

ALLIE'S LAW -- 2021

FLORIDA HOUSE OF REPRESENTATIVES

HB _____

2021

A bill to be entitled

An act relating to animal cruelty; providing a short title; creating s. 828.124, F.S.; defining the term "animal treatment provider", "good faith report", "cruelty"; requiring veterinarians to report suspected animal cruelty in certain circumstances; providing immunity from criminal and civil liability for certain persons and entities; prohibiting the alteration or destruction of certain records; providing criminal penalties; amending s. 474.214, F.S.; specifying that failure of a veterinarian to report suspected animal cruelty is grounds for discipline; providing for a public records exemption; providing an effective date.

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

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

Section 2. Section 828.124, Florida Statutes, is created to read:
828.124 Reporting animal cruelty; medical records.—

(1) As used in this section:

- (a) the term "animal treatment provider" includes any shelter animal care facility, animal hospital, mobile service or clinic, private veterinary practice, college of veterinary medicine, veterinary technology program, and specialized veterinary hospital where animals are seen for any kind of medical treatment.
- (b) the term "good faith report" means a report of conduct which defines wrongdoing, which the person making the report has reasonable cause to believe is true and is made without malice or consideration of personal benefit.
- (c) the term "cruelty" means any act or omission which would constitute a violation of s. 828.12, s. 828.13, s. 828.122, or s. 828.126.

(2) If a veterinarian suspects that an animal in which he or she has a veterinarian – client – patient relationship, has been or is currently experiencing cruelty the veterinarian shall make a report to a local law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03. This subsection shall not apply if a suspected violation occurs at a commercial food-producing animal operation on land classified as agricultural under s. 193.461.

(3) A veterinary technician or other employee employed by an animal treatment

provider who, during the normal course of care of an animal, has firsthand knowledge that an animal that is a current patient of the animal treatment provider where they are employed has been or is currently experiencing cruelty, the veterinary technician or other employee shall make a report to a local law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03. This subsection shall not apply if a suspected violation occurs at a commercial food-producing animal operation on land classified as agricultural under s. 193.461.

- (4) If a suspected violation occurs at a commercial food-producing animal operation on land classified as agricultural under s. 193.461, a veterinarian, veterinary technician or other veterinary employee may report the suspected violation to a local law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03, provided that any person reporting complies with the notice requirements established under Subsection 4 of s. 474.2165.
- (5) Any person reporting under this Section shall be held harmless from criminal and civil liability, professional disciplinary action and employer retaliation for the good faith reporting of, or decisions made to report, suspected animal cruelty to law enforcement, animal control or agent appointed under s. 828.03.
- (6) It is a violation of this section for a veterinary technician or any animal treatment provider employee or volunteer, excluding a veterinarian who is subject to the Veterinary Practice Act, to knowingly alter or destroy a medical record for the purpose of concealing or attempting to conceal cruelty. Except as provided in subsection (7), a person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
- (7) The names of persons reporting shall be entered into the record of the report, but shall be held as confidential as provided in s. 828.1241.
- (8) Nothing in this Section shall be construed to prohibit any person from reporting in good faith suspected animal cruelty to any national, state or local law enforcement authority or any animal control agency.

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

474.214 Disciplinary proceedings.—

(1) The following acts shall constitute grounds for which the disciplinary actions in subsection (5) may be taken:

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

Section 4. This act shall take effect July 1, 2021.

F.S.A. § 474.2165(4) shall be amended to read:

- (4) Except as otherwise provided in this section, such records may not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the client or the client's legal representative or other veterinarians involved in the care or treatment of the patient, except upon written authorization of the client. However, such records may be furnished without written authorization under the following circumstances:
- (a) To any person, firm, or corporation that has procured or furnished such examination or treatment with the client's consent.
 - (b) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the client or the client's legal representative by the party seeking such records.
 - (c) For statistical and scientific research, provided the information is abstracted in such a way as to protect the identity of the patient and the client, or provided written permission is received from the client or the client's legal representative.
 - (d) In any criminal action or situation where a veterinarian suspects a criminal violation.
 - i. *Except as provided by subsection (ii), if a criminal violation is suspected, a veterinarian must, in accordance with s. 828.124, report the violation to a law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03, and such veterinarian is not required to provide notice to or receive authorization from the client.*
 - ii. If a suspected violation occurs at a commercial food-producing animal operation on land classified as agricultural under s. 193.461, the veterinarian *may, in accordance with s. 828.124, report the violation to a law enforcement officer, an animal control officer who is certified pursuant to s. 828.27(4)(a), or an agent appointed under s. 828.03. In such cases, the veterinarian must provide notice to the client or the client's legal representative before reporting the suspected violation to an officer or agent under this paragraph. The report may not include written medical records except upon the issuance of an order from a court of competent jurisdiction.*

Proposed bill 828.1241

Reporting Animal Cruelty- Public Records Exemption

- (1) In order to protect the rights of veterinarians and veterinary technicians responsible for the treatment of animals, all records concerning reports of cruelty held by law enforcement or animal control and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s119.07(1) and shall not be disclosed except as specifically authorized by this chapter. Such exemption under 119.07(1) applies to information in the possession of those entities granted access to this section.
- (2) Access to such records, excluding the name of or other identifying information with respect to, the reporter or the reporters place of employment, which shall be released only as provided in subsection (3).
- (3) Law Enforcement or Animal Control may not release the name of, or other identifying information with respect to, any veterinarian or veterinary technician, or the name of their place of employment reporting animal cruelty, to any person other than employees law enforcement, animal control or the appropriate state attorney, without the written consent of the person reporting.
- (4) Nothing in this subsection prohibits the subpoenaing of a person reporting animal cruelty, when deemed necessary by the court or the state attorney, provided the fact that such person made the report is not disclosed. A veterinarian or veterinary technician who reports a case of animal may, at the time he or she makes the report, request that the investigating agency or state attorney notify him or her that a animal abuse investigation occurred as a result of the report. Law Enforcement, Animal Control or the state attorney shall mail such a notice to the reporter within 10 days after completing the animal cruelty investigation.