

By Senator Thomas

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A bill to be entitled
An act relating to confidentiality of records
and meetings of the Division of State Group
Insurance; amending s. 110.123, F.S.; providing
exemptions for a specified time from public
records requirements for responses to requests
for proposals or invitations to bid by the
division which are related to employee benefit
programs; providing exemptions from public
meetings requirements for portions of meetings
where such records are discussed; providing an
effective date.

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

Section 1. Subsection (9) of section 110.123, Florida
Statutes, 1998 Supplement, is amended to read:

110.123 State group insurance program.--

(9) PUBLIC RECORDS AND PUBLIC MEETINGS LAW; EXEMPTIONS
~~EXEMPTION~~.--

(a) Patient medical records and medical claims records
of state employees, former employees, and eligible dependents
in the custody or control of the state group insurance program
are confidential and exempt from the provisions of s.
119.07(1). Such records shall not be furnished to any person
other than the employee or the employee's legal
representative, except upon written authorization of the
employee, but may be furnished in any civil or criminal
action, unless otherwise prohibited by law, upon the issuance
of a subpoena from a court of competent jurisdiction and

1 proper notice to the employee or the employee's legal
2 representative by the party seeking such records.

3 (b)1. Documents submitted by insurers, health
4 maintenance organizations, and other persons in response to a
5 competitive procurement by the division for
6 employee-benefit-related plans and programs, are confidential
7 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution, until such time as the division has concluded
9 its negotiations with all parties and has issued a contract or
10 otherwise reached a final determination as to issuance of a
11 contract.

12 2. Portions of meetings at which the responses to a
13 competitive procurement process related to employee benefit
14 plans and programs are discussed are exempt from the
15 provisions of s. 286.011 and s. 24(b), Art. I of the State
16 Constitution until such time as the division has concluded its
17 negotiations with all parties and has issued a contract or
18 otherwise reached a final determination as to issuance of a
19 contract.

20 Section 2. The Legislature finds that it is a public
21 necessity that certain records of the Division of State Group
22 Insurance be held confidential and exempt until procurement
23 processes undertaken by the division have been completed. The
24 division's ability to negotiate with insurers, health
25 maintenance organizations, and other persons who submit
26 written responses to procurement processes related to an
27 employee benefit plan and the division's ability to achieve
28 terms and conditions most favorable to the state and its
29 employees are significantly harmed and compromised if such
30 written responses are available for review by competing
31 parties during such time as the negotiations remain open

1 before the issuance of a contract. For these same reasons, the
2 Legislature finds that it is a public necessity that portions
3 of meetings at which the division and any person discuss a
4 document submitted in response to a competitive procurement
5 that is confidential and exempt be closed and not open to the
6 public.

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

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SENATE SUMMARY

Provides exemptions for a specified time from public records requirements for responses to requests for proposals or invitations to bid by the Division of State Group Insurance related to employee benefit programs. Provides exemptions from public meeting requirements for portions of meetings where such records are discussed.