th>(a) Practicing veterinary medicine in this state unless a person holds an active license to practice veterinary medicine pursuant to Chapter 474, F.S.</th>
<th>In the case of an applicant, the usual action of the board shall be to request the department issue a cease and desist order, which will remain in effect until licensure is granted, plus an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00) and, upon eligibility for licensure, imposition of up to one (1) year probation. In the case of a non-licensed veterinarian practicing veterinary medicine in the state of Florida the board shall request that the department issue a cease and desist order and impose an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00) plus one (1) year probation if the subject should become licensed in the state of Florida. In the case of a non-veterinarian practicing veterinary medicine in the state of Florida the board shall request that the department issue a cease and desist order and impose an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00) for each count.</th>
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<td>(b) Using the name or title “veterinarian” when the person has not been licensed pursuant to Chapter 474, F.S.</td>
<td>In the case of an applicant, the usual action of the board shall be to request that the department issue a cease and desist order, which shall remain in effect until licensure is granted, and an administrative fine of one (1) thousand dollars ($1,000.00) and, upon issuance of a license, imposition of one (1) year probation.</td>
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<td>(c) Presenting as one’s own license the license of another.</td>
<td>The usual action of the board shall be to request that the department issue a cease and desist order, and an administrative fine of five thousand dollars ($5,000.00) and, upon issuance of licensure, imposition of one (1) year probation.</td>
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<td>(d) Giving false or forged evidence to the board, or a member thereof, for the purpose of obtaining a license.</td>
<td>In the case of an applicant, the usual action of the board shall be denial of licensure. The usual action of the board in the case of a licensee for a first offense shall be to impose a penalty of an administrative fine of three thousand dollars ($3,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of an administrative fine of five thousand dollars ($5,000.00) and revocation of any license obtained based on false or forged evidence.</td>
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<td>(e) Using or attempting to use a veterinarian’s license which has been suspended or revoked.</td>
<td>In the case of an applicant, the usual action shall be denial of licensure and to request the department issue a cease and desist order. The usual action of the board in the case of a licensee shall be to impose revocation if the subject’s license has been suspended and an administrative fine of five thousand dollars ($5,000.00).</td>
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<td>(f) Knowingly employing unlicensed persons in the practice of veterinary medicine.</td>
<td>The usual action of the board shall be to impose a penalty of up to one (1) year probation and an administrative fine of three thousand dollars ($3,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to one (1) year suspension, followed by up to two (2) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
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<td>(g) Knowingly concealing information relative to a violation of Chapter 474, F.S.</td>
<td>The usual action of the board shall be to impose a penalty of six (6) months probation and an administrative fine of one thousand dollars ($1,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to one (1) year probation and an administrative fine of three thousand dollars ($3,000.00).</td>
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<td>(h) Obtaining or attempting to obtain a license by fraud.</td>
<td>Revocation or denial of licensure plus an administrative fine of five thousand dollars ($5,000.00).</td>
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<td>(i) Selling or offering to sell a diploma conferring a degree in veterinary medicine or a license to practice veterinary medicine in this state.</td>
<td>An administrative fine of five thousand dollars ($5,000.00) and revocation.</td>
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<td>(j) Leading the public to believe that the person is licensed as a veterinarian or is engaged in the licensed practice of veterinary medicine without a valid active license.</td>
<td>In the case of an applicant, the usual action of the board shall be to request the department issue a cease and desist order, which will remain in effect until licensure is granted, plus an administrative fine of two thousand dollars ($2,000.00) and, upon eligibility for licensure, imposition of one (1) year probation. In the case of a non-licensed veterinarian, the board shall request that the department issue a cease and desist order and an administrative fine of two thousand dollars ($2,000.00) plus one (1) year probation if the subject should become licensed in the state of Florida. In the case of a non-veterinarian, the board shall request that the department issue a cease and desist order and an administrative fine of two thousand dollars ($2,000.00) for each count.</td>
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<td>(k) Knowingly operating a veterinary establishment or premises without a valid premise permit.</td>
<td>The usual action of the board shall be an administrative fine of two thousand dollars ($2,000.00). The board shall also require that a premise permit be obtained or request the department to issue a cease and desist order.</td>
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2. When the board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 474.214(1), F.S., it shall issue a final order imposing appropriate penalties, which are set forth in Section 474.214(2), F.S., using the following disciplinary guidelines:
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<tr>
<th>(a) Attempting to procure, or procuring, a license to practice veterinary medicine or a permit to own and operate a veterinary establishment, by bribery, by fraudulent misrepresentation, or through an error of the department or the board.</th>
