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1 A bill to be entitled 2 An act relating to public records; creating s. 3 189.057, F.S.; providing an exemption from public 4 records requirements for personal identifying 5 information and health information held by the 6 Department of Financial Services or an approved 7 provider under contract with the department pursuant 8 to a capital recovery report; authorizing release of 9 the confidential and exempt information under certain 10 circumstances; providing for future legislative review and repeal of the exemption; providing a statement of 11 12 public necessity; providing a contingent effective 13 date. 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Section 189.057, Florida Statutes, is created to read: 18 19 189.057 Public records exemption; capital recovery 20 reports.-21 (1) Personal identifying information and health information held pursuant to s. 189.056 by the Department of 22 23 Financial Services or an approved provider under contract with 24 the department is confidential and exempt from s. 119.07(1) and 25 s. 24(a), Art. I of the State Constitution. 26 This section does not prohibit the Department of (2)

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CODING: Words stricken are deletions; words underlined are additions.

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Financial Services and an approved provider under contract with the department from sharing such confidential and exempt information with one another.

- (3) The Department of Financial Services or an approved provider under contract with the department may release information if it is presented purely as numerical data or denial rates as defined in s. 189.056; however, the data or rate information may not include any confidential and exempt personal identifying information or health information.
- (4) This section is subject to the Open Government Sunset

 Review Act in accordance with s. 119.15 and shall stand repealed

 on October 2, 2020, 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 and health information held pursuant to s. 189.056, Florida Statutes, by the Department of Financial Services or an approved provider under contract with the department be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The Legislature finds that it is a public necessity to ensure responsible management of public funds used by hospital districts. State review of the billing practices of these hospital districts is an important step toward responsible management of those public funds. The public records exemption for personal identifying information and health information held by the Department of Financial

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Services or an approved provider pursuant to a capital recovery report ensures that information of a sensitive, personal nature is protected. Further, each individual has a reasonable expectation of and a right to privacy in all matters concerning personal health information. The Legislature further finds that an individual's personal health information is traditionally a private and confidential matter between the patient and the patient's health care provider. The private and confidential nature of personal health matters pervades both the public and private health care sectors, and public disclosure of such personal identifying information and health information could negatively affect a person's business or personal relationships. Therefore, it is the finding of the Legislature that such information held pursuant to s. 189.056, Florida Statutes, by the Department of Financial Services or an approved provider under contract with the department must be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

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