

By Representative Sindler

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 information
5 contained in a rabies vaccination certificate;
6 authorizing disclosure to certain public
7 agencies and to other persons under certain
8 conditions; providing for future review and
9 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, any
16 information contained in the rabies vaccination certificate
17 provided to the animal control authority is confidential and
18 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
19 I of the State Constitution. No state or local governmental
20 agency shall provide or disclose the rabies vaccination
21 certificate information in aggregate, compiled, or list form
22 to any person except to a public agency engaged in official
23 business related to public health, safety, and welfare, and
24 subject to the provisions of this subsection. Information
25 contained in rabies vaccination certificates may be exchanged
26 by such public agencies, but shall not be provided to, or open
27 for inspection by, the public. However, a state or local
28 governmental agency may provide the rabies vaccination
29 certificate information to any person for inspection at the
30 animal control authority, but only in nonelectronic form and
31 only one rabies vaccination certificate at a time, and no

1 person who inspects such information shall use any information
2 contained therein for any commercial solicitation of any
3 person identified by such information. No state or local
4 governmental agency may provide or disclose rabies vaccination
5 certificate information in any form if such information is to
6 be used for commercial purposes. This subsection is subject
7 to the Open Government Sunset Review Act of 1995 in accordance
8 with s. 119.15, and shall stand repealed on October 2, 2002,
9 unless reviewed and saved from repeal through reenactment by
10 the Legislature.

11 ~~(5)(4)~~ Violation of this section is a civil
12 infraction, punishable as provided in s. 828.27(2).

13 ~~(6)(5)~~ This section does not prohibit or limit
14 municipalities or counties from enacting requirements similar
15 to or more stringent than the provisions of this section for
16 the implementation and enforcement of rabies-control
17 ordinances.

18 Section 2. The Legislature finds that there is a
19 public necessity to compile information contained in rabies
20 vaccination certificates and to readily provide such
21 information when necessary to promote public health, safety,
22 and welfare. However, the Legislature also finds that such
23 information is both confidential to the pet owner and
24 proprietary for the veterinarian and should be distributed
25 only when the public health, safety, and welfare demand.
26 Rabies certificates include personal information about
27 individual pet owners which, when compiled, can be used to
28 produce the client list of each veterinarian who has complied
29 with the provisions of s. 828.30, Florida Statutes, which
30 requires the filing of a copy of rabies vaccination
31 certificates with the local animal control authority. Such

1 lists are trade secrets as defined by s. 812.081, Florida
2 Statutes. The Legislature finds that it is a public necessity
3 that trade secret information be expressly made confidential
4 and exempt from public records law because it is a felony to
5 disclose such records. Thus, the public and private harm in
6 disclosing trade secrets significantly outweighs any public
7 benefit derived from disclosure, and the public's ability to
8 scrutinize and monitor agency action is not diminished by
9 nondisclosure of trade secrets. Release of such information
10 for reasons outside the scope of public health, safety, and
11 welfare unnecessarily jeopardizes the right to privacy of pet
12 owners who have their pets vaccinated and, further, negatively
13 impacts veterinarians submitting rabies vaccination
14 certificates by making the identities of their clients readily
15 available to competing business interests. Furthermore,
16 veterinarians are subject to medical confidentiality
17 provisions. Release of identifying information in the rabies
18 vaccination certificate for reasons other than the protection
19 of public health, safety, and welfare could represent a breach
20 of client confidentiality. In addition, release of the
21 information contained in a rabies vaccination certificate
22 could subject pet owners to possible theft or harassment by
23 individuals who target particular breeds, as well as to
24 solicitations, including solicitations from competing
25 veterinary business interests. Owners could become reluctant
26 to have their pets vaccinated against rabies. Any decrease in
27 the number of dogs and cats vaccinated against rabies would
28 hinder the ability of animal control authorities to protect
29 the public against the spread of rabies and endanger the
30 public health, safety, and welfare.

31 Section 3. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

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