<th>In the case of an applicant, the usual action of the board shall be denial of licensure or permit. The usual action of the board in the case of a licensee or permittee shall be to impose a penalty of revocation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00).</th>
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<td>(c) Being convicted or found guilty, regardless of an adjudication, of a crime in any jurisdiction which directly relates to the practice of veterinary medicine or the ability to practice veterinary medicine.</td>
<td>In the case of an applicant, the usual action of the board shall be denial of licensure. The usual action of the board in the case of a licensee or permittee shall be to impose a penalty ranging from an administrative fine of two thousand dollars ($2,000.00) and up to one (1) year probation to an administrative fine of five thousand dollars ($5,000.00) and revocation. For a second offense, the usual action of the board shall be to impose a penalty ranging from an administrative fine of five thousand dollars ($5,000.00) and up to two (2) years suspension followed by two (2) years probation to an administrative fine of five thousand dollars ($5,000.00) to revocation.</td>
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<td>(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a licensed veterinarian.</td>
<td>The usual action of the board shall be to impose a penalty of one (1) year suspension followed by one (1) year probation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00) per count or violation. For a second or subsequent offense, the usual action of the board shall be to impose a penalty of a two (2) year suspension followed by two (2) years probation and an administrative fine of five thousand dollars ($5,000.00) to revocation.</td>
</tr>
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<td>(e) Advertising goods or services in a manner which is fraudulent, false, deceptive or misleading in form or content.</td>
<td>In the case of violations which are not resolved by the board’s rule concerning minor violations, the usual action of the board of the shall be to impose an administrative fine of one thousand dollars ($1,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of two (2) years probation and an administrative fine of two thousand dollars ($2,000.00) for each count.</td>
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<tr>
<td>(f) Violating a statute or administrative rule regulating practice under this chapter or Chapter 455, F.S. or a lawful disciplinary order or subpoena of the board or the department.</td>
<td>The usual action of the board shall be to impose a penalty ranging from a reprimand and an administrative fine of two thousand dollars ($2,000.00). For a second or subsequent offense, the usual action of the board shall be to impose up to two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars ($5,000.00). In the case of a subpoena or disciplinary order, the usual action shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of four thousand dollars ($4,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty ranging from up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(g) Practicing with a revoked, suspended or inactive license.</td>
<td>The usual action of the board shall be to impose a penalty consistent with paragraph (1)(a) above. In the case of a licensed veterinarian being found late in payment of renewal fees, the veterinarian shall have thirty days from receipt of official notice from the Department of Business and Professional Regulation to become current in payment of fees to the department and pay an administrative fine of five hundred dollars ($500.00). If the delinquent veterinarian does not respond to the department within the above mentioned thirty days, the board shall request that the department issue a cease and desist order, which shall remain in effect until license renewal fees, the veterinarian shall have thirty days from receipt of official notice from the Department of Business and Professional Regulation to become current in payment of fees to the department and pay an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(h) Being unable to practice veterinary medicine with reasonable skill and safety to patients by reason of illness, drunkenness, use of drugs, narcotics, chemicals, or any other material or substance or as a result of any mental or physical condition.</td>
<td>The usual action of the board shall be to impose a penalty of suspension until such time as the licensee demonstrates rehabilitation followed by probation under such terms and conditions as set by the board. If the individual is an applicant, the usual action shall be to deny the application.</td>
</tr>
<tr>
<td>(i) Judicial determination of mental incompetency.</td>
<td>The usual action of the board shall be to impose a penalty of suspension or denial of licensure until there is a legal restoration of the licensee’s competency to be followed by probation under such terms and conditions as set by the board.</td>
</tr>
<tr>
<td>(j) Knowingly maintaining a professional connection or association with any person who is in violation of the provisions of Chapter 474, F.S., or the rules of the board.</td>
<td>The usual action of the board shall be to impose a penalty of an administrative fine of three thousand dollars ($3,000.00) and one (1) year probation. For a second or subsequent offense, the usual action of the board shall be to impose a penalty of an administrative fine of five thousand dollars ($5,000.00) and up to two (2) years probation.</td>
</tr>
<tr>
<td>(k) Paying or receiving kickbacks, rebates, bonuses or other remuneration for receiving a patient or client or for referring a patient or client to another provider of veterinary services or goods. In construing this section, the board shall deem that a referral to an entity with which the veterinarian has a contractual relationship, for the sale of non-veterinary, non-medical pet food or pet supplies, does not constitute a kickback, so long as the client is aware of the relationship.</td>
<td>The usual action of the board for those violations not disposed of by the board’s rule concerning minor violations shall be to impose a penalty of a one (1) year probation and an administrative fine of one thousand dollars ($1,000.00) for each count. For a second or subsequent offense, the usual action of the board shall be to impose a penalty of two (2) years probation and an administrative fine of two thousand dollars ($2,000.00) for each count.</td>
