

ENROLLED
 HB 7043

2006 Legislature

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding long-term care services;
 4 amending s. 430.105, F.S., which provides an exemption
 5 from public records requirements for personal identifying
 6 information in a record held by the Department of Elderly
 7 Affairs that relates to an individual's health or
 8 eligibility for or receipt of health-related, elder care,
 9 or long-term care services; making editorial changes;
 10 removing superfluous language; removing the scheduled
 11 repeal of the exemption; providing an effective date.

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

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

17 430.105 Confidentiality of information.--
 18 ~~(1)~~ Personal identifying information in a record held by
 19 the department that relates ~~relating~~ to an individual's health
 20 or eligibility for or receipt of health-related, elder care, or
 21 long-term care services ~~received as a result of services~~
 22 ~~rendered under any program administered or funded by the~~
 23 ~~department~~ is confidential and exempt from ~~the provisions of~~ s.
 24 119.07(1) and s. 24(a), Art. I of the State Constitution, ~~except~~
 25 ~~as otherwise provided by law. Such information may be contained~~
 26 ~~in records created by or received by the department or its~~
 27 ~~service providers or obtained through files, reports,~~
 28 ~~inspections, or otherwise by employees of the department,~~

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29 ~~persons who volunteer services through programs administered by~~
30 ~~the department or its contract providers, or by contract~~
31 ~~providers. Such information made confidential and exempt from~~
32 ~~the public records law under this section may not be disclosed;~~

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

35 (2) If publicly unless the affected individual client or
36 ~~elder person~~ or his or her legal representative provides written
37 consent.

38 ~~(2) This section is subject to the Open Government Sunset~~
39 ~~Review Act of 1995, in accordance with s. 119.15, and shall~~
40 ~~stand repealed on October 2, 2006, unless reviewed and saved~~
41 ~~from repeal through reenactment by the Legislature.~~

42 Section 2. This act shall take effect October 1, 2006.