



234508

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/01/2016	.	
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The Committee on Health Policy (Gaetz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 408.0641, Florida Statutes, is created  
to read:

408.0641 Clearinghouse for compassionate and palliative  
care plans; public records exemption.—

(1) Information held in the clearinghouse for compassionate  
and palliative care plans at the Agency for Health Care



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11 Administration or its designee under s. 408.064 is confidential  
12 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
13 Constitution.

14 (2) The agency or its designee may disclose such  
15 confidential and exempt information to the following persons or  
16 entities upon request after using a verification process to  
17 ensure the legitimacy of the request and the requestor's  
18 identity:

19 (a) A physician who certifies that the information is  
20 necessary to provide medical treatment to a patient with a  
21 terminal illness who has a plan in the clearinghouse.

22 (b) A patient or the legal guardian or designated health  
23 care surrogate of a patient with a terminal illness who has a  
24 plan in the clearinghouse.

25 (c) A health care facility that certifies that the  
26 information is necessary to provide medical treatment to a  
27 patient with a terminal illness who has a plan in the  
28 clearinghouse.

29 (3) This section is subject to the Open Government Sunset  
30 Review Act in accordance with s. 119.15 and shall stand repealed  
31 on October 2, 2021, unless reviewed and saved from repeal  
32 through reenactment by the Legislature.

33 Section 2. The Legislature finds that it is a public  
34 necessity to make confidential and exempt from disclosure  
35 information held in the clearinghouse for compassionate and  
36 palliative care plans which would identify a patient, his or her  
37 terminal illness, or the patient's family members. Such personal  
38 identifying information, if publicly available, could be used to  
39 invade the personal privacy of the patient or his or her family.



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40 The decisions made under a compassionate and palliative care  
41 plan for a terminal condition are a private matter. Furthermore,  
42 the public disclosure of such information could hinder the  
43 effective and efficient administration of the clearinghouse for  
44 compassionate and palliative care plans. Public access to such  
45 information could reduce participation and minimize the  
46 effectiveness of compassionate and palliative care plans to meet  
47 the needs of individuals. Finally, access to such information  
48 could be used to solicit, harass, stalk, or intimidate  
49 clearinghouse participants or terminally ill patients or their  
50 families. Therefore, the Legislature finds that information held  
51 in the clearinghouse for compassionate and palliative care plans  
52 which would identify a patient participating in the  
53 clearinghouse or which contains or reflects the patient's  
54 medical information should be confidential and exempt from  
55 public records requirements.

56 Section 3. This act shall take effect on the same date that  
57 SB 664 or similar legislation takes effect if such legislation  
58 is adopted in the same legislative session or an extension  
59 thereof and becomes a law.

60  
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause  
64 and insert:

65 A bill to be entitled  
66 An act relating to public records; creating s.  
67 408.0641, F.S.; creating an exemption from public  
68 records for identifying information in compassionate



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69 and palliative care plans filed with the clearinghouse  
70 for compassionate and palliative care plans at the  
71 Agency for Health Care Administration or its designee;  
72 authorizing the disclosure of certain information to  
73 certain entities and individuals; providing for future  
74 legislative review and repeal of the exemption under  
75 the Open Government Sunset Review Act; providing a  
76 statement of public necessity; providing a contingent  
77 effective date.