

By Senator Gainer

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1 A bill to be entitled
2 An act relating to public records; amending s. 585.61,
3 F.S.; exempting from public records requirements
4 certain animal health records submitted to or
5 generated by the Department of Agriculture and
6 Consumer Services or the state veterinarian in
7 connection with the Bronson Animal Disease Diagnostic
8 Laboratory; providing for future legislative review
9 and repeal of the exemption; providing a statement of
10 public 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 585.61, Florida Statutes, is amended to
15 read:

16 585.61 Animal disease diagnostic laboratory; public records
17 exemption.—

18 (1) There is established an animal disease diagnostic
19 laboratory in Osceola County designated as the "Bronson Animal
20 Disease Diagnostic Laboratory."

21 (2) The construction and operation of the laboratory
22 established by this section are ~~shall be~~ under the supervision
23 and control of the department. It is ~~shall be~~ the duty of the
24 department to operate the laboratory in an efficient manner so
25 that any person who maintains animals in this state may obtain
26 prompt and reliable diagnosis of animal diseases, including any
27 disease which may affect poultry eggs, in this state, and
28 recommendations for the control and eradication of such
29 diseases, to the end that diseases of animals may be reduced and

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30 controlled, and eradicated when possible.

31 (3) Any person who maintains animals in this ~~the~~ state may
32 use the services of the laboratory under the terms of this
33 section and the rules adopted for such use by the department.
34 The department shall require any user of its services to pay a
35 fee not to exceed \$300 for any one of the services requested.
36 All laboratory fees collected shall be deposited in the Animal
37 Industry Diagnostic Laboratory Account within the General
38 Inspection Trust Fund. The fees collected shall be used to
39 improve the diagnostic laboratory services as provided ~~for~~ by
40 the Legislature in the General Appropriations Act.

41 (4) (a) The following information is exempt from s.
42 119.07(1) and s. 24(a), Art. I of the State Constitution:

43 1. Records generated or received by the department or the
44 state veterinarian in connection with services provided by the
45 laboratory which document any of the following:

46 a. The diagnosis, treatment, or effect of the medical
47 condition of an animal.

48 b. The prescribing, dispensing, or administering of drugs,
49 medicine, appliances, applications, or treatment of any nature
50 to prevent, cure, or relieve an animal's wound, fracture, bodily
51 injury, or disease.

52 c. A manual procedure for the diagnosis of, or treatment
53 related to, an animal's pregnancy, fertility, or infertility.

54
55 The exemption granted by this paragraph does not apply to
56 official certificates of veterinary inspection or any document
57 required by law to transport an animal in this state.

58 2. If such information is contained in documents related to

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59 the medical diagnosis or treatment of an animal, the name, home
60 address, work address, telephone number, and e-mail address of a
61 person or business entity that makes the animal or the animal's
62 medical record available to the department or the state
63 veterinarian by using the services of the laboratory to obtain a
64 medical diagnosis or treatment for the animal.

65 3. If such information is contained in a document related
66 to the medical diagnosis or treatment of an animal by the
67 laboratory, the name of any department employee, contract
68 employee, or volunteer who diagnosed or treated the medical
69 condition of an animal pursuant to this chapter.

70 (b) The exemptions from public records requirements granted
71 under this subsection apply to records and information held
72 before, on, or after July 1, 2020.

73 (c) This subsection is subject to the Open Government
74 Sunset Review Act in accordance with s. 119.15 and shall stand
75 repealed on October 2, 2025, unless reviewed and saved from
76 repeal through reenactment by the Legislature.

77 Section 2. The Legislature finds that it is a public
78 necessity that animal health records submitted to or generated
79 by the Department of Agriculture and Consumer Services or the
80 state veterinarian, in the performance of their official duties
81 under chapter 585, Florida Statutes, be made exempt from s.
82 119.07(1), Florida Statutes, and s. 24(a), Article I of the
83 State Constitution. The department and the state veterinarian
84 are charged with surveilling and eradicating animal disease in
85 the state. To that end, the department relies heavily on animal
86 owners to submit information or to make animals available to the
87 department's animal disease diagnostic laboratory for disease

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88 diagnostics. In the absence of the proposed exemptions, animal
89 owners are reluctant to report animal diseases to the department
90 or to use the services of the animal disease diagnostic
91 laboratory for fear that their personal information or the
92 animal's medical information may be disclosed pursuant to a
93 public records request. Currently, competitors can manipulate
94 information gleaned from public records requests regarding
95 animal disease diagnostics to create unwarranted consumer
96 uncertainty about Florida producers' meat or dairy products. To
97 avoid this potential harm, producers find other options for
98 disease diagnostics at private laboratories or laboratories in
99 other states, and the department is not made privy to valuable
100 disease information, which is contrary to the public health and
101 welfare.

102 Section 3. This act shall take effect July 1, 2020.