

By Representative Goode

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; providing for future  
12          review and repeal; providing findings of public  
13          necessity; providing a contingent effective  
14          date.

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

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18           Section 1. Information about patients of a home  
19 medical equipment provider which is received by persons  
20 employed by, or providing services to, a home medical  
21 equipment provider or which is received by the licensing  
22 agency through reports or inspection, is confidential and  
23 exempt from the provisions of s. 119.07(1), Florida Statutes,  
24 and s. 24(a), Art. I of the State Constitution. This section  
25 is subject to the Open Government Sunset Review Act of 1995 in  
26 accordance with s. 119.15, Florida Statutes, and shall stand  
27 repealed on October 2, 2004, unless reviewed and saved from  
28 repeal through reenactment by the Legislature.

29           Section 2. The Legislature finds that exempting  
30 information related to patients of home medical equipment  
31 providers from public records law requirements is a public

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

5       Section 3. Information that is obtained by the Agency  
6 for Health Care Administration in connection with background  
7 screening requirements associated with applications for  
8 licensure as a home medical equipment provider, or by a home  
9 medical equipment provider in connection with background  
10 screening requirements that apply to a prospective employee of  
11 the home medical equipment provider, is confidential and  
12 exempt from the provisions of s. 119.07(1), Florida Statutes,  
13 and s. 24(a), Art. I of the State Constitution. This section  
14 is subject to the Open Government Sunset Review Act of 1995 in  
15 accordance with s. 119.15, Florida Statutes, and shall stand  
16 repealed on October 2, 2004, unless reviewed and saved from  
17 repeal through reenactment by the Legislature.

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

1 central abuse registry, even if the person were fully  
2 rehabilitated and would be a suitable licensee or employee.

3 Section 5. This act shall take effect on the same date  
4 that House Bill \_\_\_ or similar legislation creating part X of  
5 chapter 400, Florida Statutes, requiring licensure of home  
6 medical equipment providers, takes effect, if such legislation  
7 is adopted in the same legislative session or an extension  
8 thereof.

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11 HOUSE SUMMARY

12 Provides an exemption from public records requirements  
13 for information about patients of home medical equipment  
14 providers which is obtained by employees or service  
15 providers or the Agency for Health Care Administration.  
16 Provides an exemption from public records requirements  
17 for information obtained by the agency in connection with  
18 background screening of applicants for licensure as a  
19 home medical equipment provider or by a home medical  
20 equipment provider in connection with background  
21 screening of prospective employees. Provides for future  
22 review and repeal. Takes effect contingent on passage of  
23 legislation requiring licensure of home medical equipment  
24 providers.  
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