

Florida Legislature drops anti-videotaping language



A still image from a Humane Society of the United States undercover video shows caged chickens on an egg farm. A Florida effort that would outlaw the gathering of undercover photos and video was dropped, but five other states are still attempting to pass similar laws in 2012. (Humane Society of the United States)

By Dean Kuipers

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The [Florida Legislature](#) has dropped a controversial provision that would have made it a crime to photograph or videotape on agricultural facilities without consent.

We have reported previously on this blog that several states have attempted to thwart whistle-blowers and animal rights activists by making it a crime to record images on a farm, lab or other animal enterprise. Of course, many other actions such as trespassing, removing animals and other acts are already illegal.

Florida was taking a lead in this push, but in the last few days its legislature has removed the image collection language – derisively called an “ag gag” provision by activists – from state House Bill 1021 and state Senate Bill 1184.

“These bills threaten animal welfare,” says Suzanne McMillan, director of Farm Animal Welfare for the American Society for the Prevention of Cruelty to Animals, who has monitored these bills. “However, they also threaten constitutional rights, they have a chilling effect on speech. Which is a serious concern. Any time you limit speech, legally, a higher threshold needs to be met and it’s certainly not being met in this case.”

The animal welfare organization points out that an undercover video made at a Florida dairy farm was used to pass humane slaughter and euthanasia laws. That video showed calves with gunshot wounds left in a watery pit to drown.

Video and photos gathered by undercover activists and even news reporters has been a mainstay of investigative journalism for decades. There has been some question as to whether the actual gathering of images also violates the broad federal 2006 Animal Enterprise Terrorism Act, which makes it illegal to negatively affect the profits of an animal enterprise. The Center for Constitutional Rights is currently challenging that financial harm provision in court.

Four other states are now considering such video and photo bans, including Indiana, Iowa, Minnesota and Nebraska.

“These bills are a direct threat to us controlling our food supply and to the American public understanding where it’s food comes from,” McMillan adds . “If large animal agribusiness has nothing to hide, why is it supporting these kinds of bills? Time and again, undercover investigations have revealed these exact problems: food safety concerns, animal welfare violations, environmental violations.”

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<http://www.latimes.com/news/local/environment/la-me-gs-florida-drops-animal-farm-antivideotaping-effort-20120126,0,5292310.story>