

HB 1403

2008

1                   A bill to be entitled  
2           An act relating to public records; amending s. 429.285,  
3           F.S.; providing an exemption from public records  
4           requirements for the names and addresses of, medical  
5           services provided to, social and economic conditions or  
6           circumstances of, evaluations of personal information,  
7           medical data, and information received verifying income  
8           eligibility of, and amounts of medical assistance payments  
9           regarding a resident transferred to or from, or discharged  
10          from, an assisted living facility; providing for the  
11          safeguarding of specified income information received from  
12          the Social Security Administration or the Internal Revenue  
13          Service; providing that the exemption does not prohibit  
14          access by a local long-term care ombudsman council upon  
15          request, by a reviewing court if such information is  
16          required to be part of the record upon subsequent review,  
17          or as otherwise specified under state law; providing for  
18          review and repeal of the exemption; providing a statement  
19          of public necessity; providing a contingent effective  
20          date.

21  
22   Be It Enacted by the Legislature of the State of Florida:  
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24           Section 1. Subsection (15) of section 429.285, Florida  
25           Statutes, as created by HB 1401, 2008 Regular Session, is  
26           renumbered as subsection (16), and a new subsection (15) is  
27           added to that section to read:

28 429.285 Resident transfer or discharge; requirements and  
 29 procedures; hearings; public records exemption.--

30 (15) (a) In any hearing under this section, the following  
 31 information concerning the parties shall be confidential and  
 32 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
 33 of the State Constitution:

- 34 1. Names and addresses.
- 35 2. Medical services provided.
- 36 3. Social and economic conditions or circumstances.
- 37 4. Evaluation of personal information.
- 38 5. Medical data, including diagnosis and past history of  
 39 disease or disability.

40 6. Any information received verifying income eligibility  
 41 and amount of medical assistance payments. Income information  
 42 received from the Social Security Administration or the Internal  
 43 Revenue Service must be safeguarded according to the  
 44 requirements of the agency that furnished the data.

45 (b) The exemption created by this subsection does not  
 46 prohibit access to such information by a local long-term care  
 47 ombudsman council upon request, by a reviewing court if such  
 48 information is required to be part of the record upon subsequent  
 49 review, or as specified in s. 24(a), Art. I of the State  
 50 Constitution.

51 (c) This subsection is subject to the Open Government  
 52 Sunset Review Act in accordance with s. 119.15 and shall stand  
 53 repealed on October 2, 2013, unless reviewed and saved from  
 54 repeal through reenactment by the Legislature.

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55           Section 2. It is the finding of the Legislature that the  
56 names and addresses of, medical services provided to, social and  
57 economic conditions or circumstances of, evaluations of personal  
58 information, medical data, and information received verifying  
59 income eligibility of, and amounts of medical assistance  
60 payments regarding a resident transferred to or from, or  
61 discharged from, an assisted living facility be held  
62 confidential and exempt from the requirements of s. 119.07(1),  
63 Florida Statutes, and s. 24(a), Art. I of the State  
64 Constitution.

65           Section 3. This act shall take effect on the same date  
66 that HB 1401 or similar legislation takes effect, if such  
67 legislation is adopted in the same legislative session or an  
68 extension thereof and becomes law.