

CHAPTER 98-213

House Bill No. 1139

An act relating to public records; amending s. 828.30, F.S.; providing an exemption from public records requirements for information contained in a rabies vaccination certificate; authorizing disclosure to certain public agencies and to other persons under certain conditions; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

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

828.30 Rabies vaccination of dogs and cats.—

(4) Any information contained in the rabies vaccination certificate provided to the animal control authority which identifies the owner of the animal vaccinated is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. 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 an animal that has been bitten, scratched, or otherwise exposed to a zoonotic disease, shall 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 with regard to that animal. 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 shall be provided information contained in the rabies vaccination certificate for the purpose of controlling the transmission of rabies; however, they must not release such information to the public. Any person, pursuant to a written request, may view or copy any individual rabies vaccination certificate, one record at a time. 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 exemption is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

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

~~(6)~~(5) This section does not prohibit or limit municipalities or counties from enacting requirements similar to or more stringent than the provisions

of this section for the implementation and enforcement of rabies-control ordinances.

Section 2. The Legislature finds that there is a public necessity to compile information contained in rabies vaccination certificates and to readily provide such information when necessary to promote public health, safety, and welfare. However, the Legislature also finds that such information is both confidential to the pet owner and proprietary for the veterinarian and should be distributed only when the public health, safety, and welfare demand. Rabies certificates include personal information about individual pet owners which, when compiled, can be used to produce the client list of each veterinarian who has complied with the provisions of s. 828.30, Florida Statutes, which requires the filing of a copy of rabies vaccination certificates with the local animal control authority. Such lists are trade secrets as defined by s. 812.081, Florida Statutes. The Legislature finds that it is a public necessity that trade secret information be expressly made confidential and exempt from public records law because it is a felony to disclose such records. Thus, the public and private harm in disclosing trade secrets significantly outweighs any public benefit derived from disclosure, and the public's ability to scrutinize and monitor agency action is not diminished by nondisclosure of trade secrets. Release of such information for reasons outside the scope of public health, safety, and welfare unnecessarily jeopardizes the right to privacy of pet owners who have their pets vaccinated and, further, negatively impacts veterinarians submitting rabies vaccination certificates by making the identities of their clients readily available to competing business interests. Furthermore, veterinarians are subject to medical confidentiality provisions. Release of identifying information in the rabies vaccination certificate for reasons other than the protection of public health, safety, and welfare could represent a breach of client confidentiality. In addition, release of the information contained in a rabies vaccination certificate could subject pet owners to possible theft or harassment by individuals who target particular breeds, as well as to solicitations, including solicitations from competing veterinary business interests. Owners could become reluctant to have their pets vaccinated against rabies. Any decrease in the number of dogs and cats vaccinated against rabies would hinder the ability of animal control authorities to protect the public against the spread of rabies and endanger the public health, safety, and welfare.

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

Became a law without the Governor's approval May 24, 1998.

Filed in Office Secretary of State May 22, 1998.