

By Senator Saunders

25-1311-01

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           119.07, F.S.; providing an exemption from  
4           public-records requirements for information  
5           identifying persons who are applying for or  
6           receiving services from the Department of  
7           Elderly Affairs or its agents; providing for  
8           future review and repeal; providing a finding  
9           of public necessity; providing an effective  
10          date.

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

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

16           119.07 Inspection, examination, and duplication of  
17 records; exemptions.--

18           (3)

19           (dd) All personally identifying information contained  
20 in records relating to an individual's health or eligibility  
21 for health-related or elder-care services made or received by  
22 the Department of Elderly Affairs, the department's service  
23 providers, or volunteers providing services for the department  
24 or its service providers is confidential and exempt from the  
25 provisions of subsection (1) and s. 24(a), Art. I of the State  
26 Constitution, except as otherwise provided by law. Information  
27 made confidential and exempt by this paragraph shall be  
28 disclosed:

29           1. With the express written consent of the individual  
30 or the individual's legally authorized representative.  
31 Furthermore, if a request is made for specific records of an

1 individual, such records shall be disclosed only with the  
2 express written consent of the individual or the individual's  
3 legally authorized representative.

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

6 3. By an order of a court upon a showing of good  
7 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11 repealed on October 2, 2006, unless reviewed and saved from  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 by the Legislature.

13 Section 2. The Legislature finds that it is a public  
14 necessity that personally identifying information contained in  
15 records relating to an individual's health or eligibility for  
16 health or elder-related services made or received by the  
17 Department of Elderly Affairs or its service providers be held  
18 confidential and exempt from public disclosure unless  
19 otherwise provided for by law. The Legislature finds that this  
20 exemption is needed to protect information that is of a  
21 sensitive personal nature that concerns individuals. Every  
22 person has an expectation of and a right to privacy in all  
23 matters concerning his or her personal health. For this reason  
24 matters of personal health are traditionally private and  
25 confidential concerns between an individual and an  
26 individual's health care provider. In addition, an  
27 individual's personal financial situation as it relates to  
28 eligibility for health or elder-related services is also of a  
29 sensitive personal nature and should be confidential and  
30 exempt. For elderly persons needing the services of the  
31 department this is even more important since elderly persons

1 are often targets for those seeking to capitalize on their  
2 weaknesses. For these reasons, the individual's expectation  
3 and right to privacy in all matters relating to his or her  
4 personal health and eligibility for services provided by the  
5 department or its agents necessitates this exemption.

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

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9 SENATE SUMMARY

10 Provides an exemption from public-records requirements  
11 for information identifying persons who are applying for  
12 or receiving services from the Department of Elderly  
13 Affairs or its agents. Provides for future review and  
14 repeal. Provides a finding of public necessity.  
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