

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Regulated Industries

BILL: SB 334

INTRODUCER: Senator Burgess

SUBJECT: Rabies Vaccinations

DATE: January 9, 2024

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Kraemer</u>	<u>Imhof</u>	<u>RI</u>	Favorable
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 334 authorizes employees, agents, or contractors of an animal control authority to administer rabies vaccinations to impounded dogs, cats, and ferrets that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. The rabies vaccinations may be administered under the indirect supervision of a veterinarian, who must be available for consultation, through telecommunications, rather than be physically present during the consultation. Under the bill, the supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under the veterinarian's direction and supervision.

The bill is effective July 1, 2024.

II. Present Situation:

Veterinary Medicine, the Practice of Veterinary Medicine, and Exempted Persons

In 1979, the Legislature determined the practice of veterinary medicine to be potentially dangerous to public health and safety if conducted by incompetent and unlicensed practitioners and that minimum requirements for the safe practice of veterinary medicine are necessary.¹ The Board of Veterinary Medicine (board) in the Department of Business and Professional Regulation (DBPR) implements the provisions of ch. 474, F.S., on Veterinary Medical Practice.² A veterinarian is a health care practitioner licensed to engage in the practice of veterinary

¹ See s. 474.201, F.S.

² See s. 474.204 through 474.2125, F.S., concerning the powers and duties of the board.

medicine in Florida under ch. 474, F.S.³ In Fiscal Year 2021-2022, there were 12,360 actively licensed veterinarians in Florida.⁴

Veterinary medicine⁵ includes, with respect to animals:⁶

- Surgery;
- Acupuncture;
- Obstetrics;
- Dentistry;
- Physical therapy;
- Radiology;
- Theriogenology (reproductive medicine);⁷ and
- Other branches or specialties of veterinary medicine.

The practice of veterinary medicine is the diagnosis of medical conditions of animals, and the prescribing or administering of medicine and treatment to animals for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease, or holding oneself out as performing any of these functions.⁸ Veterinarians who are incompetent or present a danger to the public are subject to discipline and may be prohibited from practicing in the state.⁹

Eleven categories of persons are exempt from complying with ch. 474, F.S.:¹⁰

- Faculty veterinarians with assigned teaching duties at accredited¹¹ institutions;
- Intern/resident veterinarians at accredited institutions who are graduates of an accredited institution, but only until they complete or terminate their training;

³ See s. 474.202(11), F.S.

⁴ See Department of Business and Professional Regulation, *Division of Professions Annual Report Fiscal Year 2021-2022*, at page 18, at <http://www.myfloridalicense.com/DBPR/os/documents/Division%20Annual%20Report%20FY%2021-22.pdf> (last visited Jan. 4, 2024), which is the latest such Annual Report issued by the DBPR.

⁵ See s. 474.202(13), F.S.

⁶ Section 474.202(1), F.S., defines “animal” as “any mammal other than a human being or any bird, amphibian, fish, or reptile, wild or domestic, living or dead.”

⁷ The Society for Theriogenology, established in 1954, is composed of veterinarians dedicated to standards of excellence in animal reproduction. See <https://www.therio.org/> (last visited Jan. 4, 2024).

⁸ Section 474.201, F.S. See s. 474.202(9), F.S. Also included is the determination of the health, fitness, or soundness of an animal, and the performance of any manual procedure for the diagnosis or treatment of pregnancy, fertility, or infertility of animals.

⁹ See s. 474.213, F.S., on prohibited acts, and s. 474.214, F.S., on disciplinary proceedings.

¹⁰ See s. 474.203, F.S.

¹¹ Sections 474.203(1) and (2), F.S., provide that accreditation of a school or college must be granted by the American Veterinary Medical Association (AVMA) Council on Education, or the AVMA Commission for Foreign Veterinary Graduates. The AVMA Council on Education is recognized by the Council for Higher Education Accreditation (CHEA) as the accrediting body for schools and programs that offer the professional Doctor of Veterinary Medicine degree (or its equivalent) in the United States and Canada, and may also approve foreign veterinary colleges. See <https://www.avma.org/education/center-for-veterinary-accreditation/accreditation-policies-and-procedures-avma-council-education-coe/coe-accreditation-policies-and-procedures-accreditation> (last visited Jan. 4, 2024). The AVMA Commission for Foreign Veterinary Graduates assists graduates of foreign, non-accredited schools to meet the requirement of most states that such foreign graduates successfully complete an educational equivalency assessment certification program. See <https://www.avma.org/professionaldevelopment/education/foreign/pages/ecfvg-about-us.aspx> (last visited Jan. 4, 2024). In turn, the Council for Higher Education Accreditation, a national advocate for regulation of academic quality through accreditation, is an association of degree-granting colleges and universities. See <http://chea.org/about> (last visited Jan. 4, 2024).

