A bill to be entitled

An act relating to the declawing of cats; creating s. 828.095, F.S.; defining terms; prohibiting a person from performing a declawing on a cat within this state; providing an exception; providing a civil penalty; providing that a veterinarian who performs a prohibited declawing is subject to disciplinary action by the Board of Veterinary Medicine; amending s. 474.214, F.S.; providing that a veterinarian who performs a prohibited declawing is subject to certain disciplinary action; providing an effective date.

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

Section 1. Section 828.095, Florida Statutes, is created to read:

828.095 Prohibition on the declawing of cats; penalty.—
(1) DEFINITIONS.—As used in this section, the term:
(a) “Declawing” means any of the following:
1. An onychectomy, dactylectomy, phalangectomy, partial digital amputation, or any other surgical procedure by which a portion of a cat’s paw is amputated to remove the cat’s claw.
2. A tendonectomy or another surgical procedure by which the tendons of a cat’s limbs, paws, or toes are cut or modified so that the cat’s claws cannot be extended.
3. Any other procedure that prevents the normal functioning of a cat’s claws.
(b) “Therapeutic purpose” means the necessity of addressing the physical medical condition of a cat, such as an existing or
recurring illness, infection, disease, injury, or abnormal condition of the cat which compromises the cat’s health. The term does not include a cosmetic or an aesthetic reason or reasons of convenience for keeping or handling the cat.

(2) PROHIBITION.—A person may not perform a declawing by any means on a cat within this state unless the procedure is necessary for a therapeutic purpose.

(3) PENALTIES.—
   (a) A person, other than a veterinarian licensed under ch. 474, who violates this section is subject to a civil penalty of up to $1,000 for each violation.
   (b) A veterinarian licensed under ch. 474 who violates this section is subject to disciplinary action by the Board of Veterinary Medicine pursuant to s. 474.214(2).

Section 2. Paragraph (qq) is added to subsection (1) of section 474.214, Florida Statutes, and subsection (2) of that section is republished, to read:

474.214 Disciplinary proceedings.—
   (1) The following acts shall constitute grounds for which the disciplinary actions in subsection (2) may be taken:
      (qq) Performing a declawing, as defined in s. 828.095, which is not necessary for a therapeutic purpose, as defined in s. 828.095.
      (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.

Section 3. This act shall take effect July 1, 2020.