

1 A bill to be entitled
2 An act relating to health information privacy;
3 creating s. 627.433, F.S.; limiting carrier
4 disclosure of health information under certain
5 circumstances; requiring disclosure of health
6 information pursuant to subpoena or court order
7 under certain circumstances; providing
8 definitions; providing an effective date.

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

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

14 627.433 Limited disclosure of health information;
15 court orders.--

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

21 (2) A carrier shall disclose health information
22 pursuant to a subpoena or court order issued after the court's
23 determination that the public interest in disclosure outweighs
24 the individual's privacy interest and that the health
25 information is not reasonably available by other means. When
26 the carrier is a non-party to the litigation in which the
27 request for health information has been made, it shall be the
28 responsibility of the individual, after notice from the
29 carrier, to ensure that a judicial determination is made.

30 (3) For purposes of this section:
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1 (a) "Carrier" means any person or entity licensed in
2 this state under chapter 624, chapter 626, chapter 636, or
3 chapter 641.

4 (b) "Health information" means any information, in any
5 form, in the possession of a carrier or a person acting on
6 behalf of a carrier which relates to any physical, mental, or
7 behavioral health or condition of an individual or any member
8 of the individual's family or the provision of or payment for
9 health care to an individual and which identifies such
10 individual or which could be used to identify such individual.
11 For purposes of this act, the term "individual" means a person
12 who is the subject of such health information.

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