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- Students in a school or college of veterinary medicine who perform assigned duties by an instructor (no accreditation of the institution is required), or work as preceptors¹² (if the preceptorship is required for graduation from an accredited institution);
 - Doctors of veterinary medicine employed by a state agency or the United States Government while actually engaged in the performance of official duties at the installations for which the services were engaged;
 - Persons or their employees caring for the persons' own animals, as well as part-time or temporary employees, or independent contractors, who are hired by an owner to help with herd management and animal husbandry tasks (excluding immunization or treatment of diseases that are communicable to humans and significant to public health) for herd and flock animals, with certain limitations; however, the exemption is not available to a person licensed as a veterinarian in another state and temporarily practicing in Florida, or convicted of violating ch. 828, F.S., on animal cruelty, or of any similar offense in another jurisdiction, and employment may not be provided for the purpose of circumventing ch. 474, F.S.;
 - Certain entities or persons¹³ that conduct experiments and scientific research on animals as part of the development of pharmaceuticals, biologicals, serums, or treatment methods or techniques to diagnose or treat human ailments, or in the study and development of methods and techniques applicable to the practice of veterinary medicine;
 - Veterinary aides, nurses, laboratory technicians, preceptors, or other employees of a licensed veterinarian, who administer medication or provide help or support under the responsible supervision¹⁴ of a licensed veterinarian;
 - Certain non-Florida veterinarians who are licensed and actively practicing veterinary medicine in another state, are board certified in a specialty recognized by the Florida Board of Veterinary Medicine, and are assisting upon request of a Florida-licensed veterinarian to consult on the treatment of a specific animal or on the treatment on a specific case of the animals of a single owner;
 - Employees, agents, or contractors of public or private animal shelters, humane organizations, or animal control agencies operated by a humane organization, county, municipality, or incorporated political subdivision, whose work is confined solely to implanting radio frequency identification device microchips in dogs and cats in accordance with s. 823.15, F.S.;¹⁵
 - Paramedics or emergency medical technicians providing emergency medical care to a police canine¹⁶ injured in the line of duty while at the scene of the emergency or while the police canine is being transported to a veterinary clinic or similar facility; and

¹² A preceptor is a skilled practitioner or faculty member, who directs, teaches, supervises, and evaluates students in a clinical setting to allow practical experience with patients. See <https://www.merriam-webster.com/dictionary/preceptor#medicalDictionary> (last visited Jan. 4, 2024).

¹³ See s. 474.203(6), F.S., which states that the exemption applies to “[s]tate 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. . . .”

¹⁴ The term “responsible supervision” is defined in s. 474.202(10), F.S., as the “control, direction, and regulation by a licensed doctor of veterinary medicine of the duties involving veterinary services” delegated to unlicensed personnel.

¹⁵ See s. 823.15(5), F.S., which authorizes such persons to perform microchipping of dogs and cats.

¹⁶ Section 401.254, F.S., defines the term “police canine” as “any canine that is owned, or the service of which is employed, by a state or local law enforcement agency, a correctional agency, a fire department, a special fire district, or the State Fire Marshal for the principal purpose of aiding in the detection of criminal activity, flammable materials, or missing persons; the enforcement of laws; the investigation of fires; or the apprehension of offenders.” A paramedic or an emergency medical

- Veterinarians who hold an active license to practice veterinary medicine in another jurisdiction in the United States, are in good standing in such jurisdiction, and who perform dog or cat sterilization services or routine preventative health services at the time of sterilization as an unpaid volunteer under the responsible supervision of a veterinarian licensed in Florida. Out-of-state veterinarians practicing pursuant to this exemption are not eligible to apply for premises permits for veterinary establishments.

Persons who are eligible faculty veterinarians, intern veterinarians, resident veterinarians, or state or federal veterinarians exempt from complying with ch. 474, F.S., are deemed to be duly licensed practitioners authorized to prescribe drugs or medicinal supplies.¹⁷

Rabies Vaccinations

In Florida, all dogs, cats, and ferrets¹⁸ four months of age or older must be vaccinated against rabies at the expense of their owners by a licensed veterinarian.¹⁹ Rabies is a fatal but preventable viral disease that can spread to people and pets bitten or scratched by a rabid animal.²⁰ According to the Centers for Disease Control and Prevention (CDC), a component of the United States Department of Health and Human Services, most rabies deaths in people around the world are caused by dog bites.²¹ Because of laws in the United States requiring dogs to be vaccinated for rabies, dogs make up only about one percent of rabid animals reported nationally each year.²²

Rabies vaccines are licensed by the United States Department of Agriculture, and revaccinations are required 12 months after the initial vaccine.²³ Thereafter, the interval between vaccinations is set by the vaccine manufacturer.²⁴

A dog, cat, or ferret is exempt from vaccination against rabies if a licensed veterinarian has examined the animal and certified that vaccination at that time would endanger the animal's health because of its age, infirmity, disability, illness, or other medical considerations; however, an exempt animal must be vaccinated against rabies as soon as its health permits.²⁵

After administering a rabies vaccination, the licensed veterinarian must provide a certificate to the animal's owner and the animal control authority, using the "Rabies Vaccination Certificate" of the National Association of State Public Health Veterinarians (NASPHV), or an equivalent

technician who acts in good faith to provide emergency medical care to an injured police canine is immune from criminal or civil liability.

