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A bill to be entitled
 An act relating to public records; amending s. 119.07,
 F.S.; providing an exemption from public records
 requirements for personal identifying information
 contained in records relating to a person's health held by
 local governmental entities or their service providers for
 purposes of determining eligibility for paratransit
 services under Title II of the Americans with Disabilities
 Act or eligibility for the transportation disadvantaged
 program as provided in part I of ch. 427, F.S.; providing
 exceptions to the exemption; providing for retroactive
 application; providing for future review and repeal;
 providing a finding of public necessity; providing an
 effective date.

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

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

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

(3)

(gg) All personal identifying information contained in
 records relating to a person's health held by local governmental
 entities or their service providers for the purpose of
 determining eligibility for paratransit services under Title II
 of the Americans with Disabilities Act or eligibility for the
 transportation disadvantaged program as provided in part I of
 chapter 427 is confidential and exempt from the provisions of
 subsection (1) and s. 24(a), Art. I of the State Constitution,



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31 except as otherwise provided herein. This exemption applies to
32 personal identifying information contained in such records held
33 by local governmental entities or their service providers
34 before, on, or after the effective date of this exemption.
35 Information made confidential and exempt by this paragraph shall
36 be disclosed:

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

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

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

42 4. For the purpose of determining eligibility for
43 paratransit services if the individual or the individual's
44 legally authorized representative has filed an appeal or
45 petition before an administrative body of a local government or
46 a court.

47 Section 2. Paragraph (gg) of subsection (3) of section
48 119.07, Florida Statutes, is subject to the Open Government
49 Sunset Review Act of 1995 in accordance with s. 119.15, Florida
50 Statutes, and shall stand repealed on October 2, 2008, unless
51 reviewed and saved from repeal through reenactment by the
52 Legislature.

53 Section 3. The Legislature finds that it is a public
54 necessity that information made confidential and exempt by this
55 act be held confidential and exempt in order to protect health-
56 related information that is of a sensitive personal nature
57 concerning individuals. Matters of personal health are
58 traditionally private and confidential concerns between the
59 patient and the health care provider. The private and
60 confidential nature of personal health matters pervades both the



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61 public and private health care sectors. For these reasons, the
62 individual's expectation of and right to privacy in all matters
63 regarding his or her personal health and eligibility for
64 paratransit services or the transportation disadvantaged program
65 provided by a local government or its service providers
66 necessitates this exemption.

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