

## House Bill No. 7053

An act relating to a review under the Open Government Sunset Review Act regarding the Florida Kidcare program; amending s. 409.821, F.S.; reorganizing the exemption; authorizing release of information to any governmental entity in the performance of its official duties and responsibilities; providing that the public record exemption does not prohibit the release of certain information to the legal guardian of an enrollee; removing superfluous language; repealing s. 2, ch. 2003-104, Laws of Florida, which provides for repeal of the exemption; repealing s. 624.91(8), F.S., which provides a duplicative public records exemption for the Florida Healthy Kids Corporation; providing an effective date.

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

Section 1. Section 409.821, Florida Statutes, is amended to read:

409.821 Florida Kidcare program public records exemption.—

(1) Personal identifying information of ~~Notwithstanding any other law to the contrary, any information identifying~~ a Florida Kidcare program applicant or enrollee, as defined in s. 409.811, held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, or the Florida Healthy Kids Corporation is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2)(a) Upon request, such information shall ~~may~~ be disclosed to:

1. Another governmental entity in the performance of ~~only if disclosure is necessary for the entity to perform its official~~ duties and responsibilities; ~~under the Florida Kidcare program and shall be disclosed to~~

2. The Department of Revenue for purposes of administering the state Title IV-D program; or ~~The receiving governmental entity must maintain the confidential and exempt status of such information. Furthermore, such information may not be released to~~

3. Any person who has ~~without~~ the written consent of the program applicant.

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

(3) This exemption applies to any information identifying a Florida Kidcare program applicant or enrollee held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, or the Florida Healthy Kids Corporation before, on, or after the effective date of this exemption.

(4) A knowing and willful violation of this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. Section 2 of chapter 2003-104, Laws of Florida is repealed.

Section 3. Subsection (8) of section 624.91, Florida Statutes, is repealed.

Section 4. This act shall take effect October 1, 2008.

Approved by the Governor June 10, 2008.

Filed in Office Secretary of State June 10, 2008.