

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1238

SPONSOR: Senator Sebesta

SUBJECT: Public Records

DATE: April 8, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill provides an exemption from the public records requirements for medical information regarding an individual’s health or eligibility for paratransit services under Title II of the Americans with Disabilities Act made or received by local government entities or their service providers.

This bill substantially amends section 119.07 of the Florida Statutes.

**II. Present Situation:**

Currently, medical information regarding an individual’s health or eligibility for paratransit services under Title II of the Americans with Disabilities Act made or received by local government entities or their service providers are not exempt from the provisions of S. 24(a), Art. I of the State Constitution, and are therefore a public record.

**III. Effect of Proposed Changes:**

This bill provides an exemption from the public records requirements for medical information regarding an individual’s health or eligibility for paratransit services under Title II of the Americans with Disabilities Act made or received by local government entities or their service providers. Such information may only be disclosed:

- With the express written consent of the individual or the individual’s legally authorized representative.
- In a medical emergency, but only to the extent necessary to protect the health or life of the individual

- By order of a court upon a showing of good cause.

This bill is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, F.S., and will be repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment of the Legislature.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.