

By Senator Detert

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1                   A bill to be entitled  
2       An act relating to public records; amending s.  
3       119.071, F.S.; creating 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 for  
8       retroactive application; authorizing disclosure of  
9       such information under certain conditions; providing  
10      for future legislative review and repeal of the  
11      exemption; providing a statement of public necessity;  
12      providing an effective date.

13  
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  
29      made reasonable efforts to protect such information from being

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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 public  
57 records requirements. A totally and permanently disabled person  
58 is required to file an application containing medical and

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59 personal identifying information and a certification of his or  
60 her disability in order to claim a property tax exemption. The  
61 exemption is granted only to those who have a severe physical or  
62 mental disability. The Legislature finds that the release of an  
63 applicant's or a recipient's medical or personal identifying  
64 information allows the public to gain knowledge of sensitive,  
65 personal medical information that might be used to harass,  
66 embarrass, or humiliate the individual based on his or her  
67 disability. In addition, the release of an applicant's or a  
68 recipient's medical or personal identifying information would  
69 enable nefarious characters to gain knowledge of the applicant's  
70 or recipient's vulnerabilities, and such knowledge could result  
71 in these individuals becoming targets of acts of violence and  
72 other crimes. The Legislature further finds that the harm that  
73 may result from the release of such medical and personal  
74 identifying information outweighs any public benefit that may be  
75 derived from disclosure of the information.

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