

By Representative Hogan

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 and specified financial information  
6           in records relating to an individual's health  
7           or eligibility for health-related services made  
8           or received by the Department of Health or its  
9           service providers; specifying conditions under  
10          which such information may be released;  
11          providing for future review and repeal;  
12          providing a finding of public necessity;  
13          providing an effective date.

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

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

19           119.07 Inspection, examination, and duplication of  
20 records; exemptions.--

21           (3)

22           (dd) All personally identifying information, bank  
23 account numbers, and debit and credit card numbers contained  
24 in records relating to an individual's personal health or  
25 eligibility for health-related services made or received by  
26 the Department of Health or its service providers are  
27 confidential and exempt from the provisions of subsection (1)  
28 and s. 24(a), Art. I of the State Constitution, except as  
29 otherwise provided by law. Information made confidential and  
30 exempt by this paragraph shall be disclosed:

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

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

9           3. By an order of a court and upon a showing of good  
10 cause.

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12 This paragraph is subject to the Open Government Sunset Review  
13 Act of 1995 in accordance with s. 119.15, and shall stand  
14 repealed on October 2, 2006, unless reviewed and saved from  
15 repeal through reenactment by the Legislature.

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

1 confidential nature of personal health matters pervades both  
2 the public and private health care sectors. For these reasons,  
3 the individual's expectation of and right to privacy in all  
4 matters regarding his or her personal health necessitates this  
5 exemption. In addition, an individual's personal financial  
6 situation as it relates to eligibility for health care  
7 services is also of a sensitive personal nature and should be  
8 confidential and exempt.

9 Section 3. This act shall take effect July 1, 2001.

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11 HOUSE SUMMARY

12 Provides an exemption from public records requirements  
13 for personally identifying information, bank account  
14 numbers, and debit and credit card numbers contained in  
15 records relating to an individual's personal health or  
16 eligibility for health-related services maintained by the  
17 Department of Health or its authorized service providers.  
18 Provides for disclosure under certain conditions.  
19 Provides for future review and repeal.