

By Senator Brandes

24-00502-19

2019208\_\_

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 requirements for personal identifying  
5       information in compassionate and palliative care plans  
6       filed with the Clearinghouse for Compassionate and  
7       Palliative Care Plans managed by the Agency for Health  
8       Care 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.

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

16  
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

24-00502-19

2019208\_\_

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43 Review Act in accordance with s. 119.15 and shall stand repealed  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, 2024, 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

24-00502-19

2019208\_\_

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 \_\_\_ 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.