

By Senator Pizzo

38-01198-20

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1                   A bill to be entitled  
2       An act relating to animal cruelty; providing a short  
3       title; creating s. 828.124, F.S.; defining the term  
4       "treatment provider"; requiring veterinarians to  
5       report suspected animal cruelty in certain  
6       circumstances; requiring certain persons to report  
7       suspected animal cruelty to a veterinarian; providing  
8       duties for veterinarians; providing immunity from  
9       criminal and civil liability for certain persons and  
10      entities; prohibiting the alteration or destruction of  
11      certain records; providing criminal penalties;  
12      providing enhanced penalties for repeat violations;  
13      amending s. 474.214, F.S.; specifying that failure of  
14      a veterinarian to report suspected animal cruelty is  
15      grounds for discipline; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

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19       Section 1. This act may be cited as "Allie's Law."

20       Section 2. Section 828.124, Florida Statutes, is created to  
21 read:

22       828.124 Reporting animal cruelty; medical records.—

23       (1) As used in this section, the term "treatment provider"  
24 includes any animal care facility, animal hospital, private  
25 veterinary practice, animal shelter, veterinary school,  
26 specialized veterinary hospital or any place dogs or cats are  
27 seen for any kind of treatment.

28       (2) A veterinarian licensed to practice in the state who  
29 knows, or has reasonable cause to suspect, that a dog or cat

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30 showing visible signs of cruelty, as prohibited under s.  
31 828.12(1), has been or is being subjected to animal cruelty by  
32 its owner or under its owner's care shall report such knowledge  
33 or suspicion within 48 hours after obtaining such knowledge or  
34 suspicion to a local law enforcement or animal control agency  
35 for investigation.

36 (3) A veterinary technician or an employee or volunteer of  
37 an animal treatment provider, facility, or shelter who during  
38 the normal course of care of a dog or cat knows or has reason to  
39 suspect that a dog or cat showing visible signs of cruelty, as  
40 prohibited under s. 828.12(1), has been or is being subjected to  
41 animal cruelty by its owner or under its owner's care shall  
42 report within 24 hours to a veterinarian such knowledge or  
43 suspicion, who shall, if the cooperation of the owner or  
44 caretaker is obtained, attempt to examine the dog or cat within  
45 24 hours after notification of suspected cruelty. If the owner  
46 or caretaker refuses to permit a veterinarian to examine a dog  
47 or cat that has been reported to a veterinarian under this  
48 subsection as possibly subjected to animal cruelty, or the  
49 veterinarian is otherwise unable to examine the animal, then the  
50 veterinarian shall report the suspected cruelty to a local law  
51 enforcement or animal control agency for investigation.

52 (4) A veterinarian, a veterinary technician, or an employee  
53 or volunteer of a treatment provider, facility, or shelter  
54 practicing in this state shall be held harmless from either  
55 criminal or civil liability for any decisions made to report  
56 suspected cruelty. Any such animal treatment provider, facility,  
57 or shelter is immune from all civil liability for any decisions  
58 made to report suspected cruelty and its cooperation with any

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59 related investigation of cruelty to animals.

60 (5) It is a violation of this section for a veterinary  
61 technician or any employee or volunteer of a veterinary  
62 practice, treatment provider, facility, or shelter to knowingly  
63 alter or destroy an existing medical record for the purpose of  
64 concealing or attempting to conceal cruelty to a dog or cat.

65 (6) (a) Except as provided in paragraph (b), a person who  
66 violates subsection (5) commits a misdemeanor of the first  
67 degree, punishable as provided in s. 775.082 or s. 775.083.

68 (b) A person who commits a second or subsequent violation  
69 of subsection (5) commits a felony of the third degree,  
70 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

71 Section 3. Paragraph (qq) is added to subsection (1) of  
72 section 474.214, Florida Statutes, to read:

73 474.214 Disciplinary proceedings.—

74 (1) The following acts shall constitute grounds for which  
75 the disciplinary actions in subsection (2) may be taken:

76 (qq) Failure to report suspected animal cruelty to the  
77 proper authorities.

78 Section 4. This act shall take effect July 1, 2020.