

## Committee Substitute for Senate Bill No. 1726

An act relating to public records; providing for release of such information under certain circumstances; creating s. 430.105, F.S.; providing for confidentiality and exemption from the public records law for information relating to clients of the Department of Elderly Affairs, clients of service providers contracting with the Department of Elderly Affairs, and certain elders receiving services through programs administered by or funded by the Department of Elderly Affairs; requiring consent for disclosure; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 430.105, Florida Statutes, is created to read:

430.105 Confidentiality of information.—

(1) Personal identifying information relating to an individual's health or eligibility for or receipt of health-related, elder-care, or long-term care services received as a result of services rendered under any program administered or funded by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by law. Such information may be contained in records created by or received by the department or its service providers or obtained through files, reports, inspections, or otherwise by employees of the department, persons who volunteer services through programs administered by the department or its contract providers, or by contract providers. Information made confidential and exempt from the Public Records Law under this section may not be disclosed publicly unless the affected client or elder person or his or her legal representative provides written consent.

(2) This section is subject to the open Government Sunset Review Act of 1995, in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personally identifying information contained in records relating to an individual's health or eligibility for health or elder-related services made or received by the Department of Elderly Affairs or its service providers be held confidential and exempt from public disclosure unless otherwise provided for by law. The Legislature finds that this exemption is needed to protect information that is of a sensitive personal nature that concerns individuals. Every person has an expectation of and a right to privacy in all matters concerning his or her personal health. For this reason matters of personal health are traditionally private and confidential concerns between an individual and an individual's health care provider. In addition, an individual's personal financial situation as it relates to eligibility for health or elder-related services is also of a sensitive personal nature and should be confidential and

exempt. For elderly persons needing the services of the department this is even more important since elderly persons are often targets for those seeking to capitalize on their weaknesses. For these reasons, the individual's expectation and right to privacy in all matters relating to his or her personal health and eligibility for services provided by the department, or its agents, necessitates this exemption.

Section 3. This act shall take effect July 1, 2001.

Approved by the Governor June 8, 2001.

Filed in Office Secretary of State June 8, 2001.