

By the Committee on Health, Aging and Long-Term Care; and  
Senator Clary

317-1925-00

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A bill to be entitled  
An act relating to public records; amending s.  
119.07, F.S.; providing an exemption from  
public records requirements for information  
relating to individuals who are applying for or  
receiving services from the Department of  
Health or its agents; 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 (dd) is added to subsection (3)  
of section 119.07, Florida Statutes, to read:

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

(3)

(dd) All personally identifying information, bank  
account numbers, and debit and credit card numbers contained  
in records relating to an individual's personal health or  
eligibility for health-related services made or received by  
the Department of Health or its service providers are  
confidential and exempt from the provisions of subsection (1)  
and s. 24(a), Art. I of the State Constitution, except as  
otherwise provided by law. 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.  
Furthermore, if a request is made for specific records of an  
individual, such records shall be disclosed only with the

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

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

5 3. By an order of a court and upon a showing of good  
6 cause.

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10 repealed on October 2, 2005, unless reviewed and saved from  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

12 Section 2. The Legislature finds that it is a public  
13 necessity that personally identifying information, bank  
14 account numbers, and debit and credit card numbers contained  
15 in records relating to an individual's personal health or  
16 eligibility for health-related services made or received by  
17 the Department of Health or its service providers be held  
18 confidential and exempt from public disclosure unless  
19 otherwise provided for by law. The Legislature finds that this  
20 exemption is needed to protect information that is of a  
21 sensitive personal nature that concerns individuals. Every  
22 person has an expectation of and a right to privacy in all  
23 matters concerning his or her personal health when medical  
24 services are provided by the Department of Health or its  
25 service providers. Matters of personal health are  
26 traditionally private and confidential concerns between the  
27 patient and the health care provider. The private and  
28 confidential nature of personal health matters pervades both  
29 the public and private health-care sectors. For these reasons,  
30 the individual's expectation and right to privacy in all  
31 matters regarding his or her personal health necessitates this

1 exemption. In addition, an individual's personal financial  
2 situation as it relates to eligibility for health care  
3 services is also of a sensitive personal nature and should be  
4 confidential and exempt.

5 Section 3. This act shall take effect July 1, 2000.

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7 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
8 COMMITTEE SUBSTITUTE FOR  
9 Senate Bill 2032

10 Revises the exemption to the Public Records Law to make all  
11 personally identifying information, bank account numbers and  
12 debit and credit card numbers contained in records relating to  
13 an individual's personal health or eligibility for  
14 health-related services maintained by the Department of Health  
15 or its authorized service providers confidential and exempt  
16 from the Public Records Law.  
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