

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; providing for
 10 future legislative review and repeal of the exemption;
 11 providing a statement of public necessity; providing a
 12 contingent effective date.

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

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 16 Section 1. Section 189.057, Florida Statutes, is created
 17 to read:

18 189.057 Public records exemption; capital recovery
 19 reports.-

20 (1) Personal identifying information and health
 21 information held by the Department of Financial Services, or an
 22 approved provider under contract with the department, pursuant
 23 to s. 189.056 is confidential and exempt from s. 119.07(1) and
 24 s. 24(a), Art. I of the State Constitution.

25 (2) The Department of Financial Services and an approved
 26 provider may share such confidential and exempt information with

27 each other.

28 (3) The Department of Financial Services or an approved
 29 provider may release information if it is presented purely as
 30 numerical data or denial rates as defined in s. 189.056;
 31 however, the data or rate information may not include any
 32 confidential and exempt personal identifying information or
 33 health information.

34 (4) This section is subject to the Open Government Sunset
 35 Review Act in accordance with s. 119.15 and shall stand repealed
 36 on October 2, 2020, unless reviewed and saved from repeal
 37 through reenactment by the Legislature.

38 Section 2. The Legislature finds that it is a public
 39 necessity that personal identifying information and health
 40 information held by the Department of Financial Services, or an
 41 approved provider under contract with the department, pursuant
 42 to s. 189.056, Florida Statutes, be made confidential and exempt
 43 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
 44 the State Constitution. The Legislature finds that it is a
 45 public necessity to ensure responsible management of public
 46 funds used by hospital districts. State review of the billing
 47 practices of these hospital districts is an important step
 48 toward responsible management of those public funds. The public
 49 records exemption for personal identifying information and
 50 health information held by the Department of Financial Services
 51 or an approved provider pursuant to a capital recovery report
 52 ensures that information of a sensitive, personal nature is

53 protected. Further, each individual has a reasonable expectation
54 of and a right to privacy in all matters concerning personal
55 health information. The Legislature further finds that an
56 individual's personal health information is traditionally a
57 private and confidential matter between the patient and health
58 care provider. The private and confidential nature of personal
59 health matters pervades both the public and private health care
60 sectors, and public disclosure of such personal identifying
61 information and health information could negatively affect a
62 person's business or personal relationships. Therefore, it is
63 the finding of the Legislature that such information held by the
64 Department of Financial Services or an approved provider under
65 contract with the department pursuant to s. 189.056, Florida
66 Statutes, must be made confidential and exempt from s.
67 119.07(1), Florida Statutes, and s. 24(a), Article I of the
68 State Constitution.

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