

By Senators Brown-Waite, Myers, Bankhead, Burt and Silver

10-1242A-98

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 information provided by applicants to the
5 Florida Kids Health program; providing an
6 exemption for certain information obtained
7 through quality assurance activities and
8 patient satisfaction surveys; providing for
9 future review and repeal; providing findings of
10 public necessity; providing a contingent
11 effective date.

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

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15 Section 1. Notwithstanding any other law to the
16 contrary, any information contained in an application for
17 determination of eligibility for the Florida Kids Health
18 program which identifies applicants, including medical
19 information and family financial information, and any
20 information obtained through quality assurance activities and
21 patient satisfaction surveys which identifies program
22 participants, obtained by the Florida Kids Health program
23 under sections 409.810-409.820, Florida Statutes, is
24 confidential and is exempt from section 119.07(1), Florida
25 Statutes, and section 24(a), Article I of the State
26 Constitution. Program staff or staff or agents affiliated with
27 the program may not release, without the written consent of
28 the applicant or the parent or guardian of the applicant, to
29 any state or federal agency, to any private business or
30 person, or to any other entity, any confidential information
31 received under sections 409.810-409.820, Florida Statutes.

1 This section is subject to the Open Government Sunset Review
2 Act of 1995 in accordance with section 119.15, Florida
3 Statutes, and shall stand repealed on October 2, 2003, unless
4 reviewed and saved from repeal through reenactment by the
5 Legislature.

6 Section 2. The Legislature finds that exempting
7 information contained in applications for eligibility
8 determination under the Florida Kids Health program, including
9 medical information and family financial information, and any
10 information obtained through quality assurance activities and
11 patient satisfaction surveys which identifies program
12 participants, is a public necessity. The harm caused to
13 program applicants by release of such personal and sensitive
14 information outweighs any public benefit derived from
15 releasing such information. Further, maintaining the
16 confidentiality of such information is necessary to enable the
17 Department of Children and Family Services, the Department of
18 Health, and the Agency for Health Care Administration to
19 administer the Florida Kids Health program.

20 Section 3. This act shall take effect on the date
21 Senate Bill ____, relating to the Florida Kids Health program,
22 or similar legislation becomes a law, and shall not take
23 effect if such legislation does not become a law.

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26 SENATE SUMMARY

27 Provides that medical and financial information provided
28 by persons who participate in the Florida Kids Health
29 program is confidential and exempt from the public
30 records law.
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