

By Senator Pizzo

38-00277A-21

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 828.124, F.S.; providing an exemption from public
4 records requirements for all records containing
5 reports of animal cruelty made by veterinarians,
6 veterinary technicians, and other animal treatment
7 provider employees; providing for future legislative
8 review and repeal of the exemption; providing a
9 statement of public necessity; providing a contingent
10 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. Subsection (7) is added to section 828.124,
15 Florida Statutes, as created by SB __ or similar legislation,
16 2021 Regular Session, to read:

17 828.124 Reporting animal cruelty; medical records; public
18 records exemption.—

19 (7) In order to protect veterinarians, veterinary
20 technicians, and other animal treatment provider employees who
21 are responsible for the treatment of animals, all records
22 concerning reports of animal cruelty which are required to be
23 made pursuant to this section and which are held by a law
24 enforcement or an animal control agency, and all records
25 generated as a result of such reports, are confidential and
26 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution and may not be disclosed except as specifically
28 authorized by this subsection. This exemption applies to
29 information in the possession of those entities specifically

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30 granted access by this subsection.

31 (a) Without the written consent of the person reporting,
32 law enforcement or animal control agencies may not release the
33 name of, or other identifying information with respect to, any
34 veterinarian, veterinary technician, or other animal treatment
35 provider employee who reports animal cruelty pursuant to this
36 section, or any information that would identify their place of
37 employment, to any person other than other law enforcement or
38 animal control employees or the appropriate state attorney.

39 (b) This subsection does not prohibit the subpoenaing of a
40 person reporting animal cruelty, when deemed necessary by the
41 court or the state attorney, if the person who made the report
42 is not disclosed. A veterinarian, veterinary technician, or
43 other animal treatment provider employee who reports a suspected
44 case of animal cruelty may, at the time he or she makes the
45 report, request that the investigating agency or state attorney
46 notify him or her that an animal cruelty investigation has
47 occurred as a result of the report. The law enforcement or
48 animal control agency or state attorney must mail such notice to
49 the person who makes the report within 10 days after completing
50 the animal cruelty investigation.

51 (c) This subsection is subject to the Open Government
52 Sunset Review Act in accordance with s. 119.15 and shall stand
53 repealed on October 2, 2026, unless reviewed and saved from
54 repeal through reenactment by the Legislature.

55 Section 2. The Legislature finds that it is a public
56 necessity to protect persons who report animal cruelty by making
57 all records concerning reports of animal cruelty made pursuant
58 to s. 828.124, Florida Statutes, exempt from s. 119.07(1),

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59 Florida Statutes, and s. 24(a), Article I of the State
60 Constitution. Current law protects the medical information and
61 records of the animal patient but does not provide protection
62 from disclosure for the professionals who report animal cruelty,
63 thus potentially leaving the professionals open to harm or
64 retaliatory action. Protecting the identity and business
65 information of a reporter of animal cruelty improves the
66 mandatory reporting requirements by ensuring that veterinarians,
67 veterinary technicians, and other animal treatment provider
68 employees feel personally and professionally safe to report all
69 instances of animal cruelty to the appropriate law enforcement
70 or animal control officials. Therefore, the Legislature finds
71 that it is a public necessity that such information be made
72 exempt from public records requirements.

73 Section 3. This act shall take effect on the same date that
74 SB __ or similar legislation takes effect, if such legislation
75 is adopted in the same legislative session or an extension
76 thereof and becomes a law.