

Committee Substitute for Senate Bill No. 840

An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for identifying information and specified financial information in records relating to an individual's health or eligibility for health-related services made or received by the Department of Health or its service providers; specifying conditions under which such information may be released; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Paragraph (dd) is added to subsection (3) of section 119.07, Florida Statutes, to read:

119.07 Inspection, examination, and duplication of records; exemptions.—

(3)

(dd) All personal identifying information, bank account numbers, and debit, charge, and credit card numbers contained in records relating to an individual's personal health or eligibility for health-related services made or received by the Department of Health or its service providers are confidential and exempt from the provisions of subsection (1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in this paragraph. Information made confidential and exempt by this paragraph shall be disclosed:

1. With the express written consent of the individual or the individual's legally authorized representative.

2. In a medical emergency, but only to the extent necessary to protect the health or life of the individual.

3. By court order upon a showing of good cause.

4. To a health research entity, if the entity seeks the records or data pursuant to a research protocol approved by the department, maintains the records or data in accordance with the approved protocol, and enters into a purchase and data-use agreement with the department, the fee provisions of which are consistent with paragraph (1)(a). The department may deny a request for records or data if the protocol provides for intrusive follow-back contacts, has not been approved by a human studies institutional review board, does not plan for the destruction of confidential records after the research is concluded, is administratively burdensome, or does not have scientific merit. The agreement must restrict the release of any information, which would permit the identification of persons, limit the use of records or data to the approved research protocol, and prohibit any other use of the

records or data. Copies of records or data issued pursuant to this subparagraph remain the property of the department.

This paragraph is subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal identifying information, bank account numbers, and debit, charge, and credit card numbers contained in records relating to an individual's personal health or eligibility for health-related services made or received by the Department of Health or its service providers be held confidential and exempt from public disclosure, with certain exceptions. The Legislature further finds that the exemption for personal identifying information is a public necessity in order to protect health-related information that is of a sensitive personal nature. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private health care sectors. For these reasons, the individual's expectation of and right to privacy in all matters regarding his or her personal health necessitates this exemption. In addition, an individual's bank account numbers and debit, charge, and credit card numbers contained in records relating to an individual's health or eligibility for health care services is also of a sensitive personal nature and it is a public necessity that such information be held confidential and exempt because revealing such information could create the opportunity for theft and fraud.

Section 3. This act shall take effect July 1, 2001.

Approved by the Governor May 31, 2001.

Filed in Office Secretary of State May 31, 2001.