

By the Committee on Health Care Services and Representative Peadar

1 A bill to be entitled
2 An act relating to public records; amending s.
3 385.207, F.S.; providing an exemption from
4 public records requirements for personal
5 information relating to clients of or
6 applicants to the epilepsy services program of
7 the Department of Health; specifying conditions
8 under which such information may be released;
9 providing for future review and repeal;
10 providing a finding of public necessity;
11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:
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15 Section 1. Subsections (3), (4), and (5) of section
16 385.207, Florida Statutes, are renumbered as subsections (4),
17 (5), and (6), respectively, and a new subsection (3) is added
18 to said section to read:

19 385.207 Care and assistance of persons with epilepsy;
20 establishment of programs in epilepsy control.--

21 (3)(a) All information and records held by the
22 department or its authorized service providers that would
23 identify an individual applying for or receiving epilepsy
24 services are confidential and exempt from the provisions of s.
25 119.07(1) and s. 24(a), Art. I of the State Constitution.
26 Such information shall not be released or made public by the
27 department or its authorized service providers, except under
28 the following circumstances:

29 1. When made with the consent of the individual or the
30 individual's legal guardian;

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1 2. When made for statistical purposes, and medical or
2 epidemiological information is summarized so that no
3 individual can be identified and no names are revealed;

4 3. When made to health care practitioners in the
5 course of diagnosis and treatment, or appropriate state or
6 local agencies when providing services to the individual; or

7 4. When made in a medical emergency, but only to the
8 extent necessary to protect the health or life of the
9 individual.

10 (b) When disclosure is made pursuant to a subpoena,
11 the court shall seal such information from further disclosure,
12 except as deemed necessary by the court to reach a decision,
13 unless otherwise agreed to by all parties. Except as provided
14 in this paragraph, such information that is disclosed pursuant
15 to a subpoena is confidential and exempt from the provisions
16 of s. 119.07(1) and s. 24(a), Art. I of the State
17 Constitution.

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19 This subsection is subject to the Open Government Sunset
20 Review Act of 1995 in accordance with s. 119.15, and shall
21 stand repealed on October 2, 2005, unless reviewed and saved
22 from repeal through reenactment by the Legislature.

23 Section 2. The Legislature finds that epilepsy, a
24 common neurologic disorder, is recognized as a disability
25 under the Americans with Disabilities Act. The Legislature
26 also finds that actual and perceived stigma associated with
27 epilepsy may lead to discrimination in the workplace, social
28 isolation, and unnecessary restrictions imposed on normal
29 activities. The Legislature further finds that exempting the
30 records of epilepsy services program clients and individuals
31 applying to become program clients from the public records law

1 requirements is a public necessity to protect these
2 individuals from unnecessary discrimination and stigma caused
3 by a diagnosis of epilepsy. Such records are to be considered
4 confidential and are to be protected from disclosure without
5 specific exception. Failure to protect such records may
6 discourage epilepsy services program clients and individuals
7 applying to become program clients from program participation.

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

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HOUSE SUMMARY

Provides an exemption from public records requirements for personal information relating to clients of or applicants to the epilepsy services program of the Department of Health. Provides for future review and repeal.