

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

302-2142-03

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 (gg) is added to subsection (3)  
22 of section 119.07, Florida Statutes, to read:

23           119.07 Inspection, examination, and duplication of  
24 records; exemptions.--

25           (3)

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

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

15 or

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

20 Section 2. Section 119.07(3)(gg), Florida Statutes, is  
21 subject to the Open Government Sunset Review Act of 1995 in  
22 accordance with section 119.15, Florida Statutes, and shall  
23 stand repealed on October 2, 2008, unless reviewed and saved  
24 from repeal through reenactment by the Legislature.

25 Section 3. 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 relating to his or her personal health and eligibility  
5 for paratransit services or the Transportation Disadvantaged  
6 Program provided by local government or its service providers  
7 necessitates this exemption.

8           Section 4. This act shall take effect upon becoming a  
9 law.

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11                           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
12   COMMITTEE SUBSTITUTE FOR  
13   SB 1664

14 Moves the sunset provision to another section of the bill.  
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