

HB 7223

2006  
CS

CHAMBER ACTION

---

1 The State Administration Council recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5  
6 A bill to be entitled

7 An act relating to a review under the Open Government  
8 Sunset Review Act regarding medical records and health  
9 records; amending s. 119.0712, F.S., relating to an  
10 exemption from public records requirements for personal  
11 identifying information, bank account numbers, and debit,  
12 charge, and credit card numbers contained in certain  
13 records held by the Department of Health which relate to  
14 an individual's personal health or eligibility for health  
15 services; removing the exemption for bank account numbers  
16 and debit, charge, and credit card numbers contained in  
17 such records; removing the scheduled repeal of the  
18 exemption; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsection (1) of section 119.0712, Florida  
23 Statutes, is amended to read:

HB 7223

2006  
CS

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

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

34 | (a) With the express written consent of the individual or  
35 | the individual's legally authorized representative.

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

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

39 | (d) To a health research entity, if the entity seeks the  
40 | records or data pursuant to a research protocol approved by the  
41 | department, maintains the records or data in accordance with the  
42 | approved protocol, and enters into a purchase and data-use  
43 | agreement with the department, the fee provisions of which are  
44 | consistent with s. 119.07(4). The department may deny a request  
45 | for records or data if the protocol provides for intrusive  
46 | follow-back contacts, has not been approved by a human studies  
47 | institutional review board, does not plan for the destruction of  
48 | confidential records after the research is concluded, is  
49 | administratively burdensome, or does not have scientific merit.  
50 | The agreement must restrict the release of any information that  
51 | would permit the identification of persons, limit the use of

HB 7223

2006  
CS

52 records or data to the approved research protocol, and prohibit  
53 any other use of the records or data. Copies of records or data  
54 issued pursuant to this paragraph remain the property of the  
55 department.

56

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

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