

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Health Promotion offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

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 herein. Information made confidential and  
exempt by this paragraph shall be disclosed:

1. With the express written consent of the individual

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1 or the individual's legally authorized representative.  
2 Furthermore, if a request is made for specific records of an  
3 individual, such records shall be disclosed only with the  
4 express written consent of the individual or the individual's  
5 legally authorized representative.

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

8 3. By court order upon a showing of good cause.  
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10 This paragraph is subject to the Open Government Sunset Review  
11 Act of 1995, in accordance with s. 119.15, and shall stand  
12 repealed on October 2, 2006, unless reviewed and saved from  
13 repeal through reenactment by the Legislature.

14 Section 2. The Legislature finds that it is a public  
15 necessity that personal identifying information, bank account  
16 numbers, and debit, charge, and credit card numbers contained  
17 in records relating to an individual's personal health or  
18 eligibility for health-related services made or received by  
19 the Department of Health or its service providers be held  
20 confidential and exempt from public disclosure, with certain  
21 exceptions. The Legislature further finds that the exemption  
22 for personal identifying information is a public necessity in  
23 order to protect health related information that is of a  
24 sensitive personal nature. Matters of personal health are  
25 traditionally private and confidential concerns between the  
26 patient and the health care provider. The private and  
27 confidential nature of personal health matters pervades both  
28 the public and private health care sectors. For these  
29 reasons, the individual's expectation of and right to privacy  
30 in all matters regarding his or her personal health  
31 necessitates this exemption. In addition, an individual's

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1 bank account numbers, and debit, charge, and credit card  
 2 numbers, contained in records relating to an individual's  
 3 health or eligibility for health care services is also of a  
 4 sensitive personal nature and it is a public necessity that  
 5 such information be held confidential and exempt because  
 6 revealing such information could create the opportunity for  
 7 theft and fraud.

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

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===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

On page ,  
 remove from the title of the bill: the entire title  
 and insert in lieu thereof:

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.