

STORAGE NAME: h1139z.go  
DATE: July 27, 1998

**\*\*FINAL ACTION\*\***  
**\*\*SEE FINAL ACTION STATUS SECTION\*\***

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
GOVERNMENTAL OPERATIONS  
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

**BILL #:** HB 1139 (Chapter #: 98-213, Laws of Florida)

**RELATING TO:** Public Records/Rabies Vaccination

**SPONSOR(S):** Representative Sindler and others

**COMPANION BILL(S):** CS/SB 1134(s)

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

(1) GOVERNMENTAL OPERATIONS YEAS 4 NAYS 0

---

I. FINAL ACTION STATUS:

On May 24, 1998, HB 1139 became law without the Governor's signature.

II. SUMMARY:

This act provides that any information contained in a rabies vaccination certificate provided to an animal control authority which identifies the owner of a vaccinated animal is confidential and exempt. However, under certain circumstances, physicians and veterinarians may acquire such confidential information as well as any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease, as well as the owner of an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease. Additionally, any person with an animal tag number may receive vaccination certificate information regarding that animal, which would include confidential information.

Furthermore, any person, pursuant to a written request, may view or copy any individual rabies vaccination certificate, one record at a time, which would include confidential information. Certain other entities (e.g., law enforcement, prosecutorial agencies, and health agencies) must also be provided vaccination information, which would also include confidential information; however, they must not release such information to the public. Finally, a copy of any existing database may be obtained provided that the owner's name, street address, and phone number, and the animal tag number, are not made available.

This act provides a public necessity statement for the exemption as is required by Article I, Section 24, of the Florida Constitution. The public records exemption created by this act is made subject to the Open Government Sunset Review Act of 1995, and will repeal on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

This act does not appear to have a fiscal impact on state or local government.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

**Public Records Law**

Article I, s. 24, Florida Constitution, expresses Florida's public policy regarding access to government records in providing that:

(a) Every person has the right to inspect or copy any public records made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

Article I, s. 24, Florida Constitution, does, however, permit the Legislature to provide by general law for the exemption of records from the requirements of s. 24. The general law exempting the records must state with specificity the public necessity justifying the exemption and can be no broader than necessary to accomplish the stated purpose of the law.

Public policy regarding access to government records is also addressed in the Florida Statutes. Section 119.07, F.S., provides:

Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at a reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee.

Section 119.15, F.S., provides that an exemption may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the exemption meets one of the following purposes and the Legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exemption:

1. Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;
2. Protects information of a sensitive personal nature concerning individuals, the release of which information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. However, in exemptions under this subparagraph, only information that would identify the individuals may be exempted; or

3. Protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information which is used to protect or further a business advantage over those who do not know or use it, the disclosure of which information would injure the affected entity in the marketplace.

### **Rabies Vaccination of Dogs and Cats**

The 1994 Legislature enacted s. 828.30, F.S., which requires all dogs and cats 4 months of age or older to be vaccinated against rabies by a licensed veterinarian. The veterinarian must provide the animal's owner and the animal control authority with a rabies vaccination certificate. Section 828.30(3), F.S., specifies the information that the rabies vaccination certificate must contain and includes the name, address, and phone number of the veterinarian and owner of the animal as well as the species, age, sex, color, breed, and name of the animal.

Section 767.11, F.S., defines "animal control authority" to mean an entity acting alone or in concert with other local governmental units and authorized by them to enforce the animal control laws of the city, county, or state. In areas not served by an animal control authority, the sheriff is responsible for carrying out the duties of the animal control authority.

Current law provides no exemption from public disclosure for the information provided an animal control authority pursuant to s. 828.30, F.S., consequently making such information available to the public.

#### **B. EFFECT OF PROPOSED CHANGES:**

This act provides that any information contained in a rabies vaccination certificate provided to an animal control authority which identifies the owner of the vaccinated animal is confidential and exempt. However, the physician of, or any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease, and a veterinarian who is treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease or the owner of such animal must be provided with any information contained in a rabies vaccination certificate, but only with respect to the particular animal biting, scratching, or otherwise causing exposure.

