

By the Committee on Health Policy; and Senator Brandes

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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 in
5 compassionate and palliative care plans filed with the
6 Clearinghouse for Compassionate and Palliative Care
7 Plans managed by the Agency for Health Care
8 Administration or its designee; authorizing the
9 disclosure of such information to certain entities and
10 individuals; providing for future legislative review
11 and repeal of the exemption under the Open Government
12 Sunset Review Act; providing a statement of public
13 necessity; providing a contingent effective date.

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

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

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

21 (1) Personal identifying information held in the
22 Clearinghouse for Compassionate and Palliative Care Plans
23 managed by the Agency for Health Care Administration or its
24 designee under s. 408.064 is confidential and exempt from s.
25 119.07(1) and s. 24(a), Art. I of the State Constitution.

26 (2) The agency or its designee may disclose such
27 confidential and exempt information to the following persons or
28 entities upon request after using a verification process to
29 ensure the legitimacy of the request and the requestor's

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30 identity:

31 (a) A health care provider, as defined in s. 408.07, who
32 certifies that the information is necessary to provide medical
33 treatment to a patient with a terminal illness who has a plan in
34 the clearinghouse.

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

38 (c) A health care facility that certifies that the
39 information is necessary to provide medical treatment to a
40 patient with a terminal illness who has a plan in the
41 clearinghouse.

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43 Review Act in accordance with s. 119.15 and shall stand repealed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

46 Section 2. The Legislature finds that it is a public
47 necessity to make confidential and exempt from disclosure
48 information held in the Clearinghouse for Compassionate and
49 Palliative Care Plans which would identify a patient, his or her
50 terminal illness, or the patient's family members. Such personal
51 identifying information, if publicly available, could be used to
52 invade the personal privacy of the patient or his or her family.
53 The decisions made under a compassionate and palliative care
54 plan for a terminal condition are a private matter. Furthermore,
55 the public disclosure of such information could hinder the
56 effective and efficient administration of the clearinghouse.
57 Public access to such information could reduce participation in
58 and minimize the effectiveness of compassionate and palliative

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59 care plans to meet the needs of individuals. Finally, access to
60 such information could be used to solicit, harass, stalk, or
61 intimidate terminally ill patients or their families. Therefore,
62 the Legislature finds that information held in the clearinghouse
63 which would identify a patient who has a plan on file with the
64 clearinghouse or which contains or reflects the patient's
65 medical information should be confidential and exempt from
66 public records requirements.

67 Section 3. This act shall take effect on the same date that
68 SB 474 or similar legislation takes effect if such legislation
69 is adopted in the same legislative session or an extension
70 thereof and becomes a law.