



12 January 2016

The Honorable Jeff Brandes
The Florida Senate
Room 318, Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: SB 662 Exemption/Clearinghouse for Compassionate and Palliative Care Plans

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Dear Senator Brandes:

We are writing to express a concern we have regarding your bill, SB 662, creating an exemption for information held in the clearinghouse for compassionate and palliative care plans at the Agency for Health Care Administration. We aren't opposed to the exemption, Senator, but do believe the bill needs to be amended to avoid a constitutional issue regarding the breadth of the exemption and its required justification.

Specifically, the required statement of public necessity in section 2 of the bill states that the exemption is intended to protect information that would identify a patient, the patient's illness, and family members. But the bill, in section 1, exempts "information," a much broader exemption than that justified in section 2.

We recommend, Senator, that SB 662 be amended to specify the type of information by tracking the language in the statement of public necessity.

We appreciate your attention to our concerns. If you have any questions or if we can provide additional information, please do not hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Andy Gardiner, President, The Florida Senate
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association