</tr>
<tr>
<td>(l) Performing or prescribing unnecessary or unauthorized treatment.</td>
<td>The usual action of the board shall be to impose a penalty ranging from a reprimand to one (1) year probation and an administrative fine up to two thousand dollars ($2,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty ranging from a reprimand to two (2) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(m) Engaging in fraud in the collection of fees from consumers or any person, agency or organization paying fees to practitioners.</td>
<td>The usual action of the board shall be to impose a penalty of up to two (2) years suspension followed by one (1) year probation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose two (2) years suspension followed by two (2) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(n) Attempting to restrict competition in the field of veterinary medicine other than for the protection of the public.</td>
<td>The usual action of the board shall be to impose a penalty of one (1) year probation and an administrative fine of two thousand dollars ($2,000.00). For a second or subsequent offense, and revocation of the veterinarian’s license to practice in the state of Florida.</td>
</tr>
<tr>
<td>(o) Fraud, deceit, negligence, incompetency or misconduct in the practice of veterinary medicine.</td>
<td></td>
</tr>
<tr>
<td>(p) Being convicted of a charge of cruelty to animals.</td>
<td>The usual action of the board shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of four thousand dollars ($4,000.00). For a second or subsequent offense, an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(q) Permitting or allowing another to use a veterinarian’s license for the purpose of treating or offering to treat sick, injured or afflicted animals.</td>
<td>The usual action of the board shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(r) Being guilty of incompetence or negligence by failing to practice veterinary medicine with that level of care, skill and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar condition and circumstances.</td>
<td>The usual action of the board shall be to impose a penalty ranging from up to one (1) year probation and an administrative fine from two thousand dollar ($2,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to one (1) year suspension followed by two (2) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
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<tr>
<td>(s) Willfully making any misrepresentations in connection with the inspection of food for human consumption.</td>
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<tr>
<td>(t) Fraudulently issuing or using any false health certificate, vaccination certificate, test chart or other blank form used in the practice of veterinary medicine relating to the presence or absence of animal diseases or transporting animals or issuing any false certificate relating to the sale of products of animal origin for human consumption.</td>
<td>The usual action of the board shall be to impose a penalty ranging from up to one (1) year suspension followed by one (1) year probation and an administrative fine of three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of an administrative fine of five thousand dollars ($5,000.00) and revocation.</td>
</tr>
<tr>
<td>(u) Engaging in fraud or dishonesty in applying, treating, or reporting on tuberculin, diagnostic or other biological tests.</td>
<td>The usual action of the board shall be to impose a penalty ranging from up to one (1) year suspension followed by one (1) year probation to revocation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose an administrative fine of five thousand dollars ($5,000.00) and revocation.</td>
</tr>
<tr>
<td>(v) Failing to keep the equipment and premises of the business establishment in a clean and sanitary condition or having a premise permit suspended or revoked pursuant to Section 474.215, F.S.</td>
<td>The usual action of the board shall be to suspend the premise permit until compliance with requirements followed by up to one (1) year probation and an administrative fine from one thousand dollars ($1,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to suspend the premise permit until compliance with requirements followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(w) Practicing veterinary medicine at a location for which a valid premise permit has not been issued when required under Section 474.215, F.S.</td>
<td>The usual action of the board shall be to impose an administrative fine of one thousand dollars ($1,000.00) penalty and to require remedial education. The board shall also require that a premise permit be obtained or the department shall be requested to issue a cease and desist order. For a second or subsequent offense, the usual action of the board shall be to impose an administrative fine of three thousand dollars ($3,000.00).</td>
</tr>
<tr>
<td>(x) Refusing to permit the department to inspect the business premises of the licensee during regular business hours.</td>
<td>The usual action of the board shall be to impose a penalty of an administrative fine of two thousand dollars ($2,000.00), unless circumstances legally justify such action by the veterinarian and/or request that the department issue a cease and desist order. For a second or subsequent offense, the usual action of the board shall be to impose an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(y) Using the privilege of ordering, prescribing, or making available medicinal drugs or drugs defined in Chapter 465, F.S., or controlled substances as defined in Chapter 893, F.S., or for use other than for the specific treatment of animal patients for which there is a documented veterinarian/client/patient relationship. Pursuant thereto, the veterinarian shall:</td>
<td></td>
</tr>
<tr>
<td>1. Have sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal, which means that the veterinarian is personally acquainted with the keeping and the caring of the animal and has recent contact with the animal or has made medically appropriate and timely visits to the premises where the animal is kept.</td>
<td></td>
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<tr>
