

FOR CONSIDERATION By the Committee on Health Policy

587-02644-08

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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; providing for the release
6 of certain information to the parent or legal guardian of
7 an enrollee; saving the exemption from repeal under the
8 Open Government Sunset Review Act; repealing s. 2, ch.
9 2003-104, Laws of Florida; deleting provisions providing
10 for the repeal of the exemption; repealing s. 624.91(8),
11 F.S., relating to a public-records exemption for the
12 Florida Healthy Kids Corporation; providing an effective
13 date.

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

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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) Upon request, such information shall ~~may~~ be disclosed
29 to:

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- 30 (a) The parent or legal guardian of an enrollee;
31 (b) Another governmental entity only if disclosure is
32 necessary for the entity to perform its duties and
33 responsibilities under the Florida Kidcare program; ~~and shall be~~
34 ~~disclosed to~~
35 (c) 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 (d) Any person who has ~~without~~ the written consent of the
40 program applicant.
41 (3) This exemption applies to any information identifying a
42 Florida Kidcare program applicant or enrollee held by the Agency
43 for Health Care Administration, the Department of Children and
44 Family Services, the Department of Health, or the Florida Healthy
45 Kids Corporation before, on, or after the effective date of this
46 exemption.
47 (4) A knowing and willful violation of this section is a
48 misdemeanor of the second degree, punishable as provided in s.
49 775.082 or s. 775.083.
50 Section 2. Section 2 of chapter 2003-104, Laws of Florida
51 is repealed.
52 Section 3. Subsection (8) of section 624.91, Florida
53 Statutes, is repealed.
54 Section 4. This act shall take effect October 1, 2008.