

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  
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 that medical reports pertaining to the mental or  
44 physical condition of a licensed veterinary technician obtained  
45 by the department as part of the complaint and investigation  
46 process be made confidential and exempt from s. 119.07(1),  
47 Florida Statutes, and s. 24(a), Article I of the State  
48 Constitution. The Legislature finds that the rights of a  
49 licensed veterinary technician afforded under other state or  
50 federal laws that deem certain personal information

51 confidential, such as protected health information covered by  
52 the Health Insurance Portability and Accountability Act, should  
53 be upheld and that the licensed veterinary technician's exempt  
54 or confidential information should not be disclosed to the  
55 public until probable cause is found and an administrative  
56 complaint is issued. The licensed veterinary technician's exempt  
57 or confidential information, if publicly available, could be  
58 used to invade his or her personal privacy. Making such  
59 information confidential and exempt from disclosure will protect  
60 information of a sensitive personal nature, the release of which  
61 could cause unwarranted damage to the privacy rights of the  
62 licensed veterinary technician. The Legislature therefore finds  
63 that it is a public necessity that such information be made  
64 confidential and exempt until probable cause is found and an  
65 administrative complaint is issued.

66 Section 3. This act shall take effect on the same date  
67 that HB 767 or similar legislation takes effect, if such  
68 legislation is adopted in the same legislative session or an  
69 extension thereof and becomes a law.