

By the Committee on Health Care

587-455-06

1 A bill to be entitled
2 An act relating to a review under the Open
3 Government Sunset Review Act; amending s.
4 119.0712, F.S., relating to an exemption from
5 public records requirements for personal
6 identifying information, bank account numbers,
7 and debit, charge, and credit card numbers
8 contained in certain records held by the
9 Department of Health which relate to an
10 individual's personal health or eligibility for
11 health services; excluding bank account numbers
12 and debit, charge, and credit card numbers
13 contained in such records from the exemption;
14 saving the exemption from repeal under the Open
15 Government Sunset Review Act; deleting
16 provisions that provide for the repeal of the
17 exemption; providing an effective date.
18

19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Subsection (1) of section 119.0712, Florida
22 Statutes, is amended to read:

23 119.0712 Executive branch agency-specific exemptions
24 from inspection or copying of public records.--

25 (1) DEPARTMENT OF HEALTH.--All personal identifying
26 information; ~~bank account numbers; and debit, charge, and~~
27 ~~credit card numbers~~ contained in records relating to an
28 individual's personal health or eligibility for health-related
29 services held by the Department of Health are confidential and
30 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution, except as otherwise provided in this subsection.

1 Information made confidential and exempt by this subsection
2 shall be disclosed:

3 (a) With the express written consent of the individual
4 or the individual's legally authorized representative.

5 (b) In a medical emergency, but only to the extent
6 necessary to protect the health or life of the individual.

7 (c) By court order upon a showing of good cause.

8 (d) To a health research entity, if the entity seeks
9 the records or data pursuant to a research protocol approved
10 by the department, maintains the records or data in accordance
11 with the approved protocol, and enters into a purchase and
12 data-use agreement with the department, the fee provisions of
13 which are consistent with s. 119.07(4). The department may
14 deny a request for records or data if the protocol provides
15 for intrusive follow-back contacts, has not been approved by a
16 human studies institutional review board, does not plan for
17 the destruction of confidential records after the research is
18 concluded, is administratively burdensome, or does not have
19 scientific merit. The agreement must restrict the release of
20 any information that would permit the identification of
21 persons, limit the use of records or data to the approved
22 research protocol, and prohibit any other use of the records
23 or data. Copies of records or data issued pursuant to this
24 paragraph remain the property of the department.

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

30 Section 2. This act shall take effect October 1, 2006.

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SENATE SUMMARY

Abrogates the scheduled expiration of exemptions under the Open Government Sunset Review Act for information held by the Department of Health relating to a person's health or eligibility for health-related services. Revises information made exempt.