

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act regarding the Florida Kidcare program;  
 4           amending s. 409.821, F.S.; reorganizing the exemption;  
 5           providing that the public record exemption does not  
 6           prohibit the release of certain information to the legal  
 7           guardian of an enrollee; removing superfluous language;  
 8           repealing s. 2, ch. 2003-104, Laws of Florida, which  
 9           provides for repeal of the exemption; repealing s.  
 10          624.91(8), F.S., which provides a duplicative public  
 11          records exemption for the Florida Healthy Kids  
 12          Corporation; providing an effective date.

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

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

18           409.821   Florida Kidcare program public records  
 19   exemption.--

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

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~~  
 38 ~~to~~

39           3. 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, the name of the enrollee's health plan, and the amount  
 44 of premium being paid.

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

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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.