

By Senators Bronson, Latvala, Brown-Waite, Williams, Grant, Kurth, Thomas, Dyer, Silver, Crist, Harris, Jones, Cowin, Kirkpatrick, Burt, Holzendorf, Rossin, Lee, McKay, Forman, Clary, Horne, Meadows, Klein, Hargrett and Gutman

18-321A-98

1 A bill to be entitled
2 An act relating to public records; amending s.
3 828.30, F.S.; providing an exemption from
4 public records requirements for specified
5 information contained in a rabies vaccination
6 certificate; authorizing disclosure to certain
7 public agencies and to other persons under
8 certain conditions; providing for future review
9 and repeal; providing a finding of public
10 necessity; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:
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14 Section 1. Section 828.30, Florida Statutes, is
15 amended to read:

16 828.30 Rabies vaccination of dogs and cats.--
17 (1) All dogs and cats 4 months of age or older must be
18 vaccinated by a licensed veterinarian against rabies with a
19 United States Government-approved vaccine. The cost of
20 vaccination must be borne by the animal's owner.

21 (2) A dog or cat is exempt from vaccination against
22 rabies if a licensed veterinarian has examined the animal and
23 has certified in writing that at the time vaccination would
24 endanger the animal's health because of its age, infirmity,
25 disability, illness, or other medical considerations. An
26 exempt animal must be vaccinated against rabies as soon as its
27 health permits.

28 (3) Upon vaccination against rabies, the licensed
29 veterinarian shall provide the animal's owner and the animal
30 control authority with a rabies vaccination certificate which
31 must contain at least the following information:

1 (a) The license number of the administering
2 veterinarian.

3 (b) The name, address, and phone number of the
4 veterinarian and owner.

5 (c) The date of vaccination.

6 (d) The expiration date of the vaccination.

7 (e) The species, age, sex, color, breed, weight, and
8 name of the animal vaccinated.

9 (f) The rabies vaccine manufacturer.

10 (g) The vaccine lot number and expiration date.

11 (h) The type and brand of vaccine used.

12 (i) The route of administration of the vaccine.

13 (j) The signature or signature stamp of the licensed
14 veterinarian.

15 (4) Except as provided in this subsection, the name,
16 address, and telephone number of the animal owner which are
17 set forth in the rabies vaccination certificate provided to
18 the animal control authority are confidential and exempt from
19 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
20 Such confidential and exempt information may be given to other
21 public agencies as needed. The receiving agencies must
22 maintain the confidentiality of the information. However, a
23 state or local governmental agency may provide the
24 confidential and exempt rabies vaccination certificate
25 information to any person for inspection at the animal control
26 authority, but only in nonelectronic form, only the
27 information from one rabies vaccination certificate at a time,
28 and only if the person makes the request using the name or
29 address of the animal owner. This subsection is subject to the
30 Open Government Sunset Review Act of 1995 in accordance with
31 s. 119.15, and shall stand repealed on October 2, 2003, unless

1 reviewed and saved from repeal through reenactment by the
2 Legislature.

3 (5)(4) Violation of this section is a civil
4 infraction, punishable as provided in s. 828.27(2).

5 (6)(5) This section does not prohibit or limit
6 municipalities or counties from enacting requirements similar
7 to or more stringent than the provisions of this section for
8 the implementation and enforcement of rabies-control
9 ordinances.

10 Section 2. The Legislature finds that there is a
11 public necessity to compile information contained in rabies
12 vaccination certificates and to readily provide such
13 information when necessary to promote public health, safety,
14 and welfare. However, the Legislature also finds that such
15 information is both confidential to the pet owner and
16 proprietary for the veterinarian and should be distributed
17 only when the public health, safety, and welfare demand.
18 Rabies vaccination certificates include personal information
19 about individual pet owners which, when compiled, can be used
20 to produce the client list of each veterinarian who has
21 complied with the provisions of section 828.30, Florida
22 Statutes, which requires the filing of a copy of rabies
23 vaccination certificates with the local animal control
24 authority. Such lists are trade secrets as defined by section
25 812.081, Florida Statutes. The Legislature finds that it is a
26 public necessity that trade secret information be expressly
27 made confidential and exempt from public records law because
28 it is a felony to disclose such records. Thus, the public and
29 private harm in disclosing trade secrets significantly
30 outweighs any public benefit derived from disclosure, and the
31 public's ability to scrutinize and monitor agency action is

1 not diminished by nondisclosure of trade secrets. Generally,
2 the release of such information for reasons outside the scope
3 of public health, safety, and welfare unnecessarily
4 jeopardizes the right to privacy of pet owners who have their
5 pets vaccinated and, further, negatively affects veterinarians
6 who submit rabies vaccination certificates by making the
7 identities of their clients readily available to competing
8 business interests. Furthermore, veterinarians are subject to
9 medical confidentiality provisions. Release of identifying
10 information in the rabies vaccination certificate for reasons
11 other than the protection of public health, safety, and
12 welfare could represent a breach of client confidentiality.
13 In addition, release of the information contained in a rabies
14 vaccination certificate could subject pet owners to possible
15 theft or harassment by individuals who target particular
16 breeds, as well as to solicitations, including solicitations
17 from competing veterinary business interests. Owners could
18 become reluctant to have their pets vaccinated against rabies.
19 Any decrease in the number of dogs and cats vaccinated against
20 rabies would hinder the ability of animal control authorities
21 to protect the public against the spread of rabies and
22 endanger the public health, safety, and welfare.

23 Section 3. This act shall take effect October 1, 1998.

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26 LEGISLATIVE SUMMARY

27 Provides an exemption from public records requirements
28 for specified information contained in a rabies
29 vaccination certificate. Authorizes disclosure to
30 certain public agencies and to other persons under
31 certain conditions. Provides for future review and
repeal.