

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

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

The Committee on State Administration offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 893.066, Florida Statutes, is created to read:

893.066 Public records exemption.--

(1) Personal identifying information regarding a patient contained in a public record as defined in s. 119.011, held by the Department of Legal Affairs pursuant to s. 893.065 is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The Department of Legal Affairs may disclose a patient's identity contained in such records to the following:

a. A practitioner who requests information and certified that the information is necessary to provide medical treatment to a current patient in accordance with s. 893.05.

b. A pharmacist licensed in this state who requests information and certifies that the requested information is to

Amendment No. ____ (for drafter's use only)

1 be used to dispense controlled substances to a current patient
2 in accordance with s. 893.04.

3 c. A criminal justice agency, as defined in s.
4 119.011, which enforces the laws of this state or the United
5 States relating to drugs and which is engaged in a specific
6 investigation involving a violation of law.

7 d. An employee or agent of the Department of Health
8 who is involved in a specific investigation with regard to a
9 violation of the chapter regulating the alleged violator, the
10 rules of the Department of Health, or the rules of a board
11 regulating the alleged violator.

12
13 A practitioner, pharmacist, criminal justice agency, or
14 employee or agent of the Department of Health who obtains such
15 information must maintain the confidential and exempt status
16 of that information. This exemption is made subject to the
17 Open Government Sunset Review Act of 1995 in accordance with
18 s. 119.15, and shall stand repealed unless reviewed and saved
19 from repeal through reenactment by the Legislature.

20 (2) Any person who violates this section commits a
21 misdemeanor of the first degree, punishable as provided in s.
22 775.082 or s. 775.083. However, upon a second or subsequent
23 violation, the person commits a felony of the third degree
24 punishable as provided in s. 775.082 or s. 775.083.

25 Section 2. The Legislature finds that it is a public
26 necessity that the information made confidential and exempt by
27 this act be held confidential and exempt in order to
28 facilitate the Department of Legal Affairs' efforts to
29 maintain compliance with the state's drug laws by the accurate
30 and timely reporting by health care practitioners of potential
31 drug diversion without compromising a patient's privacy, with

Amendment No. ____ (for drafter's use only)

1 certain exceptions. The exemption for a patient's personal
2 identifying information contained in a public record as
3 defined in s. 119.011, which includes information held in an
4 electronic format, held by the Department of Legal Affairs
5 pursuant to s. 893.065 facilitates the sharing of information
6 between health care practitioners so that the practitioners
7 may appropriately identify and evaluate a patient's risk for
8 drug diversion and the resulting abuse of controlled
9 substances without compromising a patient's privacy. The
10 Legislature further finds that the exemption for such
11 information is a public necessity in order to protect a
12 patient's health-related information. Matters of personal
13 health are traditionally private and confidential concerns
14 between a patient and a health care provider. The private and
15 confidential nature of personal health matters pervades both
16 the public and private health care sectors. If the patient's
17 personal identifying information were not confidential and
18 exempt, then that patient's name would be connected to his or
19 her prescription. By connecting the patient's name with the
20 patient's prescription, a third party could then determine
21 that patient's medical condition, thereby intruding upon the
22 patient's right to privacy in matters regarding his or her
23 personal health.

24 Section 3. This act shall take effect upon the passage
25 of House Bill 701 or similar legislation.

26
27

28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 1, lines 2 through 9,
31 remove: all of said lines

Amendment No. ____ (for drafter's use only)

1 and insert:

2 An act relating to a public records exemption;
3 creating s. 893.066, F.S.; creating a public
4 records exemption for personal identifying
5 information regarding a patient contained in
6 public records held by the Department of Legal
7 Affairs; providing exceptions to the exemption;
8 providing a criminal penalty for violating the
9 provisions of the public records exemption;
10 providing for future review and repeal;
11 providing a statement of public necessity;

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31