<td>2. Be available to provide for follow-up care and treatment in case of adverse reactions of failure of the regimen of therapy.</td>
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<tr>
<td>3. Maintain records which document patient visits, diagnosis, treatment and other relevant information required under this chapter. The documented patient/client/veterinarian relationship cited in Section 474.214, F.S. is herein defined as a veterinarian’s record of a client’s animal which documents that the veterinarian has seen the animal in a professional capacity within a period of 12 months or less.</td>
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</tr>
<tr>
<td>(z) Providing, prescribing, ordering, or making available for human use medicinal drugs or drugs as defined in Chapter 465, F.S., controlled substances as defined in Chapter 893, F.S., or any material, chemical, or substance used exclusively for animal treatment.</td>
<td>For violations involving medicinal drugs or drugs defined in Chapter 465, F.S., the usual action of the board shall be to impose a penalty ranging from a reprimand up to one (1) year probation followed by one (1) year probation and an administrative fine from two thousand dollars ($2,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to two (2) years probation followed by two (2) years probation and an administrative fine of five thousand dollars ($5,000.00). For violations involving controlled substances as defined in Chapter 893, F.S., the usual action of the board shall be to impose a penalty of two (2) years suspension to revocation and an administrative fine of four thousand dollars ($4,000.00). For a second or subsequent offense, the usual action of the board shall be to impose an administrative fine of five thousand dollars ($5,000.00) and revocation.</td>
</tr>
<tr>
<td>(aa) Failing to report to the department any person the licensee knows to be in violation of Chapter 474, F.S., or the rules of the Board or Department.</td>
<td>The usual action of the board shall be issuance of a reprimand and an administrative fine of up to one thousand dollars ($1,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to one (1) year probation and an administrative fine up to three thousand dollars ($3,000.00).</td>
</tr>
<tr>
<td>(bb) Violating any of the requirements of Chapter 499, F.S., the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the Federal Food, Drug and Cosmetic Act; 21 U.S.C. ss. 821 seq., the Comprehensive Drug Abuse Prevention and Control Act of 1970, more commonly known as the Federal Drug Abuse Act; or Chapter 893, F.S.</td>
<td>The usual action of the board shall be to impose a penalty of up to two (2) years probation and an administrative fine from two thousand dollars ($2,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be up to two (2) years suspension followed by three (3) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(cc) Failing to provide adequate radiation safeguards.</td>
<td>The usual action of the board shall be issuance of a reprimand plus the violator must pay cost of investigation and provide proof of compliance with the rule.</td>
</tr>
<tr>
<td>(dd) Failing to perform any statutory or legal obligation placed upon a licensee.</td>
<td>The usual action of the board shall be a penalty ranging from the issuance of a reprimand and an administrative fine of one thousand dollars ($1,000.00) up to revocation and an administrative fine of up to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of a reprimand to revocation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(ee) Failing to keep contemporaneously written medical records as required by rule of the board.</td>
<td>The usual action of the board shall be issuance of a reprimand and up to one (1) year probation, and an administrative fine of up to two thousand dollars ($2,000.00). For a second or subsequent offense, the usual action of the board shall be a penalty of two (2) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(ff) Prescribing or dispensing legend drugs as defined in Chapter 465, F.S., including any controlled substance, inappropriately or in excessive or inappropriate quantities.</td>
<td>The usual action of the board shall be to impose a penalty of an administrative fine from two thousand dollars ($2,000.00) to five thousand dollars ($5,000.00) and up to two (2) years probation. For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to one (1) year suspension followed by three (3) years probation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(gg) Practicing or offering to practice beyond the scope permitted by law.</td>
<td>The usual action of the board shall be issuance of a reprimand and an administrative fine from one thousand dollars ($1,000.00) to three thousand dollars ($3,000.00). For a second or subsequent offense, the usual action of the board shall be two (2) years probation and an administrative fine of up to five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(hh) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, or licensure to perform them.</td>
<td>The usual action of the board shall be to impose a penalty of an administrative fine from one thousand five hundred dollars ($1,500.00) to three thousand dollars ($3,000.00) and up to one (1) year probation. For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to one (1) year suspension followed by up to two (2) years probation to revocation and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(ii) Presigning blank prescription forms.</td>
<td>The usual action of the board shall be to impose a penalty ranging from up to one (1) year suspension of the veterinarian’s license followed by up to one (1) year probation to revocation and an administrative fine of up to two thousand dollars ($2,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation to revocation and an administrative fine up to five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(jj) Failing to report to the board within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner’s license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.</td>
<td>The usual action of the board shall be the issuance of a reprimand and an administrative fine from one thousand dollars ($1,000.00) to three thousand dollars ($3,000.00). For a second or subsequent offense, the usual action of the board shall be the issuance of a reprimand and an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(kk) Aiding or assisting another person in violating any provision of this chapter or any rule adopted pursuant thereto.</td>
