

By Senator Mitchell

10-1116A-99

See HB

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A bill to be entitled
An act relating to health information privacy;
creating s. 627.433, F.S.; limiting carrier
disclosure of health information under certain
circumstances; requiring disclosure of health
information pursuant to court order under
certain circumstances; providing definitions;
providing an effective date.

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

Section 1. Section 627.433, Florida Statutes, is
created to read:

627.433 Limited disclosure of health information;
court orders.--

(1) A carrier shall limit disclosure of health
information, consistent with an individual's request, if the
individual clearly states in writing that disclosure to
specified persons of all or part of such information could
jeopardize the individual's safety.

(2) A carrier shall disclose health information
pursuant to a subpoena or a court order issued after the
court's determination that the public interest in disclosure
outweighs the individual's privacy interest and that the
health information is not reasonably available by other means.

(3) For purposes of this section:

(a) "Carrier" means any person or entity licensed in
this state under chapter 624, chapter 626, chapter 636, or
chapter 641.

(b) "Health information" means any information, in any
form, in the possession of a carrier or a person acting on

1 behalf of a carrier which relates to any physical, mental, or
2 behavioral health or condition of an individual or any member
3 of the individual's family or the provision of or payment for
4 health care to an individual and which identifies such
5 individual or which could be used to identify such individual.
6 For purposes of this act, the term "individual" means a person
7 who is the subject of such health information.

8 Section 2. This act shall take effect October 1, 1999.

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LEGISLATIVE SUMMARY

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Limits disclosure of health information by carriers if
requested by an individual to protect his or her safety.
Provides for disclosure pursuant to a subpoena or a court
order. See bill for details.

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