¹⁷ See s. 474.203, F.S. (flush left language).

¹⁸ Ferrets that are vaccinated as required must be quarantined when necessary, in accordance with administrative rules of the Florida Department of Health. See s. 828.30(4), F.S., and Fla. Admin. Code R. 64D-3.040.

¹⁹ See s. 828.30, F.S.

²⁰ See <https://www.cdc.gov/rabies/index.html> (last visited Jan. 4, 2024). In the United States, rabies is mostly found in wild animals like bats, raccoons, skunks, and foxes.

²¹ *Id.*

²² *Id.*

²³ See s. 828.30(1), F.S.

²⁴ *Id.* Evidence of rabies antibodies may not be substituted for a current vaccination in managing rabies exposure or determining the need for booster vaccinations.

²⁵ See s. 828.30(2), F.S.

form approved by the local government that contains the same information as the NASPHV certificate.²⁶ A signature stamp may be used in lieu of the veterinarian's actual signature.

An animal owner's name, street address, phone number, and animal tag number in a rabies vaccination certificate provided to an animal control authority is a public record exempt from the inspection and copying requirements of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.²⁷ However, all information in a rabies vaccination certificate for a particular animal biting, scratching, or otherwise causing exposure, may be provided to:

- A person who has been bitten, scratched, or otherwise exposed to a disease such as rabies that spreads between animals and people (zoonotic disease),²⁸ or that person's physician;
- A veterinarian 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.²⁹

In addition, any person with an animal tag number may receive vaccination certificate information with regard to that animal. The following entities must be provided the information in rabies vaccination certificates for the purpose of controlling the transmission of rabies, but may not release the exempt information to third parties:

- Law enforcement and prosecutorial agencies;
- Other animal control authorities;
- Emergency and medical response and disease control agencies; or
- Other governmental health agencies.³⁰

Release of exempt information contained in a rabies vaccine certificate is a civil infraction that could subject those cited for a violation to a civil penalty of up to \$500.³¹

Municipalities and counties are not prohibited from establishing similar or more stringent requirements than those described above for rabies control ordinances; however, local governments may not mandate revaccination of currently vaccinated animals except in instances involving treatment for rabies after an exposure.³²

III. Effect of Proposed Changes:

Section 1 amends s. 828.30, F.S., to authorize employees, agents, or contractors of an animal control authority to administer rabies vaccinations to impounded dogs, cats, and ferrets that will be transferred, rescued, fostered, adopted, or reclaimed by the owner.

²⁶ See s. 828.30(3), F.S.

²⁷ See s. 828.30(5), F.S.

²⁸ See information from the CDC about zoonotic diseases that are caused by germs that spread between animals and people at <https://www.cdc.gov/onehealth/basics/zoonotic-diseases.html> (last visited Jan. 4, 2024).

²⁹ See s. 828.30(5), F.S.

³⁰ *Id.*

³¹ See s. 828.30(6), F.S., and s. 828.27(2), F.S., authorizing the governing body of a county or municipality to enact ordinances relating to animal control or cruelty, and setting forth requirements for penalties, citations, and related procedures, respectively.

³² See s. 828.30(7), F.S.

The rabies vaccinations may be administered under the indirect supervision of a veterinarian. Under the bill, the supervising veterinarian assumes responsibility for the veterinary care given to the animal by any person working under the veterinarian's direction and supervision. The bill defines the term "indirect supervision" to mean the supervising veterinarian is required to be available for consultation through telecommunications, rather than be physically present during the consultation.

Section 2 amends s. 474.203, F.S. to revise the requirement that only a veterinarian may immunize or treat an animal for diseases that are communicable to humans and that are of public health significance, to allow those persons authorized by the bill to administer rabies vaccines, as discussed in **Section 1** above.

Section 3 amends s. 767.16, F.S., to revise the exemption from quarantine requirements for any service dog that bites another animal or human, if the dog has a current rabies vaccination administered by a licensed veterinarian or those persons authorized by the bill to administer rabies vaccines, as discussed in **Section 1** above.

Section 4 amends s. 828.29, F.S., to revise the requirements for rabies vaccines for dogs and cats offered for sale within the state that are over the age of three months to be administered by a licensed veterinarian or those persons authorized by the bill to administer rabies vaccines, as discussed in **Section 1** above.

Section 5 provides the bill is effective July 1, 2024.

IV. **Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Certain rabies vaccinations may be administered by employees, agents, or contractors of an animal control authority to impounded dogs, cat, and ferrets that will be transferred, rescued, fostered, adopted, or reclaimed by the owner. This vaccination method may allow vaccination of impounded animals to occur more quickly and reduce costs to animal control authorities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 474.203, 767.16, 828.29, and 828.30.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.