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A bill to be entitled  
 An act relating to patient records; amending s. 395.3025,  
 F.S.; requiring disclosure by a licensed facility  
 concerning individually identifiable health information  
 transmitted to a site outside the United States; requiring  
 notice to and consent of the patient; providing for  
 renewal and revocation of consent; providing for a consent  
 form and contents thereof; prohibiting discrimination  
 based on refusal to grant consent; providing an effective  
 date.

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

Section 1. Subsection (7) of section 395.3025, Florida  
 Statutes, is amended to read:

395.3025 Patient and personnel records; copies;  
examination; transmission of records; consent.--

(7)(a) If the content of any record of patient treatment  
 is provided under this section, the recipient, if other than the  
 patient or the patient's representative, may use such  
 information only for the purpose provided and may not further  
 disclose any information to any other person or entity, unless  
 expressly permitted by the written consent of the patient. A  
 general authorization for the release of medical information is  
 not sufficient for this purpose. The content of such patient  
 treatment record is confidential and exempt from the provisions  
 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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28 (b) Absent a specific written release or authorization  
29 permitting utilization of patient information for solicitation  
30 or marketing the sale of goods or services, any use of that  
31 information for those purposes is prohibited.

32 (c) A person or entity that has contracted or  
33 subcontracted with a licensed facility as defined in s.  
34 395.002(17) to receive individually identifiable health  
35 information shall disclose to the licensed facility whether any  
36 of the information will be transmitted to a site outside the  
37 United States.

38 (d) A licensed facility, or person or entity that has  
39 contracted or subcontracted with a licensed facility, shall not  
40 transmit individually identifiable health information to a site  
41 outside the United States unless all of the following apply:

42 1. The licensed facility discloses to the patient upon  
43 admission, or as soon as practicable after admission, that his  
44 or her individually identifiable health information may be  
45 transmitted to a site outside the United States.

46 2. The licensed facility obtains written consent from the  
47 patient to transmit his or her individually identifiable health  
48 information to a site outside the United States.

49 3. The consent of the patient has been granted or renewed  
50 on an annual basis.

51 4. The patient may revoke consent in writing at any time.

52 (e) Except for a request for health care services  
53 initiated by a person seeking diagnosis or treatment outside the  
54 United States, a licensed facility shall utilize a form to  
55 obtain consent to transmit individually identifiable health

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56 information to a site outside the United States. The form shall  
57 meet the following criteria:

58 1. It shall be a separate document and shall not be  
59 attached to any other document.

60 2. It shall be dated and signed by the patient whose  
61 health care information is identifiable.

62 3. It shall clearly disclose all of the following:

63 a. By signing, the patient is consenting to the  
64 transmission of his or her individually identifiable health  
65 information to a site outside the United States where the  
66 information is not protected by United States confidentiality  
67 laws.

68 b. The consent of the patient must be renewed on an annual  
69 basis.

70 c. The patient may revoke consent at any time.

71 d. The procedure by which consent may be revoked.

72  
73 A licensed facility shall not discriminate against an individual  
74 or deny an individual health care service because the individual  
75 has not provided consent pursuant to this subsection.

76 Section 2. This act shall take effect July 1, 2006.