

By Senator Wise

5-1479-03

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           119.07, F.S.; providing exemptions from  
 4           public-records requirements for medical  
 5           information relating to an individual's health  
 6           held by local governmental entities or their  
 7           service providers for purposes of determining  
 8           eligibility for paratransit services under  
 9           Title II of the Americans with Disabilities Act  
 10          or the Transportation Disadvantaged Program as  
 11          provided in part I of ch. 427, F.S.; providing  
 12          conditions upon which such information may be  
 13          disclosed; providing for retroactive  
 14          application of the exemption; providing for  
 15          future review and repeal; providing a finding  
 16          of public necessity; providing an effective  
 17          date.

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

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 21           Section 1. Paragraph (gg) is added to subsection (3)  
 22 of section 119.07, Florida Statutes, to read:

23           119.07 Inspection, examination, and duplication of  
 24 records; exemptions.--

25           (3)

26           (gg) All personal identifying information that is  
 27 contained in records relating to an individual's health held  
 28 by local governmental entities or their service providers for  
 29 the purpose of determining eligibility for paratransit  
 30 services under Title II of the Americans with Disabilities Act  
 31 or for determining eligibility for the Transportation

1 Disadvantaged Program as provided in part I of chapter 427 is  
2 confidential and exempt from the provisions of subsection (1)  
3 and s. 24(a), Art. I of the State Constitution, except as  
4 otherwise provided in this paragraph. This exemption applies  
5 to personal identifying information contained in such records  
6 held by local governmental entities or their service providers  
7 before, on, or after the effective date of this exemption.  
8 Information made confidential and exempt by this paragraph may  
9 be disclosed:

10 1. With the express written consent of the individual  
11 or the individual's legally authorized representative;

12 2. In a medical emergency, but only to the extent  
13 necessary to protect the health or life of the individual;

14 3. By order of a court upon a showing of good cause;

15 or

16 4. For purposes of determining eligibility for  
17 paratransit services, if the individual or the individual's  
18 representative has filed an appeal or petition before an  
19 administrative body of a local government or a court.

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21 This paragraph is subject to the Open Government Sunset Review  
22 Act of 1995 in accordance with s. 119.15, and shall stand  
23 repealed on October 2, 2008, unless reviewed and saved from  
24 repeal through reenactment by the Legislature.

25 Section 2. The Legislature finds that it is a public  
26 necessity that information made confidential and exempt by  
27 this act be held confidential and exempt in order to protect  
28 health-related information that is of a sensitive personal  
29 nature concerning individuals. Matters of personal health are  
30 traditionally private and confidential concerns between the  
31 patient and the health care provider. The private and

1 confidential nature of personal health matters pervades both  
2 the public and private health care sectors. For these reasons,  
3 the individual's expectation of and right to privacy in all  
4 matters relating to his or her personal health and eligibility  
5 for paratransit services or the Transportation Disadvantaged  
6 Program provided by local government or its service providers  
7 necessitates this exemption.

8 Section 3. This act shall take effect upon becoming a  
9 law.

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12 SENATE SUMMARY

13 Provides exemptions from public-records requirements for  
14 personal information held by a local governmental entity  
15 or a service provider which is used to determine a  
16 person's eligibility for paratransit services or services  
17 under the Transportation Disadvantaged Program. Provides  
18 conditions upon which such information may be disclosed.  
19 Provides for future legislative review and repeal.  
20 Provides a finding of public necessity.  
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