

By the Committees on Governmental Oversight and Productivity;  
and Health Care

585-1727-06

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A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 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 repeal of such exemption; providing an effective date.

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

Section 1. Section 430.105, Florida Statutes, is amended to read:

430.105 Confidentiality of information.--

~~(1)~~ Personal identifying information in a record which relates ~~relating~~ to an individual's health or eligibility for or receipt of health-related, elder care, or long-term care services and which is held by the department ~~received as a result of services rendered under any program administered or funded by the department~~ is confidential and exempt from the ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution, ~~except as otherwise provided by law~~. Such information may be ~~contained in records created by or received by the department or its service providers or obtained through files, reports, inspections, or otherwise by employees of the department, persons who volunteer services through programs administered by the department or its contract providers, or by contract providers~~. ~~Information made confidential and~~

1 ~~exempt from the public records law under this section may not~~  
2 ~~be disclosed:~~

3 (1) To another governmental entity for the purpose of  
4 administering the department's programs for the elderly; or

5 (2) If the affected individual ~~publicly unless the~~  
6 ~~affected client or elder person~~ or his or her legal  
7 representative 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10 ~~shall stand repealed on October 2, 2006, unless reviewed and~~  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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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
15 COMMITTEE SUBSTITUTE FOR  
16 Senate Bill 514

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18 Clarifies that the Department of Elderly Affairs is authorized  
19 to disclose confidential and exempt information to another  
20 governmental entity for the purpose of administering the  
21 department's programs for the elderly.

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