

By Senator Torres

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 408.985, F.S.; defining terms; providing an exemption
4 from public records requirements for the personal
5 identifying information of any member of the Healthy
6 Florida program created under SB ____ which is held by
7 certain entities; providing that such information may
8 be disclosed to specified entities under certain
9 circumstances; providing a criminal penalty for a
10 person who willfully and knowingly discloses such
11 information to an unauthorized person or entity;
12 providing for future legislative review and repeal of
13 the exemption; providing a statement of public
14 necessity; providing a contingent effective date.

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

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18 Section 1. Section 408.985, Florida Statutes, is created to
19 read:

20 408.985 Public records exemption.-

21 (1) As used in this section, the term:

22 (a) "Agency" has the same meaning as provided in s.
23 119.011(2).

24 (b) "Personal identifying information" means a member's
25 name, date of birth, home address or mailing address, e-mail
26 address, or telephone number. For purposes of records disclosure
27 to a law enforcement officer or an immigration agency or
28 authority, the term also includes information about a member's
29 religious beliefs, practices, or affiliation; national origin;

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30 ethnicity; or immigration status.

31 (c) "Record" means information that is inscribed on a
32 tangible medium or that is stored in an electronic or other
33 medium and is retrievable in perceivable form.

34 (2) The personal identifying information of any member of
35 the Healthy Florida program which is contained in any record
36 held by the Healthy Florida Board, the public advisory committee
37 established under s. 408.954, or an agency performing any duty
38 under the Healthy Florida program is confidential and exempt
39 from s. 119.07(1) and s. 24(a), Art. I of the State
40 Constitution.

41 (3) An entity identified in subsection (2) may disclose
42 information made confidential and exempt under this section to
43 another agency, a federal governmental entity, an allied health
44 practitioner, a care coordinator, an essential community
45 provider, a health care organization, an integrated health care
46 delivery system, or a participating provider only for the
47 purpose of administering this program.

48 (4) A person who willfully and knowingly discloses personal
49 identifying information made confidential and exempt under this
50 section to an unauthorized person or entity commits a
51 misdemeanor of the first degree, punishable as provided in s.
52 775.082 or s. 775.083.

53 (5) This section is subject to the Open Government Sunset
54 Review Act in accordance with s. 119.15 and shall stand repealed
55 on October 2, 2023, unless reviewed and saved from repeal
56 through reenactment by the Legislature.

57 Section 2. The Legislature finds that it is a public
58 necessity to exempt from s. 119.07(1), Florida Statutes, and s.

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59 24(a), Article I of the State Constitution the personal
60 identifying information of any Healthy Florida program member
61 which is contained in any record held by the Healthy Florida
62 Board, the public advisory committee established under s.
63 408.954, or an agency performing any duty under the Healthy
64 Florida program. Such information is of a sensitive, personal
65 nature, and disclosure of such information could result in
66 unwanted solicitation of a Healthy Florida member or invasion of
67 a member's patient privacy. The Legislature finds that patient
68 privacy under the Healthy Florida program, a statewide universal
69 single-payer health care coverage program open to all residents
70 of this state, outweighs any public benefit derived from public
71 disclosure of a member's personal identifying information. The
72 Legislature also finds that information about a member's
73 religious beliefs, practices, or affiliation, national origin,
74 ethnicity, or immigration status which may be obtained from a
75 member in the course of providing health care services to the
76 member is part of patient privacy and should not be disclosed to
77 a law enforcement officer or an immigration agency or authority.

78 Section 3. This act shall take effect on the same date that
79 SB ____ or similar legislation takes effect, if such legislation
80 is adopted in the same legislative session or an extension
81 thereof and becomes a law.