

FOR CONSIDERATION By the Committee on Health Policy

588-00572-16

20167020pb

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, 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.

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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) 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.