

By Senator Sebesta

20-1154-01

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           or eligibility for paratransit services under  
7           Title II of the Americans with Disabilities Act  
8           made or received by local government entities  
9           or their service providers; providing  
10          conditions upon which such information may be  
11          disclosed; providing for future review and  
12          repeal; providing a finding of public  
13          necessity; providing an effective date.

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

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17           Section 1. Paragraph (dd) is added to subsection (3)  
18 of section 119.07, Florida Statutes, to read:

19           119.07 Inspection, examination, and duplication of  
20 records; exemptions.--

21           (dd) All personally identifying information that is  
22 contained in records relating to an individual's health or  
23 eligibility for paratransit services under Title II of the  
24 Americans with Disabilities Act and that is made or received  
25 by local government entities or their service providers is  
26 confidential and exempt from the provisions of subsection (1)  
27 and s. 24(a), Art. I of the State Constitution, except as  
28 otherwise provided by law. Information made confidential and  
29 exempt by this paragraph may be disclosed:

30           1. With the express written consent of the individual  
31 or the individual's legally authorized representative.

1 Furthermore, if a request is made for the specific records of  
2 an individual, such records may be disclosed only with the  
3 express written consent of the individual or the individual's  
4 legally authorized representative;

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

7 3. By order of a court upon a showing of good cause.

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9 This paragraph is subject to the Open Government Sunset Review  
10 Act of 1995 in accordance with s. 119.15, and shall stand  
11 repealed on October 2, 2006, unless reviewed and saved from  
12 repeal through reenactment of the Legislature.

13 Section 2. The Legislature finds that it is a public  
14 necessity that personally identifying information that is  
15 contained in records relating to an individual's personal  
16 health or eligibility for paratransit services under the  
17 Americans with Disabilities Act and that is made or received  
18 by local government entities or their service providers be  
19 held confidential and exempt from public disclosure unless  
20 otherwise provided by law. The Legislature finds that this  
21 exemption is needed to protect information that is of a  
22 sensitive personal nature concerning individuals. Every person  
23 has an expectation of and a right to privacy in all matters  
24 concerning his or her personal health or physical condition.  
25 For this reason, such matters are traditionally private and  
26 confidential concerns between an individual and an  
27 individual's health care provider. Therefore the individual's  
28 expectation and right to privacy in all matters relating to  
29 his or her personal health and eligibility for paratransit  
30 services that are provided by local government or its agents  
31 necessitates this exemption.

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Section 3. This act shall take effect July 1, 2001.

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SENATE SUMMARY

Provides exemptions from the public records requirements for medical information relating to 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. Provides conditions upon which such information may be disclosed. Provides for future review and repeal. Provides a finding of public necessity.