

By Senator Sebesta

20-839-02

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.

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

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17 Section 1. Paragraph (ee) is added to subsection (3)
18 of section 119.07, Florida Statutes, as amended by section 1
19 of chapter 2001-364, Laws of Florida, to read:

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

22 (3)

23 (ee) All personally 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 law. Information made confidential and
31 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 Furthermore, if a request is made for the specific records of
4 an individual, such records may be disclosed only with the
5 express written consent of the individual or the individual's
6 legally authorized representative;

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

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

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11 This paragraph is subject to the Open Government Sunset Review
12 Act of 1995 in accordance with s. 119.15, and shall stand
13 repealed on October 2, 2007, unless reviewed and saved from
14 repeal through reenactment by the Legislature.

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

1 services that are provided by local government or its agents
2 necessitates this exemption.

3 Section 3. This act shall take effect July 1, 2002.

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6 SENATE SUMMARY

7 Provides exemptions from the public records requirements
8 for medical information relating to an individual's
9 health or eligibility for paratransit services under
10 Title II of the Americans with Disabilities Act made or
11 received by local government entities or their service
12 providers. Provides conditions upon which such
13 information may be disclosed. Provides for future review
14 and repeal. Provides a finding of public necessity.

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