

By Senator Clary

7-883-00

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 information
5 relating to individuals who are applying for or
6 receiving services under the Epilepsy Services
7 Program; providing for future review and
8 repeal; providing a finding of public
9 necessity; providing an effective date.

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

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13 Section 1. Present subsections (3), (4), and (5) of
14 section 385.207, Florida Statutes, are redesignated as
15 subsections (4), (5), and (6), respectively, and a new
16 subsection (3) is added to that section to read:

17 385.207 Care and assistance of persons with epilepsy;
18 establishment of programs in epilepsy control.--

19 (3)(a) All information and records held by the
20 department or its authorized service providers which relates
21 to individuals who are applying for or receiving epilepsy
22 services are confidential and exempt from the provisions of s.
23 119.07(1) and s. 24(a), Art. I of the State Constitution.
24 Neither the department nor its authorized service providers
25 may release or make public such information, except that the
26 information may be disclosed:

27 1. With the written consent of the individual or the
28 individual's legal guardian.

29 2. For statistical purposes, if medical or
30 epidemiological information is summarized so that no
31 individual can be identified and no names are revealed.

1 3. To health care practitioners in the course of
2 diagnosis and treatment or to appropriate state or local
3 agencies that are providing services to the individual.

4 4. In a medical emergency, but only to the extent
5 necessary to protect the health or life of the individual.

6 (b) If disclosure of the information that is exempt
7 from the public records laws under this subsection is made
8 pursuant to a subpoena, the court must seal the information
9 from further disclosure, except as considered necessary by the
10 court to reach a decision, unless otherwise agreed to by all
11 parties. Except as provided in this subsection, such
12 information that is disclosed pursuant to a subpoena is
13 confidential and exempt from the provisions of s. 119.07(1)
14 and s. 24(a), Art. I of the State Constitution.

15 (c) This subsection is subject to the Open Government
16 Sunset Review Act of 1995 in accordance with s. 119.15, and
17 shall stand repealed on October 2, 2005, unless reviewed and
18 saved from repeal through reenactment by the Legislature.

19 Section 2. Epilepsy, the most common neurologic
20 disorder, is recognized as a disability under the Americans
21 with Disabilities Act. Actual and perceived stigma associated
22 with epilepsy may lead to discrimination in the workplace,
23 social isolation, and the imposition by uneducated
24 professionals of unnecessary restrictions on normal activities
25 of persons having epilepsy. The Legislature finds that
26 exempting from the public records law the records of Epilepsy
27 Services Program clients and individuals who are applying to
28 become clients is a public necessity to protect these
29 individuals from unnecessary discrimination and stigma caused
30 by a diagnosis of epilepsy. Failure to protect such records

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1 may have a chilling effect on clients of the Epilepsy Services
2 Program and on individuals seeking to become clients.

3 Section 3. This act shall take effect July 1, 2000.

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SENATE SUMMARY

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Provides an exemption from public records requirements
for information relating to individuals who are applying
for or receiving services from the Epilepsy Services
Program. Provides for future review and repeal. Provides
a finding of public necessity.

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