

By Senator Saunders

37-1026-05

See HB 581

1 A bill to be entitled

2 An act relating to third-party liability;

3 amending s. 213.053, F.S.; expanding the

4 authority of the Department of Revenue to

5 provide the Agency for Health Care

6 Administration with tax information; reenacting

7 s. 206.27(2), F.S., relating to records and

8 files as public records, to incorporate the

9 amendment to s. 213.053, F.S., in a reference

10 thereto; amending s. 409.910, F.S.; requiring

11 third-party liability administrators and

12 pharmacy benefits managers to provide certain

13 records and information relating to payments on

14 behalf of Medicaid-eligible persons; amending

15 s. 733.2121, F.S.; requiring the personal

16 representative of a decedent to provide a copy

17 of a death certificate to the Agency for Health

18 Care Administration; providing an effective

19 date.

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

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23 Section 1. Paragraph (m) of subsection (7) of section

24 213.053, Florida Statutes, is amended to read:

25 213.053 Confidentiality and information sharing.--

26 (7) Notwithstanding any other provision of this

27 section, the department may provide:

28 (m) Information relative to chapter 198 to the Agency

29 for Health Care Administration in the conduct of its official

30 business relating to ss. 409.901-409.9101 ~~409.901-409.910~~.

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1 Disclosure of information under this subsection shall be
2 pursuant to a written agreement between the executive director
3 and the agency. Such agencies, governmental or
4 nongovernmental, shall be bound by the same requirements of
5 confidentiality as the Department of Revenue. Breach of
6 confidentiality is a misdemeanor of the first degree,
7 punishable as provided by s. 775.082 or s. 775.083.

8 Section 2. For the purpose of incorporating the
9 amendment to section 213.053, Florida Statutes, in a reference
10 thereto, subsection (2) of section 206.27, Florida Statutes,
11 is reenacted to read:

12 206.27 Records and files as public records.--

13 (2) Nothing herein shall be construed as requiring the
14 department to provide as a public record any information
15 concerning audits in progress or those records and files of
16 the department described in this section which are currently
17 the subject of pending investigation by the Department of
18 Revenue or the Florida Department of Law Enforcement. It is
19 specifically provided that the foregoing information shall be
20 exempt from the provisions of s. 119.07(1) and shall be
21 considered confidential pursuant to s. 213.053; however, the
22 department may make available to the executive director of the
23 Department of Highway Safety and Motor Vehicles or his or her
24 designee, exclusively for official purposes in administering
25 chapter 207, any information concerning any audit in progress,
26 and the provisions of s. 213.053(7) requiring a written
27 agreement and maintenance of confidentiality by the recipient,
28 and the penalty for breach of confidentiality, shall apply if
29 the department makes such information available. Any officer,
30 employee, or former officer or employee of the department who
31 divulges any such information in any manner except for such

1 | official purposes or under s. 213.053 is guilty of a
2 | misdemeanor of the first degree, punishable as provided in s.
3 | 775.082 or s. 775.083.

4 | Section 3. Subsection (20) of section 409.910, Florida
5 | Statutes, is amended to read:

6 | 409.910 Responsibility for payments on behalf of
7 | Medicaid-eligible persons when other parties are liable.--

8 | (20) Entities providing health insurance as defined in
9 | s. 624.603, ~~and~~ health maintenance organizations and prepaid
10 | health clinics as defined in chapter 641, and, on behalf of
11 | their clients, third-party administrators and pharmacy
12 | benefits managers as defined in s. 409.901(26) shall provide
13 | such records and information as are necessary to accomplish
14 | the purpose of this section, unless such requirement results
15 | in an unreasonable burden.

16 | (a) The director of the agency and the Director of the
17 | Office of Insurance Regulation of the Financial Services
18 | Commission shall enter into a cooperative agreement for
19 | requesting and obtaining information necessary to effect the
20 | purpose and objective of this section.

21 | 1. The agency shall request only that information
22 | necessary to determine whether health insurance as defined
23 | pursuant to s. 624.603, or those health services provided
24 | pursuant to chapter 641, could be, should be, or have been
25 | claimed and paid with respect to items of medical care and
26 | services furnished to any person eligible for services under
27 | this section.

28 | 2. All information obtained pursuant to subparagraph
29 | 1. is confidential and exempt from s. 119.07(1).

30 | 3. The cooperative agreement or rules adopted under
31 | this subsection may include financial arrangements to

1 reimburse the reporting entities for reasonable costs or a
2 portion thereof incurred in furnishing the requested
3 information. Neither the cooperative agreement nor the rules
4 shall require the automation of manual processes to provide
5 the requested information.

6 (b) The agency and the Financial Services Commission
7 jointly shall adopt rules for the development and
8 administration of the cooperative agreement. The rules shall
9 include the following:

10 1. A method for identifying those entities subject to
11 furnishing information under the cooperative agreement.

12 2. A method for furnishing requested information.

13 3. Procedures for requesting exemption from the
14 cooperative agreement based on an unreasonable burden to the
15 reporting entity.

16 Section 4. Paragraph (d) of subsection (3) of section
17 733.2121, Florida Statutes, is amended to read:

18 733.2121 Notice to creditors; filing of claims.--

19 (3)

20 (d) If a decedent at the time of death was 55 years of
21 age or older, the personal representative shall promptly serve
22 a copy of the notice to creditors and provide a copy of the
23 death certificate on the Agency for Health Care Administration
24 within 3 months after the first publication of the notice to
25 creditors, unless the agency has already filed a statement of
26 claim in the estate proceedings.

27 Section 5. This act shall take effect July 1, 2005.
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