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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:

20  
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 made confidential and

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59 exempt from public-records requirements. Paratransit services  
60 include transportation services for persons who, because of  
61 physical or mental disability, income status, or age, are unable  
62 to transport themselves and are, therefore, dependent upon others  
63 to obtain access to health care, employment, education, shopping,  
64 social activities, or other life-sustaining activities.  
65 Paratransit services also include transportation services for  
66 children who are handicapped, such as the developmentally  
67 disabled, and children who are at high-risk or at-risk, such as  
68 children who are victims of child abuse or neglect. As such,  
69 information provided to an agency would be personal, sensitive  
70 information related to a person's physical or mental health or  
71 income status. Matters of personal health are traditionally  
72 private and confidential concerns between a patient and a health  
73 care provider. The private and confidential nature of personal  
74 health matters pervades both the public and private health care  
75 sectors. For this reason, a person's expectation of a right to  
76 privacy in all matters regarding his or her personal health  
77 necessitates the exemption. Furthermore, the exemption ensures  
78 the protection of the identity of an applicant for or recipient  
79 of paratransit services. If the identifying information was not  
80 protected, the administration of paratransit services would be  
81 significantly impaired because applicants would be less inclined  
82 to apply for those services due to the fact that the identifying  
83 information would be made available to the public, which would  
84 cause an unwarranted invasion into the life and privacy of  
85 applicants for and recipients of the services. Thus, the number  
86 of recipients would significantly decrease. As a result, the  
87 effective administration of paratransit services would be

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88 impaired.

89 Section 5. Section 2 of chapter 2003-110, Laws of Florida  
90 is repealed.

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

93 257.34 Florida International Archive and Repository.--

94 (1) There is created within the Division of Library and  
95 Information Services of the Department of State the Florida  
96 International Archive and Repository for the preservation of  
97 those public records, as defined in s. 119.011 ~~s. 119.011(11)~~,  
98 manuscripts, international judgments involving disputes between  
99 domestic and foreign businesses, and all other public matters  
100 that the department or the Florida Council of International  
101 Development deems relevant to international issues. It is the  
102 duty and responsibility of the division to:

103 (a) Organize and administer the Florida International  
104 Archive and Repository.

105 (b) Preserve and administer records that are transferred to  
106 its custody; accept, arrange, and preserve them, according to  
107 approved archival and repository practices; and permit them, at  
108 reasonable times and under the supervision of the division, to be  
109 inspected and copied. All public records transferred to the  
110 custody of the division are subject to the provisions of s.  
111 119.07(1).

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

114 (d) Cooperate with and assist, insofar as practicable,  
115 state institutions, departments, agencies, counties,

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116 municipalities, and individuals engaged in internationally  
117 related activities.

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

121 (f) Conduct, promote, and encourage research in  
122 international trade, government, and culture and maintain a  
123 program of information, assistance, coordination, and guidance  
124 for public officials, educational institutions, libraries, the  
125 scholarly community, and the general public engaged in such  
126 research.

127 (g) Cooperate with and, insofar as practicable, assist  
128 agencies, libraries, institutions, and individuals in projects  
129 concerned with internationally related issues and preserve  
130 original materials relating to internationally related issues.

131 (h) Assist and cooperate with the records and information  
132 management program in the training and information program  
133 described in s. 257.36(1)(g).

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

136 257.35 Florida State Archives.--

137 (1) There is created within the Division of Library and  
138 Information Services of the Department of State the Florida State  
139 Archives for the preservation of those public records, as defined  
140 in s. 119.011 ~~s. 119.011(11)~~, manuscripts, and other archival  
141 material that have been determined by the division to have  
142 sufficient historical or other value to warrant their continued  
143 preservation and have been accepted by the division for deposit

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144 in its custody. It is the duty and responsibility of the division  
145 to:

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

147 (b) Preserve and administer such records as shall be  
148 transferred to its custody; accept, arrange, and preserve them,  
149 according to approved archival practices; and permit them, at  
150 reasonable times and under the supervision of the division, to be  
151 inspected and copied. All public records transferred to the  
152 custody of the division shall be subject to the provisions of s.  
153 119.07(1), except that any public record or other record provided  
154 by law to be confidential or prohibited from inspection by the  
155 public shall be made accessible only after a period of 50 years  
156 from the date of the creation of the record. Any nonpublic  
157 manuscript or other archival material which is placed in the  
158 keeping of the division under special terms and conditions, shall  
159 be made accessible only in accordance with such law terms and  
160 conditions and shall be exempt from the provisions of s.  
161 119.07(1) to the extent necessary to meet the terms and  
162 conditions for a nonpublic manuscript or other archival material.

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

165 (d) Cooperate with and assist insofar as practicable state  
166 institutions, departments, agencies, counties, municipalities,  
167 and individuals engaged in activities in the field of state  
168 archives, manuscripts, and history and accept from any person any  
169 paper, book, record, or similar material which in the judgment of  
170 the division warrants preservation in the state archives.

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

174 (f) Conduct, promote, and encourage research in Florida  
175 history, government, and culture and maintain a program of  
176 information, assistance, coordination, and guidance for public  
177 officials, educational institutions, libraries, the scholarly  
178 community, and the general public engaged in such research.

179 (g) Cooperate with and, insofar as practicable, assist  
180 agencies, libraries, institutions, and individuals in projects  
181 designed to preserve original source materials relating to  
182 Florida history, government, and culture and prepare and publish  
183 handbooks, guides, indexes, and other literature directed toward  
184 encouraging the preservation and use of the state's documentary  
185 resources.

186 (h) Encourage and initiate efforts to preserve, collect,  
187 process, transcribe, index, and research the oral history of  
188 Florida government.

189 (i) Assist and cooperate with the records and information  
190 management program in the training and information program  
191 described in s. 257.36(1)(g).

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