

By Senator Garcia

40-01430-11

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

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

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

408.910 Florida Health Choices Program.—

(14) EXEMPTION FROM PUBLIC-RECORDS REQUIREMENTS.—

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

1. Another governmental entity in the performance of its  
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47 repealed on October 2, 2016, unless reviewed and saved from  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.