

HB 47

2021

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  
 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 ~~may~~ must, 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  
 55 commercial 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  
 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  
 66 to 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  
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

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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  
115 provider employee or volunteer, excluding veterinarians who are  
116 subject to chapter 474, who knowingly alters or destroys a  
117 medical record for the purpose of concealing or attempting to  
118 conceal 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.