

By the Committee on State Administration and
Representative Brummer

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 identifying
5 information in records relating to an
6 individual's health or eligibility for
7 paratransit services under Title II of the
8 Americans with Disabilities Act made or
9 received by local government entities or their
10 service providers; providing conditions under
11 which such information may be disclosed;
12 providing for future review and repeal;
13 providing a finding of public necessity;
14 providing an effective date.

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

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

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

22 (3)

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

- 1 1. With the express written consent of the individual
- 2 or the individual's legally authorized representative;
- 3 2. In a medical emergency, but only to the extent
- 4 necessary to protect the health or life of the individual; or
- 5 3. By order of a court upon a showing of good cause.

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9 repealed on October 2, 2006, unless reviewed and saved from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

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

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

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HOUSE SUMMARY

Provides an exemption from public records requirements for identifying information in records 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 under which such information may be disclosed. Provides for future review and repeal. Provides a finding of public necessity.