

PCB GEAC 08-10

ORIGINAL

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

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

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

409.821 Florida Kidcare program public records exemption.—

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

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

1. Another governmental entity only if disclosure is  
necessary for the entity to perform its duties and

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30 | responsibilities under the Florida Kidcare program; and shall be  
 31 | ~~disclosed to~~

32 |       2. The Department of Revenue for purposes of administering  
 33 | the state Title IV-D program; or ~~—The receiving governmental~~  
 34 | ~~entity must maintain the confidential and exempt status of such~~  
 35 | ~~information. Furthermore, such information may not be released to~~

36 |       3. Any person who has ~~without~~ the written consent of the  
 37 | program applicant.

38 |       (b) This section does not prohibit an enrollee’s legal  
 39 | guardian from obtaining confirmation of coverage, dates of  
 40 | coverage, the name of the enrollee’s health plan, and the amount  
 41 | of premium being paid.

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

48 |       (4) A knowing and willful violation of this section is a  
 49 | misdemeanor of the second degree, punishable as provided in s.  
 50 | 775.082 or s. 775.083.

51 |       Section 2. Section 2. of Chapter 2003-104, Laws of Florida  
 52 | is repealed.

53 |       Section 3. Subsection (8) of section 624.91, Florida  
 54 | Statutes, is repealed.

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