HB 263

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.
8	
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;
14	mental or physical examinations.—A veterinarian <u>or veterinary</u>
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.
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26 To waive the confidentiality and authorize the (2)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 30 occurred and when the department issues an order, based on the need for additional information, to produce such medical reports 31 32 for the time period relevant to the complaint. As used in this section, "medical reports" means a compilation of medical 33 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) until probable cause is found and an administrative 40 complaint is issued.

41 Section 2. The Legislature finds that it is a public 42 necessity that that medical reports pertaining to the mental or physical condition of a licensed veterinary technician obtained 43 44 by the department as part of the complaint and investigation 45 process be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State 46 47 Constitution. The Legislature finds that the rights of a 48 licensed veterinary technician afforded under other state or 49 federal laws that deem certain personal information confidential, such as protected health information covered by 50

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51	the Health Insurance Portability and Accountability Act, should
52	be upheld and that the licensed veterinary technician's exempt
53	or confidential information should not be disclosed to the
54	public until probable cause is found and an administrative
55	complaint is issued. The licensed veterinary technician's exempt
56	or confidential information, if publicly available, could be
57	used to invade his or her personal privacy. Making such
58	information confidential and exempt from disclosure will protect
59	information of a sensitive personal nature, the release of which
60	could cause unwarranted damage to the privacy rights of the
61	licensed veterinary technician. The Legislature therefore finds
62	that it is a public necessity that such information be made
63	confidential and exempt until probable cause is found and an
64	administrative complaint is issued.
65	Section 3. This act shall take effect on the same date
66	that HB 261 or similar legislation takes effect, if such
67	legislation is adopted in the same legislative session or an
68	extension thereof and becomes a law.

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