

House Bill No. 1785

An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to a person's health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of ch. 427, F.S.; providing exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Paragraph (gg) is added to subsection (3) of section 119.07, Florida Statutes, to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(gg) All personal identifying information contained in records relating to a person's health held by local governmental entities or their service providers for the purpose of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of chapter 427 is confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided herein. This exemption applies to personal identifying information contained in such records held by local governmental entities or their service providers before, on, or after the effective date of this exemption. Information made confidential and exempt by this paragraph shall be disclosed:

1. With the express written consent of the individual or the individual's legally authorized representative;

2. In a medical emergency, but only to the extent necessary to protect the health or life of the individual;

3. By court order upon a showing of good cause; or

4. For the purpose of determining eligibility for paratransit services if the individual or the individual's legally authorized representative has filed an appeal or petition before an administrative body of a local government or a court.

Section 2. Paragraph (gg) of subsection (3) of section 119.07, Florida Statutes, is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, Florida Statutes, and shall stand repealed on

October 2, 2008, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. The Legislature finds that it is a public necessity that information made confidential and exempt by this act be held confidential and exempt in order to protect health-related information that is of a sensitive personal nature concerning individuals. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private health care sectors. For these reasons, the individual's expectation of and right to privacy in all matters regarding his or her personal health and eligibility for paratransit services or the transportation disadvantaged program provided by a local government or its service providers necessitates this exemption.

Section 4. This act shall take effect upon becoming a law.

Approved by the Governor June 4, 2003.

Filed in Office Secretary of State June 4, 2003.