

1                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           amending s. 638.610, F.S.; providing an exemption from  
4           public meetings requirements for meetings held by the  
5           Healthy Florida Board; providing for future  
6           legislative review and repeal of the exemption;  
7           providing a statement of public necessity; amending s.  
8           638.617, F.S.; providing an exemption from public  
9           records requirements for any personal identifying  
10          information collected by Healthy Florida, or by other  
11          entities possessing such information through  
12          implementation of Healthy Florida, when such  
13          information is requested for law enforcement or  
14          immigration purposes; providing for future legislative  
15          review and repeal of the exemption; providing a  
16          contingent effective date.

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

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20          Section 1.   Effective upon the same date that HB 1385 or  
21          similar legislation takes effect, if such legislation is adopted  
22          in the same legislative session or an extension thereof and  
23          becomes a law, subsection (10) of section 638.610, Florida  
24          Statutes, as created by HB 1385, 2018 Regular Session, is  
25          renumbered as subsection (11), and a new subsection (10) is

26 added, to read:

27 638.610 THE HEALTHY FLORIDA BOARD.—

28 (10) (a) The board is subject to s. 286.011, related to  
 29 open meetings. However, any closed session meeting of the board  
 30 to consider matters related to litigation, personnel,  
 31 contracting, and rates is exempt from s. 286.011 and s. 24(b),  
 32 Art. I of the State Constitution.

33 (b) This subsection is subject to the Open Government  
 34 Sunset Review Act in accordance with s. 119.15 and shall stand  
 35 repealed on October 2, 2023, unless reviewed and saved from  
 36 repeal through reenactment by the Legislature.

37 Section 2. Effective upon the same date that HB 1385 or  
 38 similar legislation takes effect, if such legislation is adopted  
 39 in the same legislative session or an extension thereof and  
 40 becomes a law, section 638.617, Florida Statutes, is created to  
 41 read:

42 638.617 PERSONAL IDENTIFYING INFORMATION.—

43 (1) Notwithstanding any other law, Healthy Florida, any  
 44 state or local agency, or a public employee acting under color  
 45 of law may not provide or disclose to anyone, including, but not  
 46 limited to, the federal government any personal identifying  
 47 information obtained, including, but not limited to, a person's  
 48 religious beliefs, practices, or affiliation, national origin,  
 49 ethnicity, or immigration status for law enforcement or  
 50 immigration purposes.

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

55 Section 3. (1) The Legislature finds that in order to  
56 protect private, confidential, and sensitive information, as  
57 provided in section 3 of this act, it is a public necessity that  
58 such information be held confidential and exempt from s.  
59 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
60 State Constitution, in order to prevent criminal activity such  
61 as identity theft, fraud, and financial harm. The Legislature  
62 finds that the potential for harm resulting from unfettered  
63 access to a person's health records, including consumer scams,  
64 unwanted solicitations, or other forms of invasive contacts,  
65 exceeds any public benefit that may be derived from disclosure  
66 of such information.

67 (2) The Legislature further finds that when discussing  
68 matters related to litigation, personnel, contracting, and rates  
69 in board meetings, as provided in section 1 of this act, it is a  
70 public necessity that information relating to individuals and  
71 companies be held confidential and exempt from s. 286.011,  
72 Florida Statutes, and s. 24(a), Article I of the State  
73 Constitution, in order to protect private, confidential, and  
74 proprietary information and to prevent criminal activity  
75 including identity theft, cyber-crime, and exposure of trade

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76 | secrets.

77 |       Section 4. This act shall take effect on the same date  
78 | that HB 1385 or similar legislation takes effect, if such  
79 | legislation is adopted in the same legislative session or an  
80 | extension thereof and becomes a law.