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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28 repealed on October 2, 2003, unless reviewed and saved from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14 with s. 119.15, Florida Statutes, and shall stand repealed on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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