

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

317-1589-01

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.

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

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

31

1 1. With the express written consent of the individual
2 or the individual's 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 court order upon a showing of good cause.

6 4. To a health research entity, if the entity seeks
7 the records or data pursuant to a research protocol approved
8 by the department, maintains the records or data in accordance
9 with the approved protocol, and enters into a purchase and
10 data-use agreement with the department, the fee provisions of
11 which are consistent with paragraph (1)(a). The department
12 may deny a request for records or data if the protocol
13 provides for intrusive follow-back contacts, has not been
14 approved by a human studies institutional review board, does
15 not plan for the destruction of confidential records after the
16 research is concluded, is administratively burdensome, or does
17 not have scientific merit. The agreement must restrict the
18 release of any information, which would permit the
19 identification of persons, limit the use of records or data to
20 the approved research protocol, and prohibit any other use of
21 the records or data. Copies of records or data issued
22 pursuant to this subparagraph remain the property of the
23 department.

24
25 This paragraph is subject to the Open Government Sunset Review
26 Act of 1995, in accordance with s. 119.15, and shall stand
27 repealed on October 2, 2006, unless reviewed and saved from
28 repeal through reenactment by the Legislature.

29 Section 2. The Legislature finds that it is a public
30 necessity that personal identifying information, bank account
31 numbers, and debit, charge, and credit card numbers contained

1 in records relating to an individual's personal health or
2 eligibility for health-related services made or received by
3 the Department of Health or its service providers be held
4 confidential and exempt from public disclosure, with certain
5 exceptions. The Legislature further finds that the exemption
6 for personal identifying information is a public necessity in
7 order to protect health-related information that is of a
8 sensitive personal nature. Matters of personal health are
9 traditionally private and confidential concerns between the
10 patient and the health care provider. The private and
11 confidential nature of personal health matters pervades both
12 the public and private health care sectors. For these
13 reasons, the individual's expectation of and right to privacy
14 in all matters regarding his or her personal health
15 necessitates this exemption. In addition, an individual's
16 bank account numbers and debit, charge, and credit card
17 numbers contained in records relating to an individual's
18 health or eligibility for health care services is also of a
19 sensitive personal nature and it is a public necessity that
20 such information be held confidential and exempt because
21 revealing such information could create the opportunity for
22 theft and fraud.

23 Section 3. This act shall take effect July 1, 2001.
24
25
26
27
28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 840

The Committee Substitute permits the Department of Health to release vital records or data to an entity if the entity seeks the records pursuant to a research protocol approved by the department and maintains the records or data in accordance with the approved protocol and a purchase and data-use agreement with the department. The statement of public necessity for providing an exemption to the Public Records Law for records identifying personal health information and financial information contained in such records maintained by the Department of Health is revised.