

By the Committee on Governmental Oversight and Productivity;
and Senator Sebesta

302-2239-02

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 held by local governmental entities or their
7 service providers for purposes of determining
8 eligibility for paratransit services under
9 Title II of the Americans with Disabilities Act
10 or the Transportation Disadvantaged Program as
11 provided in part I of ch. 427, F.S.; providing
12 conditions upon which such information may be
13 disclosed; providing for retroactive
14 application of the exemption; providing for
15 future review and repeal; providing a finding
16 of public necessity; providing an effective
17 date.

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

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

24 119.07 Inspection, examination, and duplication of
25 records; exemptions.--

26 (3)

27 (ee) All personally identifying information that is
28 contained in records relating to an individual's health held
29 by local governmental entities or their service providers for
30 the purpose of determining eligibility for paratransit
31 services under Title II of the Americans with Disabilities Act

1 or for determining eligibility for the Transportation
2 Disadvantaged Program as provided in part I of chapter 427 is
3 confidential and exempt from the provisions of subsection (1)
4 and s. 24(a), Art. I of the State Constitution, except as
5 otherwise provided in this paragraph. This exemption applies
6 to personal identifying information contained in such records
7 held by local governmental entities or their service providers
8 before, on, or after the effective date of this exemption.
9 Information made confidential and exempt by this paragraph may
10 be disclosed:

11 1. With the express written consent of the individual
12 or the individual's legally authorized representative;

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

15 3. By order of a court upon a showing of good cause;
16 or

17 4. For purposes of determining eligibility for
18 paratransit services, if the individual or the individual's
19 representative has filed an appeal or petition before an
20 administrative body of a local government or a court.

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

26 Section 2. The Legislature finds that it is a public
27 necessity that information made confidential and exempt by
28 this act be held confidential and exempt in order to protect
29 health-related information that is of a sensitive personal
30 nature concerning individuals. Matters of personal health are
31 traditionally private and confidential concerns between the

1 patient and the health care provider. The private and
2 confidential nature of personal health matters pervades both
3 the public and private health care sectors. For these reasons,
4 the individual's expectation of and right to privacy in all
5 matters relating to his or her personal health and eligibility
6 for paratransit services or the Transportation Disadvantaged
7 Program provided by local government or its service providers
8 necessitates this exemption.

9 Section 3. This act shall take effect upon becoming a
10 law.

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 Senate Bill 1534

15 Adds records relating to a person's health that are held by a
16 local governmental entity for purposes of determining
eligibility for Transportation Disadvantaged Program as
provided in part I of ch. 427, F.S.

17 Adds an exception to the exemption when person or his or her
18 representative has filed an appeal before a court or local
19 administrative body.