

By Senator DiCeglie

18-00678-24

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       474.2185, F.S.; providing an exemption from public  
4       records requirements for records relating to licensed  
5       veterinary technicians until specified criteria are  
6       met; providing a statement of public necessity;  
7       providing a contingent effective date.  
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9   Be It Enacted by the Legislature of the State of Florida:  
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11       Section 1. Section 474.2185, Florida Statutes, is amended  
12       to read:

13       474.2185 Veterinarians consent; handwriting samples; mental  
14       or physical examinations.—A veterinarian or veterinary  
15       technician who accepts a license to practice veterinary medicine  
16       or veterinary technology, as applicable, in this state shall, by  
17       so accepting the license or by making and filing a renewal of  
18       licensure to practice in this state, be deemed to have given her  
19       or his consent, during a lawful investigation of a complaint or  
20       of an application for licensure and when the information has  
21       been deemed necessary and relevant to the investigation as  
22       determined by the secretary of the department, to the following:

23       (1) To render a handwriting sample to an agent of the  
24       department and, further, to have waived any objections to its  
25       use as evidence against her or him.

26       (2) To waive the confidentiality and authorize the  
27       preparation and release of medical reports pertaining to the  
28       mental or physical condition of the licensee when the department  
29       has reason to believe that a violation of this chapter has

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30 occurred and when the department issues an order, based on the  
31 need for additional information, to produce such medical reports  
32 for the time period relevant to the complaint. As used in this  
33 section, "medical reports" means a compilation of medical  
34 treatment of the licensee which shall include symptoms,  
35 diagnosis, treatment prescribed, relevant history, and progress.

36 (3) To waive any objection to the admissibility of the  
37 reports as constituting privileged communications. Such material  
38 maintained by the department is confidential and exempt from s.  
39 119.07(1) and s. 24(a), Art. I of the State Constitution until  
40 probable cause is found and an administrative complaint is  
41 issued.

42 Section 2. The Legislature finds that it is a public  
43 necessity that medical reports pertaining to the mental or  
44 physical condition of a licensed veterinary technician obtained  
45 by the Department of Business and Professional Regulation as  
46 part of the complaint and investigation process be made  
47 confidential and exempt from s. 119.07(1), Florida Statutes, and  
48 s. 24(a), Article I of the State Constitution. The Legislature  
49 finds that the rights of a licensed veterinary technician  
50 afforded under other state or federal laws that deem certain  
51 personal information confidential, such as protected health  
52 information covered by the Health Insurance Portability and  
53 Accountability Act, should be upheld and that the licensed  
54 veterinary technician's exempt or confidential information  
55 should not be disclosed to the public until probable cause is  
56 found and an administrative complaint is issued. The licensed  
57 veterinary technician's exempt or confidential information, if  
58 publicly available, could be used to invade his or her personal

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59 privacy. Making such information confidential and exempt from  
60 disclosure will protect information of a sensitive personal  
61 nature, the release of which could cause unwarranted damage to  
62 the privacy rights of the licensed veterinary technician. The  
63 Legislature therefore finds that it is a public necessity that  
64 such information be made confidential and exempt until probable  
65 cause is found and an administrative complaint is issued.

66       Section 3. This act shall take effect on the same date that  
67 SB 1100 or similar legislation takes effect, if such legislation  
68 is adopted in the same legislative session or an extension  
69 thereof and becomes a law.