

By Senator Soto

14-01742-15

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 641.815, F.S.; providing an exemption from public
4 records requirements for certain personally
5 identifiable financial and personally identifiable
6 health information; providing for future legislative
7 review and repeal of the exemption; providing a
8 statement of public necessity; providing a contingent
9 effective date.

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

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13 Section 1. Section 641.815, Florida Statutes, is created to
14 read:

15 641.815 Florida Health Access Marketplace; public records
16 exemption.—

17 (1) Personally identifiable financial information, tax
18 returns, or supporting financial data obtained pursuant to s.
19 641.81, is confidential and exempt from s. 119.07(1) and s.
20 24(a), Art. I of the State Constitution.

21 (2) Personally identifiable health information obtained
22 pursuant to s. 641.81, including information covered by the
23 federal Health Insurance Portability and Accountability Act of
24 1996, Pub. L. No. 104-191 (HIPAA of 1996), is confidential and
25 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution.

27 (3) This section is subject to the Open Government Sunset
28 Review Act in accordance with s. 119.15, Florida Statutes, and
29 shall stand repealed on October 2, 2020, unless reviewed and

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30 saved from repeal through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public
32 necessity to protect an individual's personally identifiable
33 financial information, tax returns or supporting financial data,
34 and personally identifiable health information, including
35 information covered by the federal HIPAA of 1996, that is
36 obtained by the Florida Health Access Marketplace. The
37 Legislature finds that disclosure of such financial information
38 would create the opportunity for theft, identity theft, fraud,
39 and other illegal activity, jeopardizing the individual and
40 placing him or her at risk for substantial financial harm. The
41 Legislature further finds that an individual's personal health
42 information is traditionally a private and confidential matter,
43 and public disclosure of such health information could
44 negatively affect a person's business or personal relationships.
45 Therefore, it is the finding of the Legislature that such
46 information must be made confidential and exempt from s.
47 119.07(1), Florida Statutes, and s. 24(a), Article I of the
48 State Constitution.

49 Section 3. This act shall take effect on the same date that
50 SB ____ or similar legislation establishing the Florida Health
51 Access Marketplace takes effect, if such legislation is adopted
52 in the same legislative session or an extension thereof and
53 becomes a law.