

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

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

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20 Section 1. Subsection (6) is added to section
21 408.7056, Florida Statutes, 1996 Supplement, to read:
22 408.7056 Statewide Provider and Subscriber Assistance
23 Program.--

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

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1 (b) Meetings of the panel shall be open to the public
2 unless the provider or subscriber whose grievance will be
3 heard requests a closed meeting and the agency or the
4 Department of Insurance determines that information of a
5 sensitive personal nature which discloses the subscriber's
6 medical treatment or history; or information which constitutes
7 a trade secret as defined by s. 812.081; or information
8 relating to internal risk management programs as defined in s.
9 641.55(5)(c), (6), and (8) may be revealed at the panel
10 meeting, in which case that portion of the meeting during
11 which such sensitive personal information, trade secret
12 information, or internal risk management program information
13 is discussed shall be exempt from the provisions of s. 286.011
14 and s. 24(b), Art. I of the State Constitution. All closed
15 meetings shall be recorded by a certified court reporter.

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19 stand repealed on October 2, 2002, unless reviewed and saved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

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

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

1 Section 3. This act shall take effect upon becoming a
2 law.
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