

1                   A bill to be entitled  
 2           An act relating to public records; amending s. 408.910,  
 3           F.S.; creating an exemption from public-records  
 4           requirements for personal, identifying information of a  
 5           registrant, applicant, participant, or enrollee in the  
 6           Florida Health Choices Program; providing exceptions;  
 7           authorizing an enrollee's legal guardian to obtain  
 8           confirmation of certain information about the enrollee's  
 9           health plan; providing for applicability; providing a  
 10          penalty for unlawful disclosure of personal, identifying  
 11          information; providing for future legislative review and  
 12          repeal of the exemption under the Open Government Sunset  
 13          Review Act; providing a statement of necessity; providing  
 14          an effective date.

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

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 18           Section 1. Subsection (14) is added to section 408.910,  
 19   Florida Statutes, to read:

20           408.910 Florida Health Choices Program.—

21           (14) EXEMPTION FROM PUBLIC-RECORDS REQUIREMENTS.—

22           (a) Any personal, identifying information of an applicant,  
 23           enrollee, or participant in the Florida Health Choices Program  
 24           is confidential and exempt from s. 119.07(1) and s. 24(a), Art.  
 25           I of the State Constitution. Upon request, such information  
 26           shall be disclosed to:

27           1. Another governmental entity in the performance of its  
 28           official duties and responsibilities.

29        2. Any person who has the written consent of the program  
 30 applicant.

31        3. The Florida Kidcare program for the purpose of  
 32 administering the program authorized in ss. 409.810-409.821.

33        (b) This subsection does not prohibit an enrollee's legal  
 34 guardian from obtaining confirmation of coverage, dates of  
 35 coverage, the name of the enrollee's health plan, and the amount  
 36 of premium being paid.

37        (c) This exemption applies to any information identifying  
 38 an applicant, enrollee, or participant in the Florida Health  
 39 Choices Program before, on, or after the effective date of this  
 40 exemption.

41        (d) A person who knowingly and willfully violates  
 42 paragraph (a) commits a misdemeanor of the second degree,  
 43 punishable as provided in s. 775.082 or s. 775.083.

44        (e) This subsection is subject to the Open Government  
 45 Sunset Review Act in accordance with s. 119.15, and shall stand  
 46 repealed on October 2, 2016, unless reviewed and saved from  
 47 repeal through reenactment by the Legislature.

48        Section 2. The Legislature finds that it is a public  
 49 necessity that any information identifying an applicant,  
 50 enrollee, or participant in the Florida Health Choices Program  
 51 be held confidential and exempt from disclosure under the  
 52 public-records law in order to protect sensitive personal,  
 53 financial, and medical information. The harm caused by releasing  
 54 such personal and sensitive information outweighs any public  
 55 benefit derived from releasing such information. If such  
 56 information is not kept confidential, the administration of the

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57 program could be significantly impaired because the applicants,  
58 participants, and enrollees would be less inclined to  
59 participate in the program if personal medical and financial  
60 information were made available to the public. Moreover, the  
61 administration of the Florida Health Choices Program would be  
62 significantly impaired because applicants would be less inclined  
63 to apply to the program due to the fact that such identifying  
64 information would be made available to the public. Such  
65 disclosure would cause an unwarranted invasion into the life and  
66 privacy of program applicants thereby significantly decreasing  
67 the number of program enrollees. Therefore, it is a public  
68 necessity that any information identifying an applicant,  
69 participant, or enrollee in the Florida Health Choices Program  
70 be held confidential and exempt from public-records  
71 requirements.

72 Section 3. This act shall take effect October 1, 2011.