**By** Senator Rodriguez

40-02012-25                                                    20251336__

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  Consent Veterinarians consent; handwriting

14   samples; mental or physical examinations.—A veterinarian or

15   veterinary technician who accepts a license to practice

16   veterinary medicine or veterinary technology, as applicable, in

17   this state shall, by so accepting the license or by making and

18   filing a renewal of licensure to practice in this state, be

19   deemed to have given her or his consent, during a lawful

20   investigation of a complaint or of an application for licensure

21   and when the information has been deemed necessary and relevant

22   to the investigation as determined by the secretary of the

23   department, to the following:

24        (1)  To render a handwriting sample to an agent of the

25   department and, further, to have waived any objections to its

26   use as evidence against her or him.

27        (2)  To waive the confidentiality and authorize the

28   preparation and release of medical reports pertaining to the

29   mental or physical condition of the licensee when the department

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30 has reason to believe that a violation of this chapter has
31 occurred and when the department issues an order, based on the
32 need for additional information, to produce such medical reports
33 for the time period relevant to the complaint. As used in this
34 section, "medical reports" means a compilation of medical
35 treatment of the licensee which shall include symptoms,
36 diagnosis, treatment prescribed, relevant history, and progress.
37      (3)  To waive any objection to the admissibility of the
38 reports as constituting privileged communications. Such material
39 maintained by the department is confidential and exempt from s.
40 119.07(1) until probable cause is found and an administrative
41 complaint is 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 898 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.

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