

By Representative Lawson

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 certain information and documents pertaining to
5 petitions relating to joint negotiations
6 between health care providers and health care
7 insurers; providing exceptions; providing
8 requirements; providing for future review and
9 repeal; providing a finding of public
10 necessity; providing an effective date.

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

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14 Section 1. Sections 11, 12, 13, 14, and 15 of the
15 Health Care Provider Joint Negotiation Act, as created in
16 HB , are renumbered as sections 12, 13, 14, 15, and 16,
17 respectively, and section 11 is added to said act, to read:

18 Section 11. Confidentiality and disclosure.--
19 (1) All information, documents, and copies of such
20 information or documents obtained by or disclosed to the
21 Attorney General or any other person in a petition under
22 section 10 or pursuant to a request for supplemental
23 information under paragraph(2)(c) of section 10 are
24 confidential and exempt from the provisions of s. 119.07(1),
25 Florida Statutes, and s. 24(a), Art. I of the State
26 Constitution, shall not be subject to subpoena, and shall not
27 be made public or otherwise disclosed by the Attorney General
28 or any other person without the written consent of the
29 petitioners to whom the information pertains, except as
30 provided in subsection (2).

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1 (2)(a) In the case of a petition under paragraph
2 (1)(a) or paragraph (1)(b) of section 10, the Attorney General
3 may disclose the information required to be submitted pursuant
4 to subparagraphs (1)(a)1., 2., 3., and 4. and subparagraphs
5 (1)(b)1. and 2. of section 10.

6 (b) The Attorney General may disclose provider
7 contracts negotiated under this act provided that the Attorney
8 General removes or redacts those provider contract provisions
9 that contain payment rates and fees. The Attorney General may
10 disclose payment rates and fees to the Insurance Commissioner,
11 the insurance department of another state, a law enforcement
12 official of this state or any other state, or any agency of
13 the Federal Government, so long as the agency or office
14 receiving the information agrees in writing to hold such
15 information confidential and in a manner consistent with this
16 act.

17 (3) This section is subject to the Open Government
18 Sunset Review Act of 1995 in accordance with s. 119.15,
19 Florida Statutes, and shall stand repealed on October 2, 2004,
20 unless reviewed and saved from repeal through reenactment by
21 the Legislature.

22 Section 2. The Legislature finds that it is a public
23 necessity that fundamental determinations regarding antitrust
24 concerns necessitate review of information that is complete
25 and candid. The reliability and durability of such
26 determinations will be enhanced if all participants in the
27 process are relieved of concern that proprietary information
28 might be disclosed and used to interfere with or negatively
29 affect the efficient and effective provision of health care
30 services. The capacity of each component of the health care
31 delivery system to maximize its ability to function outweighs

1 the potential and limited benefits of disseminating such
2 proprietary information.

3 Section 3. This act shall take effect October 1, 2000.

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6 HOUSE SUMMARY

7 Provides an exemption from public records requirements
8 for information and documents pertaining to petitions
9 relating to joint negotiations between health care
10 providers and health care insurers. Provides for future
11 review and repeal.
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