

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements for medical and personal
 5 identifying information of an applicant for or a
 6 recipient of the property tax exemption for totally
 7 and permanently disabled persons; providing
 8 applicability; authorizing disclosure of such
 9 information under certain conditions; providing for
 10 future legislative review and repeal of the exemption;
 11 providing a statement of public necessity; providing
 12 an effective date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Paragraph (1) is added to subsection (5) of
 17 section 119.071, Florida Statutes, to read:

18 119.071 General exemptions from inspection or copying of
 19 public records.—

20 (5) OTHER PERSONAL INFORMATION.—

21 (1)1. Medical and personal identifying information of an
 22 applicant for or a recipient of the property tax exemption for
 23 totally and permanently disabled persons under s. 196.101 which
 24 is held by the property appraiser, the Department of Revenue,
 25 the tax collector, the Auditor General, and the Office of
 26 Program Policy Analysis and Government Accountability is

27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution if the applicant or recipient has made
29 reasonable efforts to protect such information from being
30 accessible through other means available to the public.

31 2. The exemption in this paragraph applies to information
32 held by the property appraiser, the Department of Revenue, the
33 tax collector, the Auditor General, and the Office of Program
34 Policy Analysis and Government Accountability before, on, or
35 after the effective date of this exemption.

36 3. Information made confidential and exempt by this
37 paragraph shall be disclosed:

38 a. With the express written consent of the applicant or
39 recipient or the legally authorized representative of such
40 applicant or recipient;

41 b. By court order upon showing of good cause; or

42 c. To another agency in the performance of its duties and
43 responsibilities. If disclosed to another agency, the
44 information shall retain its confidential and exempt status.

45 4. This paragraph is subject to the Open Government Sunset
46 Review Act in accordance with s. 119.15 and shall stand repealed
47 on October 2, 2021, unless reviewed and saved from repeal
48 through reenactment by the Legislature.

49 Section 2. The Legislature finds that it is a public
50 necessity that medical and personal identifying information of
51 an applicant for or a recipient of a property tax exemption for
52 totally and permanently disabled persons under s. 196.101,

53 Florida Statutes, which is held by the property appraiser, the
54 Department of Revenue, the tax collector, the Auditor General,
55 and the Office of Program Policy Analysis and Government
56 Accountability be made confidential and exempt from s.
57 119.07(1), Florida Statutes, and s. 24(a), Article I of the
58 State Constitution. A totally and permanently disabled person is
59 required to file an application containing medical and personal
60 identifying information and a certification of his or her
61 disability in order to claim a property tax exemption. The
62 exemption is granted only to those who have a severe physical or
63 mental disability. The Legislature finds that the release of an
64 applicant's or a recipient's medical or personal identifying
65 information allows the public to gain knowledge of sensitive,
66 personal medical information that might be used to harass,
67 embarrass, or humiliate the individual based on his or her
68 disability. In addition, the release of an applicant's or a
69 recipient's medical or personal identifying information would
70 enable nefarious characters to gain knowledge of the applicant's
71 or recipient's vulnerabilities, and such knowledge could result
72 in these individuals becoming targets of acts of violence and
73 other crimes. The Legislature further finds that the harm that
74 may result from the release of such medical and personal
75 identifying information outweighs any public benefit that may be
76 derived from disclosure of the information.

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