

587-461-06

1 A bill to be entitled
2 An act relating to confidentiality of
3 information; amending s. 430.105, F.S.;
4 revising provisions that provide an exemption
5 from public records requirements for certain
6 information relating to a person's health or
7 eligibility for services, which information is
8 held by the Department of Elderly Affairs;
9 abrogating the scheduled repeal of such
10 exemption; providing an effective date.

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

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

16 430.105 Confidentiality of information.--

17 ~~(1)~~ Personal identifying information in records held
18 by the department which relate ~~relating~~ to an individual's
19 health or eligibility for or receipt of health-related, elder
20 care, or long-term care services ~~received as a result of~~
21 ~~services rendered under any program administered or funded by~~
22 ~~the department~~ is confidential and exempt from ~~the provisions~~
23 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution, ~~except as otherwise provided by law~~. Such
25 information may be ~~contained in records created by or received~~
26 ~~by the department or its service providers or obtained through~~
27 ~~files, reports, inspections, or otherwise by employees of the~~
28 ~~department, persons who volunteer services through programs~~
29 ~~administered by the department or its contract providers, or~~
30 ~~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:~~

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10 ~~shall stand repealed on October 2, 2006, unless reviewed and~~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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