

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding paratransit services; amending
 4 s. 119.011, F.S.; providing a definition; amending s.
 5 119.071, F.S.; transferring the public records exemption
 6 relating to paratransit services under s. 119.0713(2),
 7 F.S., to said section; expanding the exemption to apply to
 8 all agencies; clarifying that the exemption applies to an
 9 applicant for or a recipient of paratransit services;
 10 reorganizing the exemption; removing superfluous language;
 11 providing for future review and repeal of the exemption;
 12 providing a statement of public necessity; repealing s. 2,
 13 ch. 2003-110, Laws of Florida, which provides for repeal
 14 of the exemption; amending ss. 257.34 and 257.35, F.S.;
 15 conforming cross-references; providing an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Subsections (10), (11), (12), and (13) of
 20 section 119.011, Florida Statutes, are renumbered as subsections
 21 (11), (12), (13), and (14), respectively, and a new subsection
 22 (10) is added to that section to read:

23 119.011 Definitions.--As used in this chapter, the term:
 24 (10) "Paratransit" has the same meaning as provided in s.
 25 427.011.

26 Section 2. Subsection (2) of section 119.0713, Florida
 27 Statutes, is transferred and redesignated as paragraph (h) of

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28 subsection (5) of section 119.071, Florida Statutes, and amended
 29 to read:

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

32 (5) OTHER PERSONAL INFORMATION.--

33 (h)1.(2) ~~All~~ Personal identifying information of an
 34 applicant for or a recipient of ~~contained in records relating to~~
 35 ~~a person's health held by local governmental entities for the~~
 36 ~~purpose of determining eligibility for paratransit services held~~
 37 ~~by an agency under Title II of the Americans with Disabilities~~
 38 ~~Act or eligibility for the transportation disadvantaged program~~
 39 ~~as provided in part I of chapter 427~~ is confidential and exempt
 40 from s. 119.07(1) and s. 24(a), Art. I of the State
 41 Constitution, ~~except as otherwise provided in this subsection.~~

42 2. This exemption applies to personal identifying
 43 information of an applicant for or a recipient of paratransit
 44 services ~~contained in such records~~ held by an agency local
 45 ~~governmental entities~~ before, on, or after the effective date of
 46 this exemption.

47 3. ~~Information made Confidential and exempt~~ personal
 48 identifying information ~~by this subsection~~ shall be disclosed:

49 a.(a) With the express written consent of the individual
 50 or the individual's legally authorized representative;

51 b.(b) In a medical emergency, but only to the extent
 52 necessary to protect the health or life of the individual;

53 c.(c) By court order upon a showing of good cause; or

54 d.(d) To another agency in the performance of its duties
 55 and responsibilities ~~for the purpose of determining eligibility~~

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56 ~~for paratransit services if the individual or the individual's~~
57 ~~legally authorized representative has filed an appeal or~~
58 ~~petition before an administrative body of a local government or~~
59 ~~a court.~~

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

64 Section 3. The Legislature finds that it is a public
65 necessity that personal identifying information of an applicant
66 for or recipient of paratransit services held by an agency be
67 made confidential and exempt from public records requirements.
68 Paratransit services include transportation services for persons
69 who because of physical or mental disability, income status, or
70 age are unable to transport themselves or to purchase
71 transportation and are, therefore, dependent upon others to
72 obtain access to health care, employment, education, shopping,
73 social activities, or other life-sustaining activities. As such,
74 information provided to an agency would be personal sensitive
75 information related to a person's physical or mental health or
76 income status. Matters of personal health are traditionally
77 private and confidential concerns between a patient and a health
78 care provider. The private and confidential nature of personal
79 health matters is recognized throughout both the public and
80 private health care sectors. For this reason, an individual's
81 expectation of a right to privacy in all matters regarding his
82 or her personal health necessitates such exemption. Furthermore,
83 the exemption ensures the protection of the identity of an

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84 applicant for or recipient of paratransit services. If such
85 identifying information was not protected, the administration of
86 paratransit services would be significantly impaired because
87 applicants would be less inclined to apply for those services
88 due to the fact that such identifying information would be made
89 available to the public, which would cause an unwarranted
90 invasion into the life and privacy of applicants for and
91 recipients of such services. Thus, the number of recipients
92 would significantly decrease. As a result, the effective and
93 efficient administration of paratransit services would be
94 impaired.

