

House Bill No. 7043

An act relating to a review under the Open Government Sunset Review Act regarding long-term care services; amending s. 430.105, F.S., which provides an exemption from public records requirements for personal identifying information in a record held by the Department of Elderly Affairs that relates to an individual's health or eligibility for or receipt of health-related, elder care, or long-term care services; making editorial changes; removing superfluous language; removing the scheduled repeal of the exemption; providing an effective date.

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

Section 1. Section 430.105, Florida Statutes, is amended to read:

430.105 Confidentiality of information.—

~~(1) Personal identifying information in a record held by the department that relates relating to an individual's health or eligibility for or receipt of health-related, elder care, or long-term care services received as a result of services rendered under any program administered or funded by the department is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided by law. Such information may be contained in records created by or received by the department or its service providers or obtained through files, reports, inspections, or otherwise by employees of the department, persons who volunteer services through programs administered by the department or its contract providers, or by contract providers. Such information made confidential and exempt from the public records law under this section may not be disclosed:~~

~~(1) To another governmental entity for the purpose of administering the department's programs for the elderly; or~~

~~(2) If publicly unless the affected individual client or elder person or his or her legal representative provides written consent.~~

~~(2) This section is subject to the Open Government Sunset Review Act of 1995, in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2006.

Approved by the Governor June 7, 2006.

Filed in Office Secretary of State June 7, 2006.