<td>The usual action of the board shall be to impose a penalty from one (1) to three (3) years probation and an administrative fine from one thousand dollars ($1,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to two (2) years suspension followed by up to three (3) years probation to revocation and an administrative fine of up to five thousand dollars ($5,000.00).</td>
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<tr>
<td>Paragraph</td>
<td>Description</td>
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<td>(II)</td>
<td>Failing to respond within 60 days after receipt of a request to provide satisfactory proof of having participated in approved continuing education programs. The usual action of the board shall be suspension until the board receives an acceptable response. If the board receives an acceptable response to the request and an administrative fine from one thousand dollars ($1,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be suspension until the board receives an acceptable response to the request and an administrative fine of five thousand dollars ($5,000.00).</td>
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<tr>
<td>(mm)</td>
<td>Failing to maintain accurate records or reports as required by this chapter or by federal or state laws or rules pertaining to the storing, labeling, selling, dispensing, prescribing and administering of controlled substances. The usual action of the board shall be an administrative fine from one thousand five hundred dollars ($1,500.00) to five thousand dollars ($5,000.00) and up to two (2) years probation. For a second or subsequent offense, the usual action of the board shall be up to three (3) years probation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00).</td>
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<tr>
<td>(nn)</td>
<td>Failing to report a change of address to the board within 60 days thereof. The usual action of the board shall be an administrative fine of one thousand dollars ($1,000.00). For a second or subsequent offense, the usual action of the board shall be an administrative fine of three thousand dollars ($3,000.00).</td>
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<tr>
<td>(oo)</td>
<td>Failure of the responsible veterinarian or permittee to report a change of premises ownership or responsible veterinarian within 60 days thereof. The usual action of the board shall be an administrative fine of one thousand dollars ($1,000.00). For a second or subsequent offense, the usual action of the board shall be an administrative fine of three thousand dollars ($3,000.00).</td>
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<tr>
<td>(pp)</td>
<td>Failing to give the owner of a patient, before dispensing any drug, a written prescription when requested. The usual action of the board shall be an administrative fine of two thousand dollars ($2,000.00). For a second or subsequent offense, the usual action of the board shall be an administrative fine from three thousand dollars to five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>3.</td>
<td>When the board finds an applicant, licensee, or permittee whom it regulates under Chapter 474, F.S., has committed any of the acts set forth in Section 455.227(1), F.S., it will issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:</td>
</tr>
<tr>
<td>(a)</td>
<td>Misleading, deceptive, untrue or fraudulent representations in the practice of veterinary medicine. The usual action of the board will be to impose a penalty ranging from up to one (1) year probation and an administrative fine of up to two thousand dollars ($2,000.00) to revocation and an administrative fine of up to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be a penalty of up to two (2) years probation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00).</td>
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<tr>
<td>(b)</td>
<td>Intentionally violating any rule adopted by the board or the department. The usual action of the board will be to impose a penalty ranging from the issuance of a reprimand and an administrative fine from two thousand dollars ($2,000.00) to five thousand dollars ($5,000.00) to revocation and an administrative fine of up to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be a penalty ranging from up to one (1) year probation to revocation and an administrative fine from three thousand dollars to five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(c)</td>
<td>Being convicted of a felony which relates to the practice of veterinary medicine. The usual action of the board will be revocation and an administrative fine of up to five thousand dollars ($5,000.00).</td>
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<tr>
<td>(d)</td>
<td>Being adjudicated mentally incompetent. The usual action of the board will be consistent with paragraph (2)(j) above.</td>
</tr>
<tr>
<td>(e)</td>
<td>The license has been obtained by fraud or material misrepresentation of a material fact. The usual action of the board will be revocation of the license and an administrative fine of up to five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(f)</td>
<td>Use of a Class III or a Class IV laser device or product, as defined by federal regulations, without having complied with the rules promulgated pursuant to Section 501.122(2), F.S., governing the registration of such devices with the Department of Health and Rehabilitation. The usual action of the board will be an administrative fine of up to three thousand dollars ($3,000.00). For a second or subsequent offense, the usual action of the board shall be an administrative fine of five thousand dollars ($5,000.00).</td>
</tr>
<tr>
<td>(g)</td>
<td>Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. The usual action of the board will be to impose a penalty ranging from the issuance of a reprimand up to two (2) years suspension followed by up to two (2) years probation and an administrative fine from two thousand dollars ($2,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty of up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00).</td>
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</table>
(h) Making deceptive, untrue or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.

