

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 a
11 subscriber whose grievance will be discussed
12 requests a closed meeting or when such
13 information, or trade secret or internal risk
14 management program information, is discussed;
15 requiring recording of closed meetings;
16 providing for future review and repeal;
17 providing a finding of public necessity;
18 providing an effective date.

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

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22 Section 1. Subsection (6) is added to section
23 408.7056, Florida Statutes, to read:

24 408.7056 Statewide Provider and Subscriber Assistance
25 Program.--

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

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

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19 This subsection is subject to the Open Government Sunset
20 Review Act of 1995 in accordance with s. 119.15, and shall
21 stand repealed on October 2, 2003, unless reviewed and saved
22 from repeal through reenactment by the Legislature.

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

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

1 Administration and reduce the effectiveness of the provider
2 and subscriber assistance panels.

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

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