

1 A bill to be entitled
 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; removing the scheduled repeal of the
 11 exemption under the Open Government Sunset Review Act;
 12 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. Subsection (14) of section 408.910, Florida
 17 Statutes, is amended to read:

18 408.910 Florida Health Choices Program.—

19 (14) EXEMPTION FROM PUBLIC RECORDS REQUIREMENTS.—

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

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

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

26 3. "Participant" means an individual who is eligible to

27 participate in the program pursuant to paragraph (4) (b).

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

- 38 a. Business plans.
- 39 b. Internal auditing controls and reports of internal
 40 auditors.
- 41 c. Reports of external auditors for privately held
 42 companies.
- 43 d. Client and customer lists.
- 44 e. Potentially patentable material.
- 45 f. A trade secret as defined in s. 688.002.

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

48 (b) *Public record exemptions.*—

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

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

56 3. Proprietary confidential business information held by
 57 the corporation is confidential and exempt from s. 119.07(1) and
 58 s. 24(a), Art. I of the State Constitution.

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

63 (d) *Authorized release.*—

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

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

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

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

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

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

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

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