

By the Committees on Governmental Operations; Health Policy

585-07954-08

20081090c1

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.

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

585-07954-08

20081090c1

30 1. The parent or legal guardian of an enrollee;

31 2. Another governmental entity in the performance of ~~only~~
32 ~~if disclosure is necessary for the entity to perform its official~~
33 ~~duties and responsibilities; under the Florida Kidcare program~~
34 ~~and shall be disclosed to~~

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

39 4. Any person who has ~~without~~ the written consent of the
40 ~~program applicant.~~

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

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

51 (4) A knowing and willful violation of this section is a
52 misdemeanor of the second degree, punishable as provided in s.
53 775.082 or s. 775.083.

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55 is repealed.

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57 Statutes, is repealed.

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