Any person with an animal tag number may receive vaccination certificate information regarding that animal, which would include confidential information. Furthermore, any person, pursuant to a written request, may view or copy any individual rabies vaccination certificate, one record at a time, which would include confidential information. Additionally, federal, state, and local law enforcement and prosecutorial agencies; other animal control authorities; and emergency and medical response, disease control, or other governmental health agencies must be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies. Such information would include the information made confidential by this act. Entities receiving "such information" must not release that information to the public. "Such information" would appear to also include nonconfidential information as well as confidential information.

**STORAGE NAME:** h1139z.go

**DATE:** July 27, 1998

**PAGE 4**

Finally, a copy of any existing database may be obtained provided that the owner's name, street address, and phone number, and the animal tag number, are not made available.

The public records exemption created by HB 1139 is made subject to the Open Government Sunset Review Act of 1995, and will repeal on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

HB 1139 also provides a public necessity statement for the exemption, as is required by Article I, section 24, of the Florida Constitution.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Affected governmental agencies would have to keep certain information confidential and exempt, or otherwise provide access to such information as specified in the act.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

This act does not reduce or eliminate an entitlement to government services or subsidies.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Access to certain confidential information is restricted.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

This act does not purport to provide services to families or children.

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

N/A

- (1) parents and guardians?

N/A

**STORAGE NAME:** h1139z.go

**DATE:** July 27, 1998

**PAGE 7**

(2) service providers?

N/A

(3) government employees/agencies?

N/A

**D. STATUTE(S) AFFECTED:**

Amends s. 828.30

**E. SECTION-BY-SECTION RESEARCH:**

Section 1 -- Amends s. 828.30, F.S.; creates a public records exemption for information contained in rabies vaccination certificates which identifies the owner of the animal vaccinated; provides for certain restricted access.

Section 2 -- Provides a public necessity statement for the exemption described in Section 1 above.

Section 3 -- Provides an effective date of upon becoming law.

**IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:**

**A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:**

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:**

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

This act should reduce any competitive advantage a competing business might have from otherwise having unrestricted access to the information exempted.

D. FISCAL COMMENTS:

None.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This act does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This act does not reduce the authority of counties or municipalities to raise revenues.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This act does not reduce the percentage of state tax shared with counties and municipalities.



VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On April 4, 1997, the House Committee on Governmental Operations adopted two amendments to HB 1139. The first amendment narrowed the exemption from "any information contained in the rabies vaccination certificate" to "names and addresses of animal owners contained on a rabies vaccination certificate". Both the bill and the amendment allowed inspection of rabies vaccination certificates one at a time; the amendment allows copying of a rabies vaccination certificate pursuant to a written request, the bill does not. The bill prohibited electronic dissemination of information and prohibited use of any information contained in the certificates for commercial solicitation; the amendment eliminates that language.

The second amendment adopted changes the effective date from October 1, 1997, to "upon becoming law". The bill and the two amendments were reported out favorably.

On April 11, 1997, the House adopted a substitute amendment in lieu of the first amendment described above. The substitute amendment made information identifying owners of vaccinated animals confidential and exempt. However, the physician of any person who has been bitten, scratched, or otherwise exposed to a zoonotic disease and a veterinarian who is treating an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease, must be provided with any information contained in a rabies vaccination certificate but only with respect to the particular animal biting, scratching, or otherwise causing exposure. The substitute amendment also provides for the sharing of such confidential information with specified governmental entities. Finally, the substitute amendment changed the public necessity statement for the exemption. It appears that the original public necessity statement was more thorough.

The House also adopted the amendment changing the effective date to "upon becoming law".

On April 24, 1998, the House adopted one technical and one substantive amendment to HB 1139. See House Journal, 4/24/98 at 1364. The bill, as amended, became law. This analysis reflects those amendatory changes to the original bill.

VIII. SIGNATURES:

COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Legislative Research Director:

J. Marleen Ahearn, Ph.D., J.D.

Jimmy O. Helms

**STORAGE NAME:** h1139z.go

**DATE:** July 27, 1998

**PAGE 10**

**CARRIED OVER RESEARCH PREPARED BY COMMITTEE ON GOVERNMENTAL OPERATIONS:**

Prepared by:

Legislative Research Director:

J. Marleen Ahearn, Ph.D., J.D.

Jimmy O. Helms

**FINAL RESEARCH PREPARED BY COMMITTEE ON GOVERNMENTAL OPERATIONS:**

Prepared by:

Legislative Research Director:

J. Marleen Ahearn, Ph.D., J.D.

Jimmy O. Helms