

By the Committee on Health Care Standards & Regulatory Reform and Representative Geller

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28 repealed on October 2, 2002, unless reviewed and saved from  
29 repeal through reenactment by the Legislature.

30           Section 2. The public necessity that justifies the  
31 exemption provided in section 1 of this act is the

1 individual's right to privacy under the State Constitution and  
2 the United States Constitution.

3       Section 3. Information that is obtained by the Agency  
4 for Health Care Administration or by a home medical equipment  
5 provider in connection with background screening requirements  
6 that apply to a prospective employee of a home medical  
7 equipment provider is confidential and exempt from the  
8 provisions of s. 119.07(1), Florida Statutes, and s. 24(a),  
9 Art. I of the State Constitution. This section is subject to  
10 the Open Government Sunset Review Act of 1995 in accordance  
11 with s. 119.15, Florida Statutes, and shall stand repealed on  
12 October 2, 2002, unless reviewed and saved from repeal through  
13 reenactment by the Legislature.

14       Section 4. The public necessity that justifies the  
15 exemption from the public records provisions which is provided  
16 under section 3 of this act is that the health and safety of  
17 the public necessitates having available applicants for  
18 positions as home medical equipment provider personnel, and  
19 allowing such information concerning applicants to be  
20 disseminated would have a chilling effect upon the willingness  
21 to apply for such positions on the part of any person about  
22 whom there is information of past misbehavior contained in  
23 juvenile records or criminal records or in the central abuse  
24 registry, even if the person were fully rehabilitated and  
25 would be a suitable employee.

26       Section 5. This act shall take effect upon the  
27 effective date of House Bill 759 or similar legislation  
28 creating the Home Medical Equipment Provider Licensure Act.  
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