

By the Committee on Health Care and Senators Brown-Waite,
Myers, Bankhead, Burt and Silver

317-1864-98

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. Except as otherwise provided by law, program
27 staff or staff or agents affiliated with the program may not
28 release, without the written consent of the applicant or the
29 parent or guardian of the applicant, to any state or federal
30 agency, to any private business or person, or to any other
31 entity, any confidential information received under sections

1 409.810-409.820, Florida Statutes. This section is subject to
2 the Open Government Sunset Review Act of 1995 in accordance
3 with section 119.15, Florida Statutes, and shall stand
4 repealed on October 2, 2003, unless reviewed and saved from
5 repeal through reenactment by the 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 Committee Substitute for Senate Bill 1228, relating to the
22 Florida Kids Health program, or similar legislation becomes a
23 law, and shall not take effect if such legislation does not
24 become a law.

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26 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
27 COMMITTEE SUBSTITUTE FOR
28 Senate Bill 1230

29 Clarifies that provisions of existing law that allow the
30 sharing of patient care information remain in effect and are
not impacted by the provisions of this bill.

31 Incorporates a cross-reference to the substantive bill for
which this bill was created, Senate Bill 1228.