The usual action of the board will be to impose a penalty ranging from up to two (2) years suspension followed by up to two (2) years probation and an administrative fine of up to three thousand dollars ($3,000.00) to revocation and an administrative fine of up to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be to impose a penalty ranging from up to three (3) years suspension followed by three (3) years probation to revocation and an administrative fine of five thousand dollars ($5,000.00).

(i) Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party.

The usual action of the board will be up to two (2) years suspension followed by up to two (2) years probation and an administrative fine from three thousand dollars ($3,000.00) to five thousand dollars ($5,000.00). For a second or subsequent offense, the usual action of the board shall be up to three (3) years suspension followed by up to three (3) years probation to revocation and an administrative fine of five thousand dollars ($5,000.00).

5. Penalties imposed by the board pursuant to subsections (1), (2) and (3) above may be imposed in combination or individually, and are as follows:
   a. Issuance of a reprimand.
   b. Imposition of an administrative fine not to exceed five thousand dollars ($5,000.00) for each count or separate offense.
   c. Restriction of the authorized scope of practice.
   d. Placement of the licensee on probation for a period of time and subject to such conditions as the board may specify, including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee.
   e. Suspension of a license.
   f. Revocation of a license.
   g. Denial of an application for licensure or a permit to own and operate a veterinary establishment.
   h. The taking and passing of a clinical competency specialty examination.

