

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

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

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 22           Section 1. Paragraph (ee) is added to subsection (3)  
 23 of section 119.07, Florida Statutes, to read:

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

26           (3)

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

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

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

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

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

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

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

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

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

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

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