

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 personal
5 identifying information contained in records
6 relating to an individual's personal health or
7 eligibility for paratransit services under
8 Title II of the Americans with Disabilities Act
9 made or received by local governmental entities
10 or their service providers; specifying
11 conditions under which such information may be
12 disclosed; providing for future review and
13 repeal; providing a finding of public
14 necessity; 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 (ee) 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 (ee) All personal identifying information contained in
24 records relating to an individual's personal health or
25 eligibility for paratransit services under Title II of the
26 Americans with Disabilities Act heretofore or hereafter made
27 or received by local governmental entities or their service
28 providers is confidential and exempt from the provisions of
29 subsection (1) and s. 24(a), Art. I of the State Constitution,
30 except as otherwise provided herein. Information made
31 confidential and exempt by this paragraph shall 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.

5 3. By court order 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9 repealed on October 2, 2007, unless reviewed and saved from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 contained in
13 records relating to an individual's personal health or
14 eligibility for paratransit services under Title II of the
15 Americans with Disabilities Act made or received by local
16 governmental entities or their service providers be held
17 confidential and exempt from public disclosure, with certain
18 exceptions. The Legislature further finds that this exemption
19 is a public necessity in order to protect health-related
20 information that is of a sensitive personal nature concerning
21 individuals. Matters of personal health are traditionally
22 private and confidential concerns between the patient and the
23 health care provider. The private and confidential nature of
24 personal health matters pervades both the public and private
25 health care sectors. For these reasons, the individual's
26 expectation of and right to privacy in all matters regarding
27 his or her personal health and eligibility for paratransit
28 services provided by a local government or its agents
29 necessitates this exemption.

30 Section 3. This act shall take effect upon becoming a
31 law.

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HOUSE SUMMARY

Provides an exemption from public records requirements for personal identifying information contained in records relating to an individual's personal health or eligibility for paratransit services under Title II of the Americans with Disabilities Act made or received by local governmental entities or their service providers. Provides specified conditions under which such information may be disclosed. Provides a finding of public necessity. Provides for future review and repeal of the exemption.