

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.

11  
12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Present subsections (4) and (5) of section  
15           828.30, Florida Statutes, are redesignated as subsections (5)  
16           and (6), respectively, and a new subsection (4) is added to  
17           that section, to read:

18           828.30 Rabies vaccination of dogs and cats.--  
19           (4) Any information contained in the rabies  
20           vaccination certificate provided to the animal control  
21           authority which identifies the owner of the animal vaccinated  
22           is confidential and exempt from s. 119.07(1) and s. 24(a),  
23           Art. I of the State Constitution. However, the physician of,  
24           or, any person who has been bitten, scratched, or otherwise  
25           exposed to a zoonotic disease and a veterinarian who is  
26           treating an animal that has been bitten, scratched, or  
27           otherwise exposed to a zoonotic disease or the owner of an  
28           animal that has been bitten, scratched, or otherwise exposed  
29           to a zoonotic disease, shall be provided with any information  
30           contained in a rabies vaccination certificate but only with  
31           respect to the particular animal biting, scratching, or

1 otherwise causing exposure. Any person with an animal tag  
2 number may receive vaccination certificate information with  
3 regard to that animal. Federal, state, and local law  
4 enforcement and prosecutorial agencies; other animal control  
5 authorities; and emergency and medical response, disease  
6 control, or other governmental health agencies shall be  
7 provided information contained in the rabies vaccination  
8 certificate for the purpose of controlling the transmission of  
9 rabies; however, they must not release such information to the  
10 public. Any person, pursuant to a written request, may view  
11 or copy any individual rabies vaccination certificate, one  
12 record at a time. A copy of any existing database may be  
13 obtained provided that the owner's name, street address, and  
14 phone number, and the animal tag number, are not made  
15 available.

16  
17 This exemption is subject to the Open Government Sunset Review  
18 Act of 1995 in accordance with s. 119.15, and shall stand  
19 repealed on October 2, 2003, unless reviewed and saved from  
20 repeal through reenactment by the Legislature.

21 (5)(4) Violation of this section is a civil  
22 infraction, punishable as provided in s. 828.27(2).

23 (6)(5) This section does not prohibit or limit  
24 municipalities or counties from enacting requirements similar  
25 to or more stringent than the provisions of this section for  
26 the implementation and enforcement of rabies-control  
27 ordinances.

28 Section 2. The Legislature finds that there is a  
29 public necessity to compile information contained in rabies  
30 vaccination certificates and to readily provide such  
31 information when necessary to promote public health, safety,

1 and welfare. However, the Legislature also finds that such  
 2 information is both confidential to the pet owner and  
 3 proprietary for the veterinarian and should be distributed  
 4 only when the public health, safety, and welfare demand.  
 5 Rabies certificates include personal information about  
 6 individual pet owners which, when compiled, can be used to  
 7 produce the client list of each veterinarian who has complied  
 8 with the provisions of s. 828.30, Florida Statutes, which  
 9 requires the filing of a copy of rabies vaccination  
 10 certificates with the local animal control authority. Such  
 11 lists are trade secrets as defined by s. 812.081, Florida  
 12 Statutes. The Legislature finds that it is a public necessity  
 13 that trade secret information be expressly made confidential  
 14 and exempt from public records law because it is a felony to  
 15 disclose such records. Thus, the public and private harm in  
 16 disclosing trade secrets significantly outweighs any public  
 17 benefit derived from disclosure, and the public's ability to  
 18 scrutinize and monitor agency action is not diminished by  
 19 nondisclosure of trade secrets. Release of such information  
 20 for reasons outside the scope of public health, safety, and  
 21 welfare unnecessarily jeopardizes the right to privacy of pet  
 22 owners who have their pets vaccinated and, further, negatively  
 23 impacts veterinarians submitting rabies vaccination  
 24 certificates by making the identities of their clients readily  
 25 available to competing business interests. Furthermore,  
 26 veterinarians are subject to medical confidentiality  
 27 provisions. Release of identifying information in the rabies  
 28 vaccination certificate for reasons other than the protection  
 29 of public health, safety, and welfare could represent a breach  
 30 of client confidentiality. In addition, release of the  
 31 information contained in a rabies vaccination certificate

1 could subject pet owners to possible theft or harassment by  
2 individuals who target particular breeds, as well as to  
3 solicitations, including solicitations from competing  
4 veterinary business interests. Owners could become reluctant  
5 to have their pets vaccinated against rabies. Any decrease in  
6 the number of dogs and cats vaccinated against rabies would  
7 hinder the ability of animal control authorities to protect  
8 the public against the spread of rabies and endanger the  
9 public health, safety, and welfare.

10           Section 3. This act shall take effect upon becoming  
11 law.