

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 personal information in documents or
6 reports prepared or reviewed by a provider and
7 subscriber assistance panel or obtained by the
8 Agency for Health Care Administration;
9 providing an exemption for portions of meetings
10 of such panels when such information, or trade
11 secret or internal risk management program
12 information, is discussed; providing for future
13 review and repeal; providing a finding of
14 public necessity; providing an effective date.

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

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18 Section 1. Subsection (6) is added to section
19 408.7056, Florida Statutes, 1996 Supplement, to read:

20 408.7056 Statewide Provider and Subscriber Assistance
21 Program.--

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

28 (b) Meetings of the panel shall be open to the public
29 unless the provider or subscriber whose grievance will be
30 heard requests a closed meeting and the agency or the
31 Department of Insurance determines that information of a

1 sensitive personal nature which discloses the subscriber's
2 medical treatment or history; or information which constitutes
3 a trade secret as defined by s. 812.081; or information
4 relating to internal risk management programs as defined in s.
5 641.55(5)(c), (6), and (8) may be revealed at the panel
6 meeting, in which case that portion of the meeting during
7 which such sensitive personal information, trade secret
8 information, or internal risk management program information
9 is discussed shall be exempt from the provisions of s. 286.011
10 and s. 24(b), Art. I of the State Constitution.

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12 This subsection is subject to the Open Government Sunset
13 Review Act of 1995 in accordance with s. 119.15, and shall
14 stand repealed on October 2, 2002, unless reviewed and saved
15 from repeal through reenactment by the Legislature.

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

1 meeting of the panel be closed when such sensitive personal
2 information is discussed, or when information relating to
3 trade secrets or internal risk management programs is
4 discussed. If such meetings were not closed, information would
5 be released which would be defamatory to individuals or cause
6 unwarranted damage to their names or reputations; or
7 information would be released which would reveal a trade
8 secret, thus negatively impacting the business interests of
9 those providing the information in the marketplace and causing
10 competitors to gain an unfair advantage; or information would
11 be released which would reveal details regarding an internal
12 risk management program, thus undermining the medical quality
13 assurance process and inhibiting the peer review process.
14 Further, such internal risk management program information is
15 otherwise exempt from public disclosure. It is clear that the
16 willingness of a subscriber or provider to bring an unresolved
17 grievance before the panel may be impeded unless, when
18 requested by the provider or subscriber, those portions of
19 panel meetings during which such information is discussed are
20 closed to the public to avoid disclosure of such information.
21 The unwillingness of subscribers and providers to bring
22 unresolved grievances before the panel would interfere with
23 the administration of the Statewide Provider and Subscriber
24 Assistance Program by the Agency for Health Care
25 Administration and reduce the effectiveness of the provider
26 and subscriber assistance panels.

27 Section 3. This act shall take effect upon becoming a
28 law.

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