

CHAPTER 98-119

Committee Substitute for Senate Bill No. 1230

An act relating to public records; providing an exemption from public records requirements for information provided by applicants to the Florida Kids Health program; providing an exemption for certain information obtained through quality assurance activities and patient satisfaction surveys; providing for future review and repeal; providing findings of public necessity; providing a contingent effective date.

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

Section 1. Notwithstanding any other law to the contrary, any information contained in an application for determination of eligibility for the Florida Kids Health program which identifies applicants, including medical information and family financial information, and any information obtained through quality assurance activities and patient satisfaction surveys which identifies program participants, obtained by the Florida Kids Health program under sections 409.810-409.820, Florida Statutes, is confidential and is exempt from section 119.07(1), Florida Statutes, and section 24(a), Article I of the State Constitution. Except as otherwise provided by law, program staff or staff or agents affiliated with the program may not release, without the written consent of the applicant or the parent or guardian of the applicant, to any state or federal agency, to any private business or person, or to any other entity, any confidential information received under sections 409.810-409.820, Florida Statutes. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2003, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that exempting identifying information contained in applications for eligibility determination under the Florida Kids Health program, including medical information and family financial information, and any information obtained through quality assurance activities and patient satisfaction surveys which identifies program participants, is a public necessity. The harm caused to program applicants by release of such personal and sensitive information outweighs any public benefit derived from releasing such information. Further, maintaining the confidentiality of such information is necessary to enable the Department of Children and Family Services, the Department of Health, and the Agency for Health Care Administration to effectively and efficiently administer the Florida Kids Health program. If such information is not kept confidential, the administration of the program could be significantly impaired because the applicants would be less inclined to apply to the program if personal medical and financial information were made available to the public.

Section 3. This act shall take effect on the date Committee Substitute for Senate Bill 1228, relating to the Florida Kids Health program, or similar

legislation becomes a law, and shall not take effect if such legislation does not become a law.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.