

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

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

21 (b) Such confidential and exempt information may only be
 22 disclosed:

23 1. To the Department of Financial Services under s.
 24 155.50.

25 2. To an approved provider under section 155.50.

26 3. To any individual or entity if any identifying patient

27 information has been removed and the information is presented
 28 purely as numerical data or denial rates as defined in section
 29 155.50.

30 (c) This subsection is subject to the Open Government
 31 Sunset Review Act in accordance with s. 119.15 and shall stand
 32 repealed on October 2, 2020, unless reviewed and saved from
 33 repeal 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 HIPAA of 1996, that is obtained by the
 38 Department of Financial Services or an approved provider under
 39 s. 155.50, Florida Statutes. The Legislature finds that it is a
 40 public necessity to ensure responsible management of public
 41 funds used by hospital districts and county hospitals, and state
 42 review of the billing practices of these hospital districts and
 43 county hospitals is an important step toward responsible
 44 management of those public funds. The Legislature further finds
 45 that an individual's personal health information is
 46 traditionally a private and confidential matter, and public
 47 disclosure of such health information could negatively affect a
 48 person's business or personal relationships. Therefore, it is
 49 the finding of the Legislature that such information must be
 50 made confidential and exempt from s. 119.07(1), Florida
 51 Statutes, and s. 24(a), Article I of the State Constitution.

52 Section 3. This act shall take effect on the same date

PCB FTC 15-03

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53 | that PCB FTC 15-02 or similar legislation establishing hospital
54 | capital recovery practices takes effect, if such legislation is
55 | adopted in the same legislative session or an extension thereof
56 | and becomes a law.