

1 A bill to be entitled

2 An act relating to public records and meetings;
3 amending s. 638.61, F.S.; providing an exemption from
4 public meetings requirements for certain meetings held
5 by the Healthy Florida Board; providing for future
6 legislative review and repeal of the exemption;
7 creating s. 638.617, F.S.; providing an exemption from
8 public records requirements for any personal
9 identifying information in the health records
10 collected by Healthy Florida or obtained by other
11 entities through implementation of Healthy Florida;
12 prohibiting provision or disclosure of such
13 information for specified purposes; providing for
14 future legislative review and repeal of the exemption;
15 providing statements of public necessity; providing a
16 contingent effective date.

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

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20 Section 1. Effective upon the same date that HB 697 or
21 similar legislation takes effect, if such legislation is adopted
22 in the same legislative session or an extension thereof and
23 becomes a law, subsection (10) of section 638.61, Florida
24 Statutes, as created by HB 697, 2019 Regular Session, is
25 renumbered as subsection (11), and a new subsection (10) is

26 added, to read:

27 638.61 The Healthy Florida Board.—

28 (10) (a) The board is subject to s. 286.011, related to
 29 open meetings. However, any meeting or portion of a meeting of
 30 the board during which matters related to litigation, personnel,
 31 contracting, and rates are discussed is exempt from s. 286.011
 32 and s. 24(b), Art. I of the State Constitution.

33 (b) This subsection is subject to the Open Government
 34 Sunset Review Act in accordance with s. 119.15 and shall stand
 35 repealed on October 2, 2024, unless reviewed and saved from
 36 repeal through reenactment by the Legislature.

37 Section 2. Effective upon the same date that HB 697 or
 38 similar legislation takes effect, if such legislation is adopted
 39 in the same legislative session or an extension thereof and
 40 becomes a law, section 638.617, Florida Statutes, is created to
 41 read:

42 638.617 Personal identifying information.—

43 (1) (a) Any personal identifying information in the health
 44 records collected by Healthy Florida or obtained by other
 45 entities through implementation of Healthy Florida, including,
 46 but not limited to, a person's religious beliefs, practices, or
 47 affiliation; national origin; ethnicity; or immigration status
 48 is confidential and exempt from s. 119.07(1) and s. 24(a), Art.
 49 I of the State Constitution.

50 (b) Notwithstanding any other law, Healthy Florida, a

51 state or local agency, or a public employee acting under color
52 of law may not provide or disclose to anyone, including, but not
53 limited to, the Federal Government, any personal identifying
54 information described in subsection (1) for law enforcement or
55 immigration purposes.

56 (2) This section is subject to the Open Government Sunset
57 Review Act in accordance with s. 119.15 and shall stand repealed
58 on October 2, 2024, unless reviewed and saved from repeal
59 through reenactment by the Legislature.

60 Section 3. (1) The Legislature finds that it is a public
61 necessity that any personal identifying information in the
62 health records collected by the Healthy Florida Program or
63 obtained by other entities through implementation of the Healthy
64 Florida Program, as provided in section 2 of this act, be made
65 confidential and exempt from s. 119.07(1), Florida Statutes, and
66 s. 24(a), Article I of the State Constitution. The public
67 records exemption for private, confidential, and sensitive
68 information in the health records will help prevent criminal
69 activity such as identity theft, fraud, and financial harm. The
70 Legislature finds that the potential for harm resulting from
71 unfettered access to personal identifying information in a
72 person's health records, including consumer scams, unwanted
73 solicitations, or other forms of invasive contacts, exceeds any
74 public benefit that may be derived from disclosure of such
75 information.

76 (2) The Legislature further finds that it is a public
77 necessity that any meeting or portion of a meeting of the
78 Healthy Florida Board, established in s. 638.61, Florida
79 Statutes, during which matters related to litigation, personnel,
80 contracting, and rates are discussed be made exempt from s.
81 286.011, Florida Statutes, and s. 24(b), Article I of the State
82 Constitution. The exemption of a meeting or portion of meeting
83 during which matters related to litigation, personnel,
84 contracting, and rates in board meetings are discussed will help
85 protect individuals' and companies' private, confidential, and
86 proprietary information and prevent criminal activity, including
87 identity theft, cybercrime, and exposure of trade secrets.

88 Section 4. This act shall take effect on the same date
89 that HB 697 or similar legislation takes effect, if such
90 legislation is adopted in the same legislative session or an
91 extension thereof and becomes a law.