

By Senator Pizzo

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1 A bill to be entitled
2 An act relating to reporting animal cruelty; providing
3 a short title; amending s. 474.214, F.S.; specifying
4 that the failure of a veterinarian to report suspected
5 animal cruelty is grounds for disciplinary action;
6 amending s. 474.2165, F.S.; conforming provisions to
7 changes made by the act; creating s. 828.124, F.S.;
8 defining terms; requiring veterinarians, veterinary
9 technicians, and other animal treatment provider
10 employees to report cases of suspected animal cruelty
11 to certain officials; providing an exception;
12 authorizing veterinarians, veterinary technicians, and
13 other animal treatment provider employees to report
14 suspected cases of animal cruelty at certain
15 commercial food-producing animal operations under
16 certain circumstances; providing immunity from
17 liability and employment protections for certain
18 persons; providing criminal penalties for the
19 alteration or the destruction of medical records for
20 specified purposes; providing construction; providing
21 an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. This act may be cited as "Allie's Law."

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

28 474.214 Disciplinary proceedings.—

29 (1) The following acts shall constitute grounds for which

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30 the disciplinary actions in subsection (2) may be taken:

31 (qq) Failing to report suspected animal cruelty to the
32 proper authorities pursuant to s. 828.124.

33 Section 3. Paragraph (d) of subsection (4) of section
34 474.2165, Florida Statutes, is amended to read:

35 474.2165 Ownership and control of veterinary medical
36 patient records; report or copies of records to be furnished.—

37 (4) Except as otherwise provided in this section, such
38 records may not be furnished to, and the medical condition of a
39 patient may not be discussed with, any person other than the
40 client or the client's legal representative or other
41 veterinarians involved in the care or treatment of the patient,
42 except upon written authorization of the client. However, such
43 records may be furnished without written authorization under the
44 following circumstances:

45 (d) In any criminal action or situation where a
46 veterinarian suspects a criminal violation.

47 1. Except as provided in subparagraph 2., if a criminal
48 violation or animal cruelty as defined in s. 828.124 is
49 suspected, a veterinarian must ~~may~~, without notice to or
50 authorization from the client, report the violation to a law
51 enforcement officer, an animal control officer who is certified
52 pursuant to s. 828.27(4)(a), or an agent appointed under s.
53 828.03.

54 2. ~~However,~~ If a suspected violation occurs at a commercial
55 food-producing animal operation on land classified as
56 agricultural under s. 193.461, the veterinarian may report the
57 violation to a law enforcement officer, an animal control
58 officer who is certified pursuant to s. 828.27(4)(a), or an

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59 agent appointed under s. 828.03. In such cases, the veterinarian
60 must provide notice to the client or the client's legal
61 representative before reporting the suspected violation to an
62 officer or agent under this ~~subparagraph~~ paragraph. The report
63 may not include written medical records except upon the issuance
64 of an order from a court of competent jurisdiction.

65 Section 4. Section 828.124, Florida Statutes, is created to
66 read:

67 828.124 Reporting animal cruelty; medical records.-

68 (1) As used in this section, the term:

69 (a) "Animal cruelty" means any act or omission that
70 constitutes a violation of s. 828.12, s. 828.122, s. 828.126, or
71 s. 828.13.

72 (b) "Animal treatment provider" includes any animal care
73 facility, hospital, mobile service or clinic, or shelter;
74 private veterinary practice; college of veterinary medicine or
75 veterinary technology program; or specialized veterinary
76 hospital or any place dogs or cats are seen for any kind of
77 treatment.

78 (c) "Good faith report" means a report of animal cruelty
79 which is made by a person without malice or consideration of
80 personal benefit who has reasonable cause to believe such report
81 is true.

82 (2) All of the following individuals must report suspected
83 past or current cases of animal cruelty to a local law
84 enforcement officer, an animal control officer who is certified
85 pursuant to s. 828.27(4) (a), or an agent appointed under s.
86 828.03:

87 (a) A veterinarian, if he or she has a

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88 veterinarian/client/patient relationship with the animal.

89 (b) A veterinary technician who is employed by an animal
90 treatment provider or any other employee of the animal treatment
91 provider, if the animal is a current patient of the animal
92 treatment provider with whom the technician or employee is
93 employed.

94
95 This subsection does not apply to a suspected violation at a
96 commercial food-producing animal operation on land classified as
97 agricultural under s. 193.461.

98 (3) If a suspected violation occurs at a commercial food-
99 producing animal operation on land classified as agricultural
100 under s. 193.461, a veterinarian, veterinary technician, or
101 other animal treatment provider employee may report the
102 suspected violation to a local law enforcement officer, an
103 animal control officer who is certified pursuant to s.
104 828.27(4) (a), or an agent appointed under s. 828.03, if the
105 person who makes the report complies with the notice
106 requirements established under s. 474.2165(4).

107 (4) A veterinarian, veterinary technician, or other animal
108 treatment provider employee who makes a good faith report of
109 animal cruelty pursuant to this section to a local law
110 enforcement officer, an animal control officer, or an appointed
111 agent shall be held harmless from criminal liability, civil
112 liability, professional disciplinary action, and employer
113 retaliation.

114 (5) A veterinary technician or an animal treatment provider
115 employee or volunteer, excluding veterinarians who are subject
116 to chapter 474, who knowingly alters or destroys a medical

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117 record for the purpose of concealing or attempting to conceal
118 animal cruelty or cause the same to be done commits a
119 misdemeanor of the first degree, punishable as provided in s.
120 775.082 or s. 775.083.

121 (6) This section may not be construed to prohibit any
122 person from making a good faith report of suspected animal
123 cruelty to any national, state, or local law enforcement
124 authority or any animal control agency.

125 Section 5. This act shall take effect July 1, 2021.