

By Senator Garcia

40-01430-11

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

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

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

21 408.910 Florida Health Choices Program.—

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

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

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

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

32 3. The Florida KidCare Program for the purpose of
33 administering the program authorized in ss. 409.810-409.821.

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

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

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

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

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

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

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