

By the Committee on Health, Aging and Long-Term Care; and
Senator Saunders

317-1736-01

1 A bill to be entitled
2 An act relating to public records; providing
3 for release of such information under certain
4 circumstances; creating s. 430.105, F.S.;
5 providing for confidentiality and exemption
6 from the public records law for information
7 relating to clients of the Department of
8 Elderly Affairs, clients of service providers
9 contracting with the Department of Elderly
10 Affairs, and certain elders receiving services
11 through programs administered by or funded by
12 the Department of Elderly Affairs; requiring
13 consent for disclosure; providing for future
14 legislative review and repeal; providing a
15 statement of public necessity; providing an
16 effective date.

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

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20 Section 1. Section 430.105, Florida Statutes, is
21 created to read:

22 430.105 Confidentiality of information.--
23 (1) Personal identifying information relating to an
24 individual's health or eligibility for or receipt of
25 health-related, elder-care, or long-term care services
26 received as a result of services rendered under any program
27 administered or funded by the department is confidential and
28 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
29 I of the State Constitution, except as otherwise provided by
30 law. Such information may be contained in records created by
31 or received by the department or its service providers or

1 obtained through files, reports, inspections, or otherwise by
2 employees of the department, persons who volunteer services
3 through programs administered by the department or its
4 contract providers, or by contract providers. Information made
5 confidential and exempt from the Public Records Law under this
6 section may not be disclosed publicly unless the affected
7 client or elder person or his or her legal representative
8 provides written consent.

9 (2) This section is subject to the open Government
10 Sunset Review Act of 1995, in accordance with s. 119.15, and
11 shall stand repealed on October 2, 2006, unless reviewed and
12 saved from 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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8 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
9 COMMITTEE SUBSTITUTE FOR
10 Senate Bill 1726

11 The Committee Substitute for Senate Bill 1726 places the
12 public records exemption in a newly created section of statute
13 in ch. 430, F.S. and removes a provision which allowed
disclosure of the information in a medical emergency or upon
the order of a court.