

By the Committees on Governmental Operations, Health Care Services and Representative Peadar

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; providing an exemption from
4 public records requirements for identifying
5 information contained in personal health
6 records made or received by the Department of
7 Health or its service providers; specifying
8 conditions under which such information may be
9 released; providing for future review and
10 repeal; providing a finding of public
11 necessity; providing an effective date.

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

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

17 119.07 Inspection, examination, and duplication of
18 records; exemptions.--

19 (3)

20 (dd) All identifying information contained in public
21 records as defined in s. 119.011(1) made or received by the
22 Department of Health or its service providers concerning all
23 aspects of an individual's personal health, including, but not
24 limited to, the identity of the individual, the evaluation,
25 diagnosis, and treatment of medical problems, counseling,
26 eligibility for services, and case management, is confidential
27 and exempt from the provisions of subsection (1) and s. 24(a),
28 Art. I of the State Constitution, except as provided in this
29 paragraph or except as otherwise provided by law.

30 1. Information made confidential and exempt by this
31 paragraph shall be disclosed:

1 a. With the written consent of the individual or the
2 individual's legally authorized representative. Furthermore,
3 if a request is made for a specific individual's records, such
4 records shall be disclosed only with the express written
5 consent of the individual or the individual's legally
6 authorized representative.

7 b. For research purposes, such as epidemiological
8 investigations, provided the information is summarized so that
9 no individual can be identified and no names are revealed.

10 c. In a medical emergency, but only to the extent
11 necessary to protect the health or life of the individual.

12 2. When disclosure is made pursuant to a subpoena, the
13 court shall seal such records from further disclosure, except
14 as otherwise deemed necessary by the court. Except as
15 provided in this paragraph, records disclosed pursuant to a
16 subpoena remain confidential and exempt from the provisions of
17 subsection (1) and s. 24(a), Art. I of the State Constitution.

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19 This paragraph is subject to the Open Government Sunset Review
20 Act of 1995 in accordance with s. 119.15, and shall stand
21 repealed on October 2, 2005, unless reviewed and saved from
22 repeal through reenactment by the Legislature.

23 Section 2. The Legislature finds that it is a public
24 necessity that identifying information contained in records
25 received or made by the Department of Health and its service
26 providers concerning all aspects of an individual's personal
27 health, including, but not limited to, the identity of the
28 individual, the evaluation, diagnosis, and treatment of
29 medical problems, counseling, eligibility for services, and
30 case management, be held confidential and exempt from public
31 disclosure unless otherwise provided for by law. The

1 Legislature finds that this exemption is needed to protect
2 information that is of a sensitive personal nature that
3 concerns individuals. Every citizen has an expectation of,
4 and a right to, privacy in all matters concerning his or her
5 personal health when medical services are provided by the
6 Department of Health and its service providers. Matters of
7 personal health are traditionally private and confidential
8 concerns between the patient and the health care provider.
9 The private and confidential nature of personal health matters
10 pervades both the public and private health care sectors. For
11 these reasons, the individual's expectation of, and right to,
12 privacy in all matters regarding his or her personal health
13 necessitates this exemption.

14 Section 3. This act shall take effect upon becoming a
15 law.

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