

By Representative Casey

1                                   A bill to be entitled  
2           An act relating to public records; exempting  
3           records made or received by the Department of  
4           Health or emergency medical services licensees  
5           with respect to allegations of impairment by  
6           emergency medical technicians or paramedics,  
7           identifying information about students in  
8           emergency medical technician or paramedic  
9           education programs, emergency medical services  
10          licensees against which complaints have been  
11          filed, and patients transported or treated by  
12          emergency medical services licensees from  
13          public records requirements; providing for  
14          future review and repeal; providing findings of  
15          public necessity; providing a contingent  
16          effective date.

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

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20           Section 1. All information received by the Department  
21 of Health under section 401.2701, Florida Statutes, with  
22 respect to an impaired or allegedly impaired certificateholder  
23 against whom no other complaint exists or with respect to  
24 whose participation in, progress through, and completion of a  
25 treatment program a licensee has informed the department is  
26 confidential and exempt from the provisions of section  
27 119.07(1), Florida Statutes, and section 24(a), Article I of  
28 the State Constitution.

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30           Section 2. The names of students and other  
31 student-identifying information contained in reports provided  
to the Department of Health under section 401.49(9), Florida

1 Statutes, are confidential and exempt from the provisions of  
2 section 119.07(1), Florida Statutes, and section 24(a),  
3 Article I of the State Constitution.

4       Section 3. A complaint and all information obtained in  
5 an investigation by the Department of Health under section  
6 401.51, Florida Statutes, are confidential and exempt from the  
7 provisions of section 119.07(1), Florida Statutes, and section  
8 24(a), Article I of the State Constitution until 10 days after  
9 probable cause has been found by the department to exist or  
10 until the licensee or education program licensee that is the  
11 subject of the investigation waives confidentiality, whichever  
12 occurs first. This section does not prohibit the department  
13 from providing such information to any law enforcement agency  
14 or any other regulatory agency.

15       Section 4. Records obtained by an emergency medical  
16 services licensee under section 395.3025(4)(k), Florida  
17 Statutes, are confidential and exempt from the provisions of  
18 section 119.07(1), Florida Statutes, and section 24(a),  
19 Article I of the State Constitution.

20       Section 5. The exemptions provided in sections 1, 2,  
21 3, and 4 are subject to the Open Government Sunset Review Act  
22 in accordance with section 119.15, Florida Statutes, and are  
23 repealed October 2, 2004, unless reviewed and saved from  
24 repeal through reenactment by the Legislature.

25       Section 6. The Legislature finds that exempting  
26 information relating to impaired or allegedly impaired  
27 emergency medical technicians and paramedics, to students in  
28 emergency medical technician and paramedic education programs,  
29 to emergency medical services licensees, and to hospital  
30 patients who have been transported or treated, or both, by  
31 emergency medical services licensees is a public necessity.

1 With respect to hospital patients, the Legislature recognizes  
2 that their records currently are confidential, and it finds  
3 that a limited disclosure to emergency medical services  
4 licensees serves a public purpose in that it allows licensees  
5 to maintain and improve the quality of their services, but  
6 that that benefit does not outweigh the established public  
7 interest in maintaining these patients' privacy. With respect  
8 to individual certificateholders, the Legislature finds that  
9 unnecessary disclosure of education records or allegations of  
10 impairment against an individual who has not been the subject  
11 of any other complaint could substantially affect these  
12 persons' current and future employment. With respect to  
13 licensees, the Legislature finds that the limited exemption of  
14 10 days or less will allow it to more expeditiously conduct  
15 investigations of alleged infractions.

16           Section 7. This act shall take effect July 1, 1999,  
17 except that it shall not take effect unless Senate Bill \_\_\_\_  
18 or similar legislation regulating licensure of emergency  
19 medical services licensees, emergency medical technicians, and  
20 paramedics becomes law.

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23           SENATE SUMMARY

24 Exempts the following information from disclosure as public  
25 records:  
26       1. Information alleging impairment on the part of an  
27 emergency medical technician or paramedic against whom no  
28 other complaint has been filed.  
29       2. Information concerning an emergency medical  
30 technician's or paramedic's enrollment in, progress through,  
31 and completion of an impairment treatment program.  
3. Information identifying students in emergency  
medical technician or paramedic education courses.  
4. A complaint against an emergency medical services  
licensee, for a period of up to 10 days.  
5. Information released to an emergency medical  
services licensee by a hospital about a hospital patient who  
was transported or treated, or both, by the licensee.