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585-04285-08

Proposed Committee Substitute by the Committee on Governmental  
Operations

1 A bill to be entitled

2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 409.821, F.S., relating to  
4 a public-records exemption for certain records pertaining  
5 to the Florida Kidcare program; clarifying provisions  
6 authorizing the release of certain information to the  
7 legal guardian of an enrollee; saving the exemption from  
8 repeal under the Open Government Sunset Review Act;  
9 repealing s. 2, chapter 2003-104, Laws of Florida;  
10 deleting provisions providing for repeal of the exemption;  
11 repealing s. 624.91(8), F.S., relating to a public-records  
12 exemption for the Florida Healthy Kids Corporation;  
13 providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17 Section 1. Section 409.821, Florida Statutes, is amended to  
18 read:

19 409.821 Florida Kidcare program public-records ~~public~~  
20 ~~records~~ exemption.--

21 (1) Personal identifying information of ~~Notwithstanding any~~  
22 ~~other law to the contrary, any information identifying~~ a Florida  
23 Kidcare program applicant or enrollee, as defined in s. 409.811,  
24 held by the Agency for Health Care Administration, the Department  
25 of Children and Family Services, the Department of Health, or the  
26 Florida Healthy Kids Corporation is confidential and exempt from  
27 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.



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28           (2) (a) Upon request, such information shall ~~may~~ be  
29 disclosed to:

30           1. Another governmental entity only if disclosure is  
31 necessary for the entity to perform its duties and  
32 responsibilities under the Florida Kidcare program; ~~and shall be~~  
33 ~~disclosed to~~

34           2. The Department of Revenue for purposes of administering  
35 the state Title IV-D program; ~~or. The receiving governmental~~  
36 ~~entity must maintain the confidential and exempt status of such~~  
37 ~~information. Furthermore, such information may not be released to~~

38           3. Any person who has ~~without~~ the written consent of the  
39 program applicant.

40           (b) This section does not prohibit an enrollee's legal  
41 guardian from obtaining confirmation of coverage, dates of  
42 coverage, name of the enrollee's health plan, and amount of  
43 premium being paid.

44           (3) This exemption applies to any information identifying a  
45 Florida Kidcare program applicant or enrollee held by the Agency  
46 for Health Care Administration, the Department of Children and  
47 Family Services, the Department of Health, or the Florida Healthy  
48 Kids Corporation before, on, or after the effective date of this  
49 exemption.

50           (4) A knowing and willful violation of this section is a  
51 misdemeanor of the second degree, punishable as provided in s.  
52 775.082 or s. 775.083.

53           Section 2. Section 2 of chapter 2003-104, Laws of Florida,  
54 is repealed.

55           Section 3. Subsection (8) of section 624.91, Florida  
56 Statutes, is repealed.

57           Section 4. This act shall take effect October 1, 2008.