



Florida Veterinary Medical Association End of Session Report - 2021

The 2021 legislative session has concluded as of April 30, 2021. Approximately 13 percent of the 1,839 general bills passed the Legislature, which remains near a historical low after a precipitous drop after the 2008 recession. Pandemic-related legislation consumed much of the floor time in the past two weeks of the Legislature, foreclosing opportunities for other issues to receive a hearing. Bills related to veterinary telemedicine and animal cruelty were among those that died.

Looking ahead to future meetings, the Legislature will convene in special session in May and June for issues related to casino gaming and appropriation of federal relief funds, respectively. In addition, interim committee hearings for the 2022 legislative session will likely begin in September. Committee hearings will continue each month through December 2021, in advance of a January 11, 2022 start to the 2022 legislative session.

General Bills of Importance

HB 0001 Combating Public Disorder - Approved by Governor

- The bill addresses acts of public disorder to define previously undefined offenses of affray, riot, and inciting a riot and creates the offenses of aggravated rioting and aggravated inciting a riot.
- Requires a person arrested for unlawful assembly, riot, and certain offenses committed in furtherance of a riot or aggravated riot, to be held in jail until he or she appears for a first appearance hearing and a court determines bond.
- Creates a budget appeal process to challenge reductions in municipal law enforcement agencies' budgets similar to that available to a county sheriff.
- Provides that a municipality is civilly liable for specified damages proximately caused by the municipality's breach of a duty to allow the municipal law enforcement agency to respond appropriately to protect persons and property during a riot or an unlawful assembly.
- Creates the crime of mob intimidation, which prohibits a mob from using force or the threat of imminent force to compel or induce, or attempt to compel or induce, a person to do or refrain from doing any act or to assume, abandon, or maintain a particular viewpoint against that person's will.
- Reclassifies the degree, and increases the offense severity level ranking, of specified burglary and theft offenses committed during a riot or an aggravated riot when facilitated by conditions arising from the riot.
- Creates the crime of cyberintimidation by publication, which prohibits a person from electronically publishing another person's personal identification information with the intent to incite violence or commit a crime against the person or threaten or harass the person, placing the other person in reasonable fear of bodily harm.

HB 0009 Protecting Consumers Against Pandemic-related Fraud

- The bill provides that it is a third degree felony to knowingly and willfully make a materially false or misleading statement relating to the characteristics, authenticity, effectiveness, or availability of personal protective equipment.
- The bill also provides that it is a third degree felony to knowingly and willfully make a materially false or misleading statement regarding the availability of or access to a vaccine for COVID-19.

SB 0054 Motor Vehicle Insurance

- The bill repeals the Florida Motor Vehicle No-Fault Law, and thus repealing the requirement to purchase personal injury protection (PIP) insurance.
- Instead, the bill requires owners and operators of motor vehicles in Florida to maintain financial responsibility of at least \$25,000 for bodily injury or death of one person, and subject to such limit, \$50,000 for bodily injury or death of two or more persons.
- The bill mandates that insurers offer MedPay at limits of \$5,000 and \$10,000 with zero deductible.
- MedPay is an “opt-out” coverage, meaning that the policy will be presumed to have \$10,000 in MedPay without a deductible unless the insured declines coverage, selects an alternative coverage limit, or selects a deductible.

SB 0076 Property Insurance

- The bill mandates a property insurance claimant must provide DFS with written notice of intent to initiate litigation on a form provided by DFS. Notice must be provided at least 10 business days before filing suit, but may not be given before the earlier of the insurer's denial of coverage or that 90-day period to adjust a claim.
- The court must dismiss without prejudice any claimant's suit if the claimant has not complied with the requirement to provide 10 business days' notice of intent to initiate litigation to adjust a claim.
- If the claimant's recovery above the insurer's settlement offer is at least 50% of the disputed amount, the insurer pays all the claimant's fees.
- If the recovery above the insurer's settlement offer is at least 20% but less than 50% of the disputed amount, then the insurer must pay the same percentage of the claimant's attorney fees and costs.
- If the claimant's recovery above the insurer's settlement offer is less than 20% of the disputed amount, there is no fee award of attorney's fees.

SB 0090 Election Administration - Approved by Governor

- The bill limits a person's lawful possession of a VBM ballot to his or her own, those of his or her immediate family, and two others, and expands the definition of “immediate family” to include a grandchild.
- Prohibits a governmental entity from mailing or otherwise providing a VBM ballot without a request.
- Requiring that a voter's signature be verified against a signature within the preceding 4 years.
- Limits use of drop boxes to a county's early voting hours of operation and requires drop boxes at all locations to be monitored in person.
- Moves up the starting time for canvassing vote-by-mail ballots from 22 days before an election to 35-40 days before an election.
- Reduces the number of elections for which one request for a vote-by-mail (VBM) ballot is sufficient to all elections through the end of the calendar year of the next regularly scheduled general election.
- The bill takes effect July 1, 2021.

