



RICK SCOTT
GOVERNOR

ELIZABETH DUDEK
SECRETARY

August 18, 2014

Statewide Medicaid Managed Care (SMMC) Policy Transmittal

Policy Transmittal: 14-17

Applicable to:

Long-term Care Fee-for-Service Provider Service Network

Re: Florida Information Protection Act of 2014

In accordance with Attachment II, Section XVI. Terms and Conditions, B. Applicable Laws and Regulations, items 1 and 2., the Agency for Health Care Administration (Agency) is providing notification of a new state law with which Statewide Medicaid Managed Care (SMMC) plans are required to comply. Compliance will be monitored by the Agency. The newly enacted "Florida Information Protection Act of 2014" was signed into law by Governor Scott June 20, 2014, and became effective July 1, 2014.

The act relates to security of confidential personal information and repeals s. 817.5681, F.S., and creates s. 501.171, F.S., which:

- Provides definitions;
- Requires specified entities to take reasonable measures to protect and secure data containing personal information in electronic form;
- Requires specified entities to notify the Department of Legal Affairs of data security breaches;
- Requires notice to individuals of data security breaches under certain circumstances;
- Provides exceptions to notice requirements under certain circumstances;
- Specifies contents and methods of notice;
- Requires notice to credit reporting agencies under certain circumstances;
- Requires the department* to report annually to the Legislature;
- Specifies report requirements;
- Provides requirements for disposal of customer records;
- Provides for enforcement actions by the department*;
- Provides civil penalties;
- Specifies that no private cause of action is created; and
- Amends ss. 282.0041 and 282.318, F.S.; conforming cross-references to changes made by the act.

*Refers to the Department of Legal Affairs

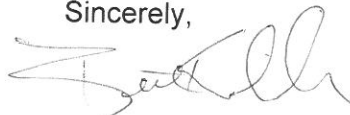


Plans are advised to read the Florida Information Protection Act of 2014, Section 501.171, F.S., and consult with their legal counsel if there are questions about the act. The complete text of the act appears in The Laws of Florida, Chapter 2014-189, and is accessible on the Florida Department of State website: <http://laws.flrules.org/>. Select "2014" for the year, and then click on the link to the Security of Confidential Personal Information "Ch_2014-189.pdf" to view the text of the act in its entirety.

In accordance with the Contract provision referenced in the first paragraph of this letter, plans shall implement the changes in this act in accordance with the required effective date upon notice from the Agency without waiting for a Contract amendment.

If you have any questions, please contact your Agency contract manager.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth Kidder", written over a faint circular stamp or watermark.

Beth Kidder
Assistant Deputy Secretary for
Medicaid Operations

BK/slc