

By the Committee on Health Care Standards & Regulatory Reform and Representative Saunders

1                                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           amending s. 408.7056, F.S.; providing an  
4           exemption from public records requirements for  
5           certain information relating to grievances  
6           before a provider and subscriber assistance  
7           panel; providing an exemption from public  
8           meetings requirements for certain meetings in  
9           which such grievances are heard; providing for  
10          future review and repeal; providing a finding  
11          of public necessity; providing an effective  
12          date.

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

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16           Section 1. Subsection (6) is added to section  
17 408.7056, Florida Statutes, 1996 Supplement, to read:

18           408.7056 Statewide Provider and Subscriber Assistance  
19 Program.--

20           (6)(a) Any information which would identify a  
21 subscriber or the spouse, relative, or guardian of a  
22 subscriber which is contained in a document or report prepared  
23 or reviewed by the panel or obtained by the agency pursuant to  
24 this section is confidential and exempt from the provisions of  
25 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

26           (b) Meetings of the panel shall be open to the public  
27 unless the provider or subscriber whose grievance will be  
28 heard requests a closed meeting and the agency or the  
29 Department of Insurance determines that information of a  
30 sensitive personal nature which discloses the subscriber's  
31 medical treatment or history; or information which constitutes

1 a trade secret as defined by s. 812.081; or information  
2 relating to internal risk management programs as defined in s.  
3 641.55(5)(c), (6), and (8) may be revealed at the panel  
4 meeting, in which case the meeting shall be exempt from the  
5 provisions of s. 286.011, Florida Statutes, and s. 24(b), Art.  
6 I of the State Constitution.

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8 This subsection is subject to the Open Government Sunset  
9 Review Act of 1995 in accordance with s. 119.15, Florida  
10 Statutes, and shall stand repealed on October 2, 2002, unless  
11 reviewed and saved from repeal by reenactment of the  
12 Legislature.

13       Section 2. The Legislature finds that it is a public  
14 necessity that information of a sensitive personal nature  
15 concerning individuals be protected when the release of such  
16 information would be defamatory to such individuals or cause  
17 unwarranted damage to the good name or reputation of such  
18 individuals. In addition, the Legislature finds that it is a  
19 public necessity that records be protected and meetings be  
20 closed to the public when administration of a governmental  
21 program otherwise would be significantly impaired. The  
22 documents and reports prepared and reviewed by the provider  
23 and subscriber assistance panel will include medical records  
24 and other information of a sensitive personal nature relating  
25 to subscribers and their families. The release of such  
26 information would be defamatory to such individuals or may  
27 cause unwarranted damage to the name or reputation of such  
28 individuals. Further, the willingness of a subscriber or  
29 provider to bring an unresolved grievance before the panel may  
30 be impeded unless, when requested by the provider or  
31 subscriber, panel meetings are closed to the public. The

1 unwillingness of subscribers and providers to bring unresolved  
2 grievances before the panel would interfere with the  
3 administration of the Statewide Provider and Subscriber  
4 Assistance Program by the Agency for Health Care  
5 Administration and reduce the effectiveness of the provider  
6 and subscriber assistance panels.

7           Section 3. This act shall take effect upon becoming a  
8 law.

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