

By the Committees on Governmental Oversight and Productivity;
and Health, Aging, and Long-Term Care

302-2140-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 409.821, F.S., which provides an exemption from
4 public-records requirements for information
5 identifying applicants of the Florida Kidcare
6 program; expanding the exemption to include
7 records that identify an applicant or enrollee
8 in the program; providing for the disclosure of
9 confidential information to another
10 governmental entity; requiring that the
11 receiving agency maintain the confidentiality
12 of the information; providing a penalty for
13 disclosure of information made confidential
14 under the act; reenacting the exemption and
15 providing for future repeal and legislative
16 review under the Open Government Sunset Review
17 Act of 1995; providing a finding of public
18 necessity; providing an effective date.

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

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22 Section 1. Notwithstanding the repeal scheduled on
23 October 2, 2003, under the Open Government Sunset Review Act
24 of 1995, section 409.821, Florida Statutes, is reenacted and
25 amended to read:

26 409.821 Florida Kidcare program; public-records
27 exemption ~~Sections 409.810-409.820; confidential~~
28 ~~information.~~--Notwithstanding any other law to the contrary,
29 any information that identifies an applicant or enrollee in
30 the Florida Kidcare program, as defined in s. 409.811, and
31 that is held by the Agency for Health Care Administration, the

1 Department of Children and Family Services, the Department of
2 Health, or the Florida Healthy Kids Corporation ~~contained in~~
3 ~~an application for determination of eligibility for the~~
4 ~~Florida Kidcare program which identifies applicants, including~~
5 ~~medical information and family financial information, and any~~
6 ~~information obtained through quality assurance activities and~~
7 ~~patient satisfaction surveys which identifies program~~
8 ~~participants, obtained by the Florida Kidcare program under~~
9 ~~ss. 409.810-409.820,~~is confidential and is exempt from s.
10 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
11 information may be disclosed to another governmental entity
12 for purposes directly connected with the administration of the
13 Kidcare program. The receiving governmental entity must
14 maintain the confidential and exempt status of that
15 information. Furthermore, such information may not be released
16 to any person ~~Except as otherwise provided by law, program~~
17 ~~staff or staff or agents affiliated with the program may not~~
18 ~~release,~~without the written consent of the program applicant
19 ~~or the parent or guardian of the applicant, to any state or~~
20 ~~federal agency, to any private business or person, or to any~~
21 ~~other entity, any confidential information received under ss.~~
22 ~~409.810-409.820. This exemption applies to any information~~
23 identifying an applicant or enrollee in the Florida Kidcare
24 program which is held by the Agency for Health Care
25 Administration, the Department of Children and Family
26 Services, the Department of Health, or the Florida Healthy
27 Kids Corporation before, on, or after the effective date of
28 this exemption. A violation of this section is a misdemeanor
29 of the second degree, punishable as provided in s. 775.082 or
30 s. 775.083. This section is subject to the Open Government
31 Sunset Review Act of 1995 in accordance with s. 119.15, and

1 ~~shall stand repealed on October 2, 2003, unless reviewed and~~
2 ~~saved from repeal through reenactment by the Legislature.~~

3 Section 2. Section 409.821, Florida Statutes, is
4 subject to the Open Government Sunset Review Act of 1995 in
5 accordance with section 119.15, Florida Statutes, and shall
6 stand repealed on October 2, 2008, unless reviewed and saved
7 from repeal through reenactment by the Legislature.

8 Section 3. The Legislature finds that it is a public
9 necessity that any information identifying an applicant or
10 enrollee in the Florida Kidcare program, regardless of whether
11 such information is located in an application or other record,
12 be held confidential and exempt from requirements for public
13 disclosure in order to protect sensitive personal, financial,
14 and medical information. If the exemption were not expanded to
15 include the identifying information contained in records in
16 addition to the application, the purpose of the exemption
17 would be defeated. Information that identifies an applicant or
18 enrollee would be available pursuant to a request for records
19 other than application records, thereby causing an unwarranted
20 invasion into the life and privacy of the program applicant or
21 enrollee. In addition, expanding the public-records exemption
22 to include the identifying information of a program applicant
23 or enrollee contained in records in addition to the
24 application is necessary in order for the Agency for Health
25 Care Administration, the Department of Children and Family
26 Services, the Department of Health, and the Florida Healthy
27 Kids Corporation to effectively and efficiently administer the
28 Florida Kidcare program. If such identifying information
29 contained in other records were not granted the same
30 protection afforded the identifying information contained in
31 the application, the administration of the Florida Kidcare

1 program would be significantly impaired because applicants
2 would be less inclined to apply for the program due to the
3 fact that such identifying information would be made available
4 to the public, which would cause an unwarranted invasion into
5 the life and privacy of program applicants and enrollees and
6 would thereby significantly decrease the number of program
7 enrollees. Finally, it is a public necessity that such
8 identifying information be held confidential and exempt from
9 requirements for public disclosure in order to comply with
10 federal law. The current exemption applies only to the
11 information contained in an application for the Florida
12 Kidcare program. The expansion of the exemption to include the
13 identifying information contained in records in addition to
14 the application ensures compliance with federal law. In
15 addition to the applicant, the identifying information of a
16 program enrollee should also be held confidential and exempt
17 from requirements for public disclosure. The expansion of the
18 exemption is a public necessity in order for the state to
19 adhere to federal law requiring that certain identifying
20 information of program applicants and enrollees be protected
21 from public disclosure.

22 Section 4. This act shall take effect upon becoming a
23 law.

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25 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
26 COMMITTEE SUBSTITUTE FOR
27 SB 298

28 Limits release of information to other governmental agencies
29 based upon direct relation to administration of the KidCare
30 program.

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