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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 medical information relating to an
 individual'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 the Transportation
 Disadvantaged Program as provided in part I of chapter
 427, F.S.; providing conditions upon which such
 information may be disclosed; providing for retroactive
 application of the exemption; 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 an individual'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 for determining
 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



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31 the State Constitution, except as otherwise provided in this
32 paragraph. This exemption applies to personal identifying
33 information contained in such records held by local governmental
34 entities or their service providers before, on, or after the
35 effective date of this exemption. Information made confidential
36 and exempt by this paragraph may 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 order of a court upon a showing of good cause; or

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

46
47 This paragraph is subject to the Open Government Sunset Review
48 Act of 1995 in accordance with s. 119.15, and shall stand
49 repealed on October 2, 2008, unless reviewed and saved from
50 repeal through reenactment by the Legislature.

51 Section 2. The Legislature finds that it is a public
52 necessity that information made confidential and exempt by this
53 act be held confidential and exempt in order to protect health-
54 related information that is of a sensitive personal nature
55 concerning individuals. Matters of personal health are
56 traditionally private and confidential concerns between the
57 patient and the health care provider. The private and
58 confidential nature of personal health matters pervades both the
59 public and private health care sectors. For these reasons, the
60 individual's expectation of, and right to, privacy in all



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61 matters relating to his or her personal health and eligibility
62 for paratransit services or the Transportation Disadvantaged
63 Program provided by local government or its service providers
64 necessitates this exemption.

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