

By Senator Brown-Waite

10-511-99

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 section 119.07(1), Florida  
25 Statutes, and Section 24(a), Article I of the State  
26 Constitution. This section is subject to the Open Government  
27 Sunset Review Act of 1995 in accordance with section 119.15,  
28 Florida Statutes, and shall stand repealed on October 2, 2004,  
29 unless reviewed and saved from repeal through reenactment by  
30 the Legislature.

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1           Section 2. The Legislature finds that exempting  
2 information related to patients of home medical equipment  
3 providers from the public records law requirements is a public  
4 necessity in that the harm caused by the release of such  
5 personal and sensitive information, which usually includes  
6 medical information, outweighs any public benefit derived from  
7 releasing such information.

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17 stand repealed on October 2, 2004, unless reviewed and saved  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

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

1           Section 5. This act shall take effect on the same date  
2 that Senate Bill 276 or similar legislation providing for the  
3 licensure of home medical equipment providers takes effect, if  
4 such legislation is adopted in the same legislative session or  
5 an extension thereof.

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8                                   SENATE SUMMARY

9           Provides an exemption from public records requirements  
10 for information about patients of home medical equipment  
11 providers which is obtained by employees or service  
12 providers or the licensing agency. Provides an exemption  
13 from public records requirements for information obtained  
14 by the Agency for Health Care Administration or a home  
15 medical equipment provider in connection with background  
16 screening of prospective employees of the provider.  
17 Provides for future review and repeal. Provides findings  
18 of public necessity.

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