

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 authorizing release of information to any governmental
6 entity in the performance of its official duties and
7 responsibilities; providing that the public record
8 exemption does not prohibit the release of certain
9 information to the legal guardian of an enrollee; removing
10 superfluous language; repealing s. 2, ch. 2003-104, Laws
11 of Florida, which provides for repeal of the exemption;
12 repealing s. 624.91(8), F.S., which provides a duplicative
13 public records exemption for the Florida Healthy Kids
14 Corporation; providing an effective date.

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

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

20 409.821 Florida Kidcare program public records
21 exemption.--

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

28 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 29 Constitution.

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

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

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

41 3. Any person who has ~~without~~ the written consent of the
 42 program applicant.

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

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

53 (4) A knowing and willful violation of this section is a
 54 misdemeanor of the second degree, punishable as provided in s.
 55 775.082 or s. 775.083.

HB 7053, Engrossed 1

2008

56 Section 2. Section 2 of chapter 2003-104, Laws of Florida
57 is repealed.

58 Section 3. Subsection (8) of section 624.91, Florida
59 Statutes, is repealed.

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