

By the Committee on Community Affairs

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1 A bill to be entitled

2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.011, F.S.; defining the
4 term "paratransit" for purposes of the public records law;
5 amending s. 119.071, F.S.; expanding an exemption from
6 public-records requirements which is provided for
7 information identifying an applicant for or a recipient of
8 paratransit services so that the exemption applies to all
9 agencies; providing for future legislative review of the
10 exemption under the Open Government Sunset Review Act;
11 repealing s. 119.0713(2), F.S., relating to the prior
12 exemption provided for such information; providing a
13 statement of public necessity; repealing s. 2 of chapter
14 2003-110, Laws of Florida; deleting provisions providing
15 for repeal of the exemption; amending ss. 257.34 and
16 257.35, F.S.; conforming cross-references; providing an
17 effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Present subsections (10), (11), (12), and (13)
22 of section 119.011, Florida Statutes, are renumbered as
23 subsections (11), (12), (13), and (14), respectively, and a new
24 subsection (10) is added to that section. to read:

25 119.011 Definitions.--As used in this chapter, the term:
26 (10) "Paratransit" has the same meaning as provided in s.
27 427.011.

28 Section 2. Paragraph (h) is added to subsection (5) of
29 section 119.071, Florida Statutes, to read:

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30 119.071 General exemptions from inspection or copying of
31 public records.--

32 (5) OTHER PERSONAL INFORMATION.--

33 (h)1. Personal identifying information of an applicant for
34 or a recipient of paratransit services which is held by an agency
35 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
36 of the State Constitution.

37 2. This exemption applies to personal identifying
38 information of an applicant for or a recipient of paratransit
39 services which is held by an agency before, on, or after the
40 effective date of this exemption.

41 3. Confidential and exempt personal identifying information
42 shall be disclosed:

43 a. With the express written consent of the individual or
44 the individual's legally authorized representative;

45 b. In a medical emergency, but only to the extent that is
46 necessary to protect the health or life of the individual;

47 c. By court order upon a showing of good cause; or

48 d. To another agency in the performance of its duties and
49 responsibilities.

50 4. This paragraph is subject to the Open Government Sunset
51 Review Act in accordance with s. 119.15, and shall stand repealed
52 on October 2, 2013, unless reviewed and saved from repeal through
53 reenactment by the Legislature.

54 Section 3. Subsection (2) of section 119.0713, Florida
55 Statutes, is repealed.

56 Section 4. The Legislature finds that it is a public
57 necessity that personal identifying information of an applicant
58 for or recipient of paratransit services be held confidential and

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59 exempt in order to protect health-related information concerning
60 individuals which is of a sensitive and personal nature. Matters
61 of personal health care traditionally are private and
62 confidential concerns between the agency contracting for
63 services, the service provider, and the patient. The private and
64 confidential nature of personal health matters pervades both the
65 public and private health care sectors. For these reasons, the
66 individual's expectation of and right to privacy in all matters
67 regarding his or her personal health and eligibility for and
68 receipt of paratransit services or eligibility for and receipt of
69 services under the transportation disadvantaged program which are
70 provided by an agency or its service providers necessitates this
71 exemption.

72 Section 5. Section 2 of chapter 2003-110, Laws of Florida
73 is repealed.

74 Section 6. Subsection (1) of section 257.34, Florida
75 Statutes, is amended to read:

76 257.34 Florida International Archive and Repository.--

77 (1) There is created within the Division of Library and
78 Information Services of the Department of State the Florida
79 International Archive and Repository for the preservation of
80 those public records, as defined in s. 119.011 ~~s. 119.011(11)~~,
81 manuscripts, international judgments involving disputes between
82 domestic and foreign businesses, and all other public matters
83 that the department or the Florida Council of International
84 Development deems relevant to international issues. It is the
85 duty and responsibility of the division to:

86 (a) Organize and administer the Florida International
87 Archive and Repository.

