

Senate Bill No. 674

An act relating to public records; providing an exemption from public records requirements for medical and other personal information about patients of home medical equipment providers which is obtained by the licensing agency; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

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

Section 1. Medical and other personal information about patients of a home medical equipment provider which is received by the licensing agency through reports or inspection is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that exempting medical and other personal information related to patients of home medical equipment providers from public records law requirements is a public necessity, in that the harm caused by the release of such personal and sensitive information outweighs any public benefit derived from releasing such information. The patients of home medical equipment providers need assurances that the medical and other information of a sensitive personal nature they share with the providers will be held in confidence by the licensing agency in order for the patients to provide essential, accurate information about themselves related to home medical equipment. The public disclosure of such information would lead to a reluctance on the part of patients to provide accurate information which would result in an adverse impact on their health.

Section 3. This act shall take effect on the same date that House Bill 247 or similar legislation creating part X of chapter 400, Florida Statutes, requiring licensure of home medical equipment providers, takes effect, if such legislation is adopted in the same legislative session or an extension thereof.

Approved by the Governor June 11, 1999.

Filed in Office Secretary of State June 11, 1999.