

1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 408.0641, F.S.; creating an exemption from public
 4 records for personal identifying information held in
 5 the Clearinghouse for Compassionate and Palliative
 6 Care Plans managed by the Agency for Health Care
 7 Administration or its designee; authorizing the
 8 disclosure of such information to certain entities and
 9 individuals; providing for future legislative review
 10 and repeal of the exemption under the Open Government
 11 Sunset Review Act; providing a statement of public
 12 necessity; providing a contingent effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 408.0641, Florida Statutes, is created
 17 to read:

18 408.0641 Clearinghouse for Compassionate and Palliative
 19 Care Plans; public records exemption.-

20 (1) Personal identifying information held in the
 21 Clearinghouse for Compassionate and Palliative Care Plans
 22 managed by the Agency for Health Care Administration or its
 23 designee under s. 408.064 is confidential and exempt from s.
 24 119.07(1) and s. 24(a), Art. I of the State Constitution.

25 (2) The agency or its designee may disclose such

26 confidential and exempt information to the following individuals
27 or entities upon request after using a verification process to
28 ensure the legitimacy of the request and the requestor's
29 identity:

30 (a) A physician who certifies that the information is
31 necessary to provide medical treatment to a terminally ill
32 patient who has a plan in the clearinghouse.

33 (b) A terminally ill patient who has a plan in the
34 clearinghouse or such patient's legal guardian or designated
35 health care surrogate.

36 (c) A health care facility that certifies that the
37 information is necessary to provide medical treatment to a
38 terminally ill patient who has a plan in the clearinghouse.

39 (3) This section is subject to the Open Government Sunset
40 Review Act in accordance with s. 119.15 and shall stand repealed
41 on October 2, 2023, unless reviewed and saved from repeal
42 through reenactment by the Legislature.

43 Section 2. The Legislature finds that it is a public
44 necessity to make confidential and exempt from disclosure
45 information held in the Clearinghouse for Compassionate and
46 Palliative Care Plans which would identify a terminally ill
47 patient, his or her illness, or his or her legal guardian,
48 designated health care surrogate, or family member. Such
49 personal identifying information, if publicly available, could
50 be used to invade the personal privacy of the patient or his or

51 her legal guardian, designated health care surrogate, or family
52 member. The decisions made under a compassionate and palliative
53 care plan for a terminal illness are a private matter.
54 Furthermore, the public disclosure of such information could
55 hinder the effective and efficient administration of the
56 clearinghouse. Public access to such information could reduce
57 participation in and minimize the effectiveness of compassionate
58 and palliative care plans to meet the needs of individuals.
59 Finally, access to such information could be used to solicit,
60 harass, stalk, or intimidate terminally ill patients or their
61 legal guardians, designated health care surrogates, or family
62 members. Therefore, the Legislature finds that information held
63 in the clearinghouse which would identify a terminally ill
64 patient who has a plan in the clearinghouse or which contains or
65 reflects the terminally ill patient's medical information should
66 be confidential and exempt from public records requirements.

67 Section 3. This act shall take effect on the same date
68 that HB 1339 or similar legislation takes effect if such
69 legislation is adopted in the same legislative session or an
70 extension thereof and becomes a law.