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88 (b) Preserve and administer records that are transferred to
89 its custody; accept, arrange, and preserve them, according to
90 approved archival and repository practices; and permit them, at
91 reasonable times and under the supervision of the division, to be
92 inspected and copied. All public records transferred to the
93 custody of the division are subject to the provisions of s.
94 119.07(1).

95 (c) Assist the records and information management program
96 in the determination of retention values for records.

97 (d) Cooperate with and assist, insofar as practicable,
98 state institutions, departments, agencies, counties,
99 municipalities, and individuals engaged in internationally
100 related activities.

101 (e) Provide a public research room where, under rules
102 established by the division, the materials in the international
103 archive and repository may be studied.

104 (f) Conduct, promote, and encourage research in
105 international trade, government, and culture and maintain a
106 program of information, assistance, coordination, and guidance
107 for public officials, educational institutions, libraries, the
108 scholarly community, and the general public engaged in such
109 research.

110 (g) Cooperate with and, insofar as practicable, assist
111 agencies, libraries, institutions, and individuals in projects
112 concerned with internationally related issues and preserve
113 original materials relating to internationally related issues.

114 (h) Assist and cooperate with the records and information
115 management program in the training and information program
116 described in s. 257.36(1)(g).

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117 Section 7. Subsection (1) of section 257.35, Florida
118 Statutes, is amended to read:

119 257.35 Florida State Archives.--

120 (1) There is created within the Division of Library and
121 Information Services of the Department of State the Florida State
122 Archives for the preservation of those public records, as defined
123 in s. 119.011 ~~s. 119.011(11)~~, manuscripts, and other archival
124 material that have been determined by the division to have
125 sufficient historical or other value to warrant their continued
126 preservation and have been accepted by the division for deposit
127 in its custody. It is the duty and responsibility of the division
128 to:

129 (a) Organize and administer the Florida State Archives.

130 (b) Preserve and administer such records as shall be
131 transferred to its custody; accept, arrange, and preserve them,
132 according to approved archival practices; and permit them, at
133 reasonable times and under the supervision of the division, to be
134 inspected and copied. All public records transferred to the
135 custody of the division shall be subject to the provisions of s.
136 119.07(1), except that any public record or other record provided
137 by law to be confidential or prohibited from inspection by the
138 public shall be made accessible only after a period of 50 years
139 from the date of the creation of the record. Any nonpublic
140 manuscript or other archival material which is placed in the
141 keeping of the division under special terms and conditions, shall
142 be made accessible only in accordance with such law terms and
143 conditions and shall be exempt from the provisions of s.
144 119.07(1) to the extent necessary to meet the terms and
145 conditions for a nonpublic manuscript or other archival material.

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146 (c) Assist the records and information management program
147 in the determination of retention values for records.

148 (d) Cooperate with and assist insofar as practicable state
149 institutions, departments, agencies, counties, municipalities,
150 and individuals engaged in activities in the field of state
151 archives, manuscripts, and history and accept from any person any
152 paper, book, record, or similar material which in the judgment of
153 the division warrants preservation in the state archives.

154 (e) Provide a public research room where, under rules
155 established by the division, the materials in the state archives
156 may be studied.

157 (f) Conduct, promote, and encourage research in Florida
158 history, government, and culture and maintain a program of
159 information, assistance, coordination, and guidance for public
160 officials, educational institutions, libraries, the scholarly
161 community, and the general public engaged in such research.

162 (g) Cooperate with and, insofar as practicable, assist
163 agencies, libraries, institutions, and individuals in projects
164 designed to preserve original source materials relating to
165 Florida history, government, and culture and prepare and publish
166 handbooks, guides, indexes, and other literature directed toward
167 encouraging the preservation and use of the state's documentary
168 resources.

169 (h) Encourage and initiate efforts to preserve, collect,
170 process, transcribe, index, and research the oral history of
171 Florida government.

172 (i) Assist and cooperate with the records and information
173 management program in the training and information program
174 described in s. 257.36(1)(g).

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Section 8. This act shall take effect October 1, 2008.