6. The provisions of subsections (1) through (5) above are not intended and shall not be construed to limit the ability of the board to informally dispose of disciplinary actions by stipulation, agreed settlement or consent order pursuant to Section 120.57(3), F.S.

7. The provisions of subsections (1) through (5) above are not intended and shall not be construed to limit the ability of the board to pursue or recommend the department pursue collateral civil or criminal actions when appropriate.
<table>
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<tr>
<th>FLORIDA LAWS AND RULES GOVERNING THE VETERINARY PRACTICE</th>
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<tr>
<td>Final Examination Questions</td>
</tr>
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</table>

Choose true or false for each question and mark your answers on the answer sheet found on page 65 or complete your test online at www.veterinarianCE.com.

11. As defined under Florida law, “limited-service veterinary medical practice” means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services.

   True  False

12. The Board of Veterinary Medicine consists of 10 members appointed by the governor.

   True  False

13. If a veterinarian is found in violation of any law or rule, an administrative fine of up to $10,000 may be imposed for each count or separate offense.

   True  False

14. Notwithstanding any provision of law to the contrary, the department may issue subpoenas duces tecum requiring the names and addresses of some or all the clients of a licensed veterinarian against whom a complaint has been filed pursuant to s. 455.225 when the information has been deemed necessary and relevant to the investigation as determined by the secretary of the department.

   True  False

15. Any practitioner who provides veterinary service on a house-call basis and who does not maintain a veterinary establishment for receipt of patients must obtain a premises permit.

   True  False

16. Florida Statute 474.216 states that each person to whom a license or premises permit is issued shall keep such document conspicuously displayed in her or his office, place of business or place of employment, whether a permanent or mobile veterinary establishment or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the board.

   True  False

17. The preferred delivery of a lethal drug for humane euthanasia of dogs and cats is a powder added to its food.

   True  False

18. Florida statute 828.161 makes it unlawful for any person to sell, offer for sale or give away as merchandising premiums, baby chickens, ducklings or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys or retail premiums.

   True  False

19. Florida statute 828.29 requires that each dog transported into the state for sale must have tests, vaccines and anthelmintics administered no more than 10 days and no less than 4 days before the dog’s entry into the state.

   True  False

20. All dogs and cats offered for sale and copies of certificates held by the seller and veterinarian are subject to inspection by any agent of the Department of Agriculture and Consumer Services, any agent of the United States Department of Agriculture, any law enforcement officer or any agent appointed under Florida statute, 828.03.

   True  False

21. Florida statute 828.30 requires that all dogs, cats and ferrets 4 months of age or older must be vaccinated by a licensed veterinarian against rabies with a vaccine that is licensed by the United States Department of Agriculture for use in those species.

   True  False

22. Under rule 61G18-21.001, a veterinarian who advertises a veterinary hospital or clinic shall include in all emergency hospital or clinic advertisements the hours during which such emergency services are provided and the availability of the veterinarian who is to provide the emergency service.

   True  False

23. The usual action of the board is to impose a penalty of 36 months probation and a $10,000 fine for knowingly concealing information relative to a violation of Chapter 474, F.S., which prohibits persons from practicing veterinary medicine in the state without an active license.

   True  False

24. The usual action of the board is to impose a penalty of $2,000 for knowingly operating a veterinary establishment or premises without a valid permit.

   True  False

25. Exercising influence on the patient or client for the purpose of financial gain of the licensee or a third party usually results in a suspension of up to two years followed by 2 years of probation and a fine.

   True  False

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