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2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 408.910, F.S., relating  
4 to an exemption from public records requirements for  
5 personal identifying information of an enrollee or  
6 participant in the Florida Health Choices Program, for  
7 client and customer lists of a buyer's representative  
8 held by the Florida Health Choices, Inc., and for  
9 proprietary confidential business information held by  
10 the corporation, and relating to a penalty for  
11 unlawful disclosure of confidential and exempt  
12 information; saving the exemption from repeal under  
13 the Open Government Sunset Review Act; providing an  
14 effective date.

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

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

20 408.910 Florida Health Choices Program.—

21 (14) EXEMPTION FROM PUBLIC RECORDS REQUIREMENTS.—

22 (a) *Definitions*.—For purposes of this subsection, the term:

23 1. "Buyer's representative" means a participating insurance  
24 agent as described in paragraph (4) (g).

25 2. "Enrollee" means an employer who is eligible to enroll  
26 in the program pursuant to paragraph (4) (a).

27 3. "Participant" means an individual who is eligible to  
28 participate in the program pursuant to paragraph (4) (b).

29 4. "Proprietary confidential business information" means

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30 information, regardless of form or characteristics, that is  
31 owned or controlled by a vendor requesting confidentiality under  
32 this section; that is intended to be and is treated by the  
33 vendor as private in that the disclosure of the information  
34 would cause harm to the business operations of the vendor; that  
35 has not been disclosed unless disclosed pursuant to a statutory  
36 provision, an order of a court or administrative body, or a  
37 private agreement providing that the information may be released  
38 to the public; and that is information concerning:

39 a. Business plans.

40 b. Internal auditing controls and reports of internal  
41 auditors.

42 c. Reports of external auditors for privately held  
43 companies.

44 d. Client and customer lists.

45 e. Potentially patentable material.

46 f. A trade secret as defined in s. 688.002.

47 5. "Vendor" means a participating insurer or other provider  
48 of services as described in paragraph (4)(d).

49 (b) *Public record exemptions.*—

50 1. Personal identifying information of an enrollee or  
51 participant who has applied for or participates in the Florida  
52 Health Choices Program is confidential and exempt from s.  
53 119.07(1) and s. 24(a), Art. I of the State Constitution.

54 2. Client and customer lists of a buyer's representative  
55 held by the corporation are confidential and exempt from s.  
56 119.07(1) and s. 24(a), Art. I of the State Constitution.

57 3. Proprietary confidential business information held by  
58 the corporation is confidential and exempt from s. 119.07(1) and

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59 s. 24(a), Art. I of the State Constitution.

60 (c) *Retroactive application.*—The public record exemptions  
61 provided for in paragraph (b) apply to information held by the  
62 corporation before, on, or after the effective date of this  
63 exemption.

64 (d) *Authorized release.*—

65 1. Upon request, information made confidential and exempt  
66 pursuant to this subsection shall be disclosed to:

67 a. Another governmental entity in the performance of its  
68 official duties and responsibilities.

69 b. Any person who has the written consent of the program  
70 applicant.

71 c. The Florida Kidcare program for the purpose of  
72 administering the program authorized in ss. 409.810-409.821.

73 2. Paragraph (b) does not prohibit a participant's legal  
74 guardian from obtaining confirmation of coverage, dates of  
75 coverage, the name of the participant's health plan, and the  
76 amount of premium being paid.

77 (e) *Penalty.*—A person who knowingly and willfully violates  
78 this subsection commits a misdemeanor of the second degree,  
79 punishable as provided in s. 775.082 or s. 775.083.

80 ~~(f) *Review and repeal.*—This subsection is subject to the~~  
81 ~~Open Government Sunset Review Act in accordance with s. 119.15,~~  
82 ~~and shall stand repealed on October 2, 2016, unless reviewed and~~  
83 ~~saved from repeal through reenactment by the Legislature.~~

84 Section 2. This act shall take effect October 1, 2016.