Florida Senate - 2006

By the Committee on Health Care

587-461-06

An act relating to review under the Open Government Sunset Review Act; amending s. 4 430.105, F.S.; revising provisions that provide an exemption from public records requirements for certain information relating to a person's health or eligibility for services, which information is held by the Department of Elderly Affairs; abrogating the scheduled	
 4 430.105, F.S.; revising provisions that provide an exemption from public records requirements for certain information relating to a person's health or eligibility for services, which an formation is held by the Department of 	
5 an exemption from public records requirements 6 for certain information relating to a person's 7 health or eligibility for services, which 8 information is held by the Department of	
 for certain information relating to a person's health or eligibility for services, which information is held by the Department of 	
7 health or eligibility for services, which8 information is held by the Department of	
8 information is held by the Department of	
9 Elderly Affairs; abrogating the scheduled	
10 repeal of such exemption; providing an	
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. Section 430.105, Florida Statutes, is	
16 amended to read:	
17 430.105 Confidentiality of information	
18 (1) Personal identifying information <u>in records held</u>	
19 by the department which relate relating to an individual's	
20 health or eligibility for or receipt of health-related, elder	
21 care, or long-term care services received as a result of	
22 services rendered under any program administered or funded by	
23 the department is confidential and exempt from the provisions	
24 of s. 119.07(1) and s. 24(a), Art. I of the State	
25 Constitution, except as otherwise provided by law. Such	
26 information may be contained in records created by or received	
27 by the department or its service providers or obtained through	
28 files, reports, inspections, or otherwise by employees of the	
29 department, persons who volunteer services through programs	
30 administered by the department or its contract providers, or	
31 by contract providers. Information made confidential and	

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1	exempt from the public records law under this section may not
2	be disclosed publicly <u>:</u>
3	(1) To another governmental entity in the furtherance
4	of its duties and responsibilities; or
5	(2) If the affected individual unless the affected
6	client or elder person or his or her legal representative
7	provides written consent.
8	(2) This section is subject to the Open Government
9	Sunset Review Act of 1995, in accordance with s. 119.15, and
10	shall stand repealed on October 2, 2006, unless reviewed and
11	saved from repeal through reenactment by the Legislature.
12	Section 2. This act shall take effect October 1, 2006.
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15	SENATE SUMMARY
16	Abrogates the scheduled expiration of exemptions under the Open Government Sunset Review Act for information
17	held by the Department of Elderly Affairs relating to a person's eligibility for or receipt of health-related,
18	elder care, or long-term care services. Revises circumstances under which disclosure may be made.
19	circumstances under which disclosure may be made.
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SB 514

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