

By the Committee on Regulated Industries and 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

315-1815-98

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. The agency shall make the
30 information available for statistical analysis or research
31 purposes to a bona fide news reporting organization or

1 academic institution. The information may not be sold or
2 resold for commercial purposes. This subsection is subject to
3 the Open Government Sunset Review Act of 1995 in accordance
4 with s. 119.15, and shall stand repealed on October 2, 2003,
5 unless reviewed and saved from repeal through reenactment by
6 the Legislature.

7 (5)(4) Violation of this section is a civil
8 infraction, punishable as provided in s. 828.27(2).

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

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

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

27 Section 3. This act shall take effect October 1, 1998.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1134

Provides for release of otherwise confidential information in
rabies vaccination certificates to bona fide news
organizations or academic institutions for purposes of
statistical analysis or research.

Prohibits the sale or resale of the confidential information
for commercial purposes.