

By Senator Campbell

33-799-99

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.