

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 Judiciary

BILL: CS/SB 1044

INTRODUCER: Judiciary Committee; and Senator Pizzo and others

SUBJECT: Animal Cruelty

DATE: February 4, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Wagoner</u>	<u>Jones</u>	<u>CJ</u>	Favorable
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1044 creates “Allie’s Law” and provides that a “treatment provider,” its employees, or volunteers shall be held harmless from civil and criminal liability when, in good faith, they report suspected or known cruelty to dogs and cats or cooperate with a related investigation.

A treatment provider includes any animal care facility, animal hospital, private veterinary practice, animal shelter, veterinary school, specialized veterinary hospital, or any place dogs or cats are seen for any kind of treatment.

The bill also creates a first degree misdemeanor penalty for an employee or volunteer of a treatment provider who knowingly alters or destroys an existing medical record to conceal or attempt to conceal cruelty to a dog or cat.

The bill may have a positive fiscal impact on law enforcement agencies. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2020.

II. Present Situation:

Animal Cruelty; Generally

Section 828.12(1), F.S., provides that a person commits animal cruelty if he or she 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. Animal cruelty is a first degree misdemeanor, punishable by up to one year in jail or a fine of up to \$5,000, or both.¹

Identification of animal abuse may play a crucial role in the intervention against other forms of violence in society.² Ample research demonstrates a link between animal abuse in a household and domestic violence and child abuse.³ Therefore, through the identification of animal cruelty, veterinarians are uniquely positioned to bring attention to other forms of interpersonal violence.⁴

III. Effect of Proposed Changes:

The bill creates “Allie’s Law” after Allie, a 4-year-old Boston Terrier, whose obvious signs of abuse during veterinary visits went long unreported until she was surrendered and rescued.⁵

The bill provides that a “treatment provider,” its employees, or volunteers shall be held harmless from criminal or civil liability, when, in the normal course of care of a dog or cat, knows or has reason to suspect animal cruelty and, in good faith;

- Reports the suspected cruelty to a local law enforcement agency or animal control agency, or
- Cooperates with a related investigation of cruelty.

A treatment provider is defined as any animal care facility, animal hospital, private veterinary practice, animal shelter, veterinary school, specialized veterinary hospital, or any place dogs or cats are seen for any kind of treatment.

The bill also creates a first degree misdemeanor penalty for an employee or volunteer of a treatment provider who knowingly alters or destroys an existing medical record to conceal or attempt to conceal cruelty to a dog or cat.

The bill is effective July 1, 2020.

¹ A first degree misdemeanor is punishable by up to one year in jail and a fine of up to \$1,000, or any higher amount specifically authorized by statute. Section 775.082, F.S.

² Stefany Monsalve, Fernando Ferreira and Rita Garcia, “The connection between animal abuse and interpersonal violence: A review from the veterinary perspective,” p. 34, *Research in Veterinary Science*, (Oct. 1, 2017) <https://www.ncbi.nlm.nih.gov/pubmed/28279899>

³ *Id.*

⁴ See also, Elizabeth DeViney, Jeffrey Dickert and Randall Lockwood, “The Care of Pets Within Child Abusing Families,” *Animal Studies Repository*, 1983. https://animalstudiesrepository.org/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1014&context=acwp_away This article provides a survey of families which reported child abuse and animal abuse. This survey found that a majority of these pet owners (60 percent of dog owners and 66 percent of cat owners) utilized veterinary services (p. 325). This survey also found that 88 percent of families with reported child abuse and household pets also reported animal abuse (p. 327).

⁵ “Allie’s Law,” available at <https://allieslaw.org/>

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 identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be a positive, i.e., increased, fiscal impact for law enforcement agencies to investigate and charge a treatment provider, its employee or volunteer, for knowingly altering or destroying existing medical records to conceal or attempt to conceal cruelty to a dog or cat.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 828.124 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Judiciary on February 4, 2020:

The committee substitute differs substantially from the underlying bill. The original bill placed an affirmative duty on a group of people to report known or suspected abuse within a limited timeframe. The committee substitute, instead, removes the duty to report and holds them harmless from criminal or civil liability when, in good faith, they report suspected cruelty or cooperate with a related cruelty investigation.

- B. **Amendments:**

None.