SB 0072 Civil Liability for Damages Relating to COVID-19 - Approved by Governor

- The bill creates civil liability protections for individuals, businesses, governmental entities, and other organizations against COVID-19-related claims.

- Provides lesser liability protections to health care providers and provides procedures for civil actions against them.
- The liability protections for COVID-19-related claims against a health care provider mainly relate to claims:
 - Arising from the diagnosis or treatment of a person for COVID-19;
 - The provision of a novel or experimental COVID-19 treatment;
 - The transmission of COVID-19; and
 - The delay or cancellation of a surgery or medical procedure.
- A COVID-19-related lawsuit against any defendant must be brought within 1 year after a cause of action accrues unless the cause of action occurred before the effective date of the bill, if a cause accrues before the effective date of the bill, the plaintiff has 1 year from the effective date of the act to bring the claim.
- The bill takes effect upon becoming a law and applies retroactively. However, the bill does not apply in a civil action against a particular defendant if the suit is filed before the bill's effective date.

HB 0735 Preemption of Local Occupational Licensing

- The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations.
- However, any licensing of occupations adopted prior to July 1, 2021, will continue to be effective until July 1, 2023, at which time it will expire. Any licensing of occupations authorized by general law is exempt from the preemption.
- The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman licensed by the Construction Industry Licensing Board, and specifically precludes local governments from requiring a license for:
 - painting, flooring, cabinetry, interior remodeling, handyman services, driveway or tennis court installation, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, canvas awning installation, and ornamental iron installation.
- The bill also expressly authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical and HVAC trades, as well as, the electrical and alarm system trades, which is the current practice by counties and municipalities.

SB 2006 Emergency Management - Approved by Governor

- The bill specifies that the State Emergency Management Act applies to pandemics and other public health emergencies.
- Requires the division to acquire and maintain an inventory of state-owned personal protective equipment.
- Provides additional oversight and transparency regarding exercises of the executive branch's emergency powers.
- Requiring the Governor, if he or she closes schools or businesses, to state specific reasons why the schools or businesses need to close and reassess the closure regularly.
- Authorizes the Governor or Legislature to invalidate a city or county measure that "unnecessarily restricts a constitutional right, fundamental liberty, or statutory right".
- Provides that a city or county emergency order will automatically expire 7 days after its issuance unless extended by a majority vote of the political subdivision's governing body.

FVMA Specific Bills

SB 216/HB 47 Reporting Animal Cruelty - DIED

- Specifies that the failure of a veterinarian to report suspected animal cruelty is grounds for disciplinary action; requires veterinarians, veterinary technicians, & other animal treatment provider employees to report cases of suspected animal cruelty to certain officials.

SB 388 Injured Police Canines - PASSED

- The bill authorizes an emergency service transport vehicle permit holder to transport a police canine injured in the line of duty to a veterinary clinic or similar facility if no person requires medical attention or transport when the canine needs it.
- The bill authorizes emergency medical technicians (EMTs) and paramedics to provide emergency medical care to an injured police canine at the scene of an emergency or while the canine is being transported.

SB 650/HB 177 Tethering of Domestic Dogs and Cats - DIED

- A person may not tether a domestic dog or domestic cat unless the person is physically present with and attending to the dog or cat and the dog or cat remains visible to the person at all times while tethered. A person may not tether a domestic dog or domestic cat outdoors during severe weather, including, but not limited to, extreme heat or cold, thunderstorms, lightning, tornadoes, tropical storms, or hurricanes.

SB 1122/HB 731 Animal Cruelty - DIED

- Increases qualifications needed to meet adequate shelter requirements.
- Expands the definition of animal cruelty.

SB 1316/HB 1003 Courtroom Animal Advocates - DIED

- Allows a court to appoint, by its own initiative or by request, an advocate to represent the interests of an animal, whether living or dead. The court will appoint an advocate from a list provided by the Animal Law Section of The Florida Bar of designated attorneys and certified legal interns.

SB 1370/HB 911 Medical Treatment of Animals - DIED

- Provides that the same veterinary standard of care applies to services provided through veterinary telemedicine as applies to veterinary care provided during an in-person visit. Specifies that a veterinarian who establishes a veterinarian/client/patient relationship without a physical examination may only provide the following services through veterinary telemedicine:
 - Triage of patients in first aid and emergency cases; or
 - Consultation and prescription of drugs for nutrition, training, dermatological conditions, and anxiety