

By Senators Brown-Waite and Forman

10-345-98

See HB

1                                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from public records requirements for  
4           information about patients of home medical  
5           equipment providers which is obtained by  
6           employees or service providers or the licensing  
7           agency; providing an exemption from public  
8           records requirements for information obtained  
9           by the Agency for Health Care Administration or  
10          a home medical equipment provider in connection  
11          with background screening of prospective  
12          employees of the provider; providing for future  
13          review and repeal; providing findings of public  
14          necessity; providing a contingent effective  
15          date.

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17 Be It Enacted by the Legislature of the State of Florida:

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19           Section 1. Information about patients of a home  
20 medical equipment provider which is received by persons  
21 employed by, or providing services to, a home medical  
22 equipment provider or which is received by the licensing  
23 agency through reports or inspection, is confidential and  
24 exempt from the provisions of s. 119.07(1), Florida Statutes,  
25 and s. 24(a), Art. I of the State Constitution. This section  
26 is subject to the Open Government Sunset Review Act of 1995 in  
27 accordance with s. 119.15, Florida Statutes, and shall stand  
28 repealed on October 2, 2003, unless reviewed and saved from  
29 repeal through reenactment by the Legislature.

30           Section 2. The Legislature finds that exempting  
31 information related to patients of home medical equipment

1 providers from the public records law requirements is a public  
2 necessity, in that the harm caused by the release of such  
3 personal and sensitive information, which usually includes  
4 medical information, outweighs any public benefit derived from  
5 releasing such information.

6 Section 3. Information that is obtained by the Agency  
7 for Health Care Administration or by a home medical equipment  
8 provider in connection with background screening requirements  
9 that apply to a prospective employee of a home medical  
10 equipment provider is confidential and exempt from the  
11 provisions of s. 119.07(1), Florida Statutes, and s. 24(a),  
12 Art. I of the State Constitution. This section is subject to  
13 the Open Government Sunset Review Act of 1995 in accordance  
14 with s. 119.15, Florida Statutes, and shall stand repealed on  
15 October 2, 2003, unless reviewed and saved from repeal through  
16 reenactment by the Legislature.

17 Section 4. The Legislature finds that exempting  
18 background screening information related to employees of home  
19 medical equipment providers from the public records law  
20 requirements is a public necessity, in that the health and  
21 safety of the public necessitates having available applicants  
22 for positions as home medical equipment provider personnel,  
23 and allowing such information concerning applicants to be  
24 disseminated would have a chilling effect upon the willingness  
25 to apply for such positions on the part of any person about  
26 whom there is information of past misbehavior contained in  
27 juvenile records or criminal records or in the central abuse  
28 registry, even if the person were fully rehabilitated and  
29 would be a suitable employee.

30 Section 5. This act shall take effect on the same date  
31 that Committee Substitute for House Bill 759 or similar

1 | legislation creating the Home Medical Equipment Provider  
2 | Licensure Act takes effect, if such legislation is adopted in  
3 | the same legislative session or an extension thereof.

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6 | LEGISLATIVE SUMMARY

7 | Provides an exemption from public records requirements  
8 | for information about patients of home medical equipment  
9 | providers which is obtained by employees or service  
10 | providers of the home medical equipment provider or by  
11 | the licensing agency. Provides an exemption from public  
12 | records requirements for information obtained by the  
13 | Agency for Health Care Administration or by a home  
14 | medical equipment provider in connection with background  
15 | screening of prospective employees of the provider.  
16 | Provides for future review and repeal. Provides findings  
17 | of public necessity.

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