95 Section 4. Section 2 of chapter 2003-110, Laws of Florida
96 is repealed.

97 Section 5. Subsection (1) of section 257.34, Florida
98 Statutes, is amended to read:

99 257.34 Florida International Archive and Repository.--

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

109 (a) Organize and administer the Florida International
110 Archive and Repository.

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111 (b) Preserve and administer records that are transferred
112 to its custody; accept, arrange, and preserve them, according to
113 approved archival and repository practices; and permit them, at
114 reasonable times and under the supervision of the division, to
115 be inspected and copied. All public records transferred to the
116 custody of the division are subject to the provisions of s.
117 119.07(1).

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

120 (d) Cooperate with and assist, insofar as practicable,
121 state institutions, departments, agencies, counties,
122 municipalities, and individuals engaged in internationally
123 related activities.

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

127 (f) Conduct, promote, and encourage research in
128 international trade, government, and culture and maintain a
129 program of information, assistance, coordination, and guidance
130 for public officials, educational institutions, libraries, the
131 scholarly community, and the general public engaged in such
132 research.

133 (g) Cooperate with and, insofar as practicable, assist
134 agencies, libraries, institutions, and individuals in projects
135 concerned with internationally related issues and preserve
136 original materials relating to internationally related issues.

137 (h) Assist and cooperate with the records and information
 138 management program in the training and information program
 139 described in s. 257.36(1)(g).

140 Section 6. Subsection (1) of section 257.35, Florida
 141 Statutes, is amended to read:

142 257.35 Florida State Archives.--

143 (1) There is created within the Division of Library and
 144 Information Services of the Department of State the Florida
 145 State Archives for the preservation of those public records, as
 146 defined in s. 119.011 ~~s. 119.011(11)~~, manuscripts, and other
 147 archival material that have been determined by the division to
 148 have sufficient historical or other value to warrant their
 149 continued preservation and have been accepted by the division
 150 for deposit in its custody. It is the duty and responsibility of
 151 the division to:

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

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

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165 shall be made accessible only in accordance with such law terms
166 and conditions and shall be exempt from the provisions of s.
167 119.07(1) to the extent necessary to meet the terms and
168 conditions for a nonpublic manuscript or other archival
169 material.

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

172 (d) Cooperate with and assist insofar as practicable state
173 institutions, departments, agencies, counties, municipalities,
174 and individuals engaged in activities in the field of state
175 archives, manuscripts, and history and accept from any person
176 any paper, book, record, or similar material which in the
177 judgment of the division warrants preservation in the state
178 archives.

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

182 (f) Conduct, promote, and encourage research in Florida
183 history, government, and culture and maintain a program of
184 information, assistance, coordination, and guidance for public
185 officials, educational institutions, libraries, the scholarly
186 community, and the general public engaged in such research.

187 (g) Cooperate with and, insofar as practicable, assist
188 agencies, libraries, institutions, and individuals in projects
189 designed to preserve original source materials relating to
190 Florida history, government, and culture and prepare and publish
191 handbooks, guides, indexes, and other literature directed toward

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192 encouraging the preservation and use of the state's documentary
193 resources.

194 (h) Encourage and initiate efforts to preserve, collect,
195 process, transcribe, index, and research the oral history of
196 Florida government.

197 (i) Assist and cooperate with the records and information
198 management program in the training and information program
199 described in s. 257.36(1)(g).

200 Section 7. This act shall take effect October 1, 2008.