

HB 7117

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1 A bill to be entitled
 2 An act relating to public records; creating s. 155.51,
 3 F.S.; providing an exemption from public records
 4 requirements for personally identifiable health
 5 information obtained in a capital recovery report;
 6 providing for future legislative review and repeal of
 7 the exemption; providing a statement of public
 8 necessity; providing a contingent effective date.

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

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 12 Section 1. Section 155.51, Florida Statutes, is created to
 13 read:

14 155.51 Public records exemption; capital recovery
 15 reports.-

16 (1) Personally identifiable health information obtained
 17 pursuant to s. 155.50, including, but not limited to,
 18 information covered by the federal Health Insurance Portability
 19 and Accountability Act of 1996, Pub. L. No. 104-191, is
 20 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 21 of the State Constitution.

22 (2) Such confidential and exempt information may only be
 23 disclosed:

24 (a) To the Department of Financial Services as provided in
 25 s. 155.50.

26 (b) To an approved provider as provided in s. 155.50.

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27 (c) To an individual or entity if any identifying patient
28 information is removed and the information is presented purely
29 as numerical data or denial rates as defined in s. 155.50.

30 (3) This section is subject to the Open Government Sunset
31 Review Act in accordance with s. 119.15 and shall stand repealed
32 on October 2, 2020, unless reviewed and saved from repeal
33 through reenactment by the Legislature.

34 Section 2. The Legislature finds that it is a public
35 necessity to protect an individual's personally identifiable
36 health information, including, but not limited to, information
37 covered by the federal Health Insurance Portability and
38 Accountability Act of 1996, Pub. L. No. 104-191, that is
39 obtained by the Department of Financial Services or an approved
40 provider pursuant to s. 155.50, Florida Statutes. The
41 Legislature finds that it is a public necessity to ensure
42 responsible management of public funds used by hospital
43 districts and county hospitals, and state review of the billing
44 practices of these hospital districts and county hospitals is an
45 important step toward responsible management of those public
46 funds. The Legislature further finds that an individual's
47 personal health information is traditionally a private and
48 confidential matter, and public disclosure of such health
49 information could negatively affect a person's business or
50 personal relationships. Therefore, it is the finding of the
51 Legislature that such information must be made confidential and
52 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),

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53 | Article I of the State Constitution.

54 | Section 3. This act shall take effect on the same date
55 | that HB 7115 or similar legislation establishing hospital
56 | capital recovery practices takes effect, if such legislation is
57 | adopted in the same legislative session or an extension thereof
58 | and becomes a law.