

By the Committee on State Administration and
 Representative Brummer

1 A bill to be entitled
 2 An act relating to public records and meetings
 3 exemptions for university health services
 4 support organizations; repealing s.
 5 240.2995(6), F.S., which provides that meetings
 6 of the governing board of a university health
 7 services support organization are public and
 8 requires that certain records be made available
 9 to the Department of Insurance; amending s.
 10 240.2996, F.S., which provides exemptions from
 11 public records and meetings requirements for
 12 certain contracts and related documents,
 13 marketing plans, trade secrets, and evaluation
 14 records of such organizations, for meetings at
 15 which any of such records or information is
 16 discussed, and for records of such meetings;
 17 reenacting such exemptions and removing the
 18 October 2, 2001, repeal thereof scheduled under
 19 the Open Government Sunset Review Act of 1995;
 20 narrowing the type of marketing plans exempted;
 21 requiring university health services support
 22 organizations to make certain records available
 23 to the Department of Insurance; providing an
 24 effective date.

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

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 28 Section 1. Subsection (6) of section 240.2995, Florida
 29 Statutes, is repealed.

30 Section 2. Notwithstanding the October 2, 2001, repeal
 31 of said subsections scheduled pursuant to the Open Government

1 Sunset Review Act of 1995, subsections (2), (3), and (4) of
2 section 240.2996, Florida Statutes, are reenacted and amended,
3 and subsection (1) of said section is amended, to read:

4 240.2996 University health services support
5 organization; confidentiality of information.--

6 (1) All meetings of a governing board of a university
7 health services support organization and all university health
8 services support organization records shall be open and
9 available to the public in accordance with s. 286.011 and s.
10 24(b), Art. I of the State Constitution and chapter 119 and s.
11 24(a), Art. I of the State Constitution, respectively, unless
12 made confidential or exempt by law. Records required by the
13 Department of Insurance to discharge its duties shall be made
14 available to the department upon request.

15 (2) The following university health services support
16 organization's records and information are confidential and
17 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
18 I of the State Constitution:

19 (a) Contracts for managed care arrangements under
20 which the university health services support organization
21 provides health care services, ~~including~~ preferred provider
22 organization contracts, health maintenance organization
23 contracts, alliance network arrangements, and exclusive
24 provider organization contracts, and any documents directly
25 relating to the negotiation, performance, and implementation
26 of any such contracts for managed care arrangements or
27 alliance network arrangements. As used in this paragraph, the
28 term "managed care" means systems or techniques generally used
29 by third-party payors or their agents to affect access to and
30 control payment for health care services. Managed-care
31 techniques most often include one or more of the following:

1 prior, concurrent, and retrospective review of the medical
2 necessity and appropriateness of services or site of services;
3 contracts with selected health care providers; financial
4 incentives or disincentives related to the use of specific
5 providers, services, or service sites; controlled access to
6 and coordination of services by a case manager; and payor
7 efforts to identify treatment alternatives and modify benefit
8 restrictions for high-cost patient care.

9 (b) Each ~~A~~ university health services support
10 organization's marketing plan the disclosure of which plans
11 ~~for marketing its services, which services are or~~ may
12 reasonably be expected by the organization's governing board
13 to be used by a competitor or an affiliated provider of the
14 organization to frustrate, circumvent, or exploit the purposes
15 of the plan before it is implemented and which is not
16 otherwise known or cannot be legally obtained by a competitor
17 or an affiliated provider ~~provided by competitors of the~~
18 ~~organization or its affiliated providers.~~ However, documents
19 that are submitted to the organization's governing board as
20 part of the board's approval of the organization's budget, and
21 the budget itself, are not confidential and exempt.

22 (c) Trade secrets, as defined in s. 688.002, including
23 reimbursement methodologies and rates.

24 (d) The records of the peer review panels, committees,
25 governing board, and agents of the university health services
26 support organization which relate solely to the evaluation of
27 health care services and professional credentials of health
28 care providers and physicians employed by or providing
29 services under contract to the university health services
30 support organization. The exemptions created by this
31 paragraph shall not be construed to impair any otherwise

1 established rights of an individual health care provider to
2 inspect documents concerning the determination of such
3 provider's professional credentials.

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5 ~~The exemptions in this subsection are subject to the Open~~
6 ~~Government Sunset Review Act of 1995 in accordance with s.~~
7 ~~119.15 and shall stand repealed on October 2, 2001, unless~~
8 ~~reviewed and saved from repeal through reenactment by the~~
9 ~~Legislature.~~

10 (3) Any portion of a governing board or peer review
11 panel or committee meeting during which a confidential and
12 exempt contract, document, record, marketing plan, or trade
13 secret, as provided for in subsection (2), is discussed is
14 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
15 of the State Constitution. ~~The exemption in this subsection~~
16 ~~is subject to the Open Government Sunset Review Act of 1995 in~~
17 ~~accordance with s. 119.15 and shall stand repealed on October~~
18 ~~2, 2001, unless reviewed and saved from repeal through~~
19 ~~reenactment by the Legislature.~~

20 (4) Those portions of any public record, such as a
21 tape recording, minutes, and notes, generated during that
22 portion of a governing board or peer review panel or committee
23 meeting which is closed to the public pursuant to this
24 section, which contain information relating to contracts,
25 documents, records, marketing plans, or trade secrets which
26 are made confidential and exempt by this section, are
27 confidential and exempt from the provisions of s. 119.07(1)
28 and s. 24(a), Art. I of the State Constitution. ~~The exemptions~~
29 ~~in this subsection are subject to the Open Government Sunset~~
30 ~~Review Act of 1995 in accordance with s. 119.15 and shall~~

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1 ~~stand repealed on October 2, 2001, unless reviewed and saved~~
2 ~~from repeal through reenactment by the Legislature.~~

3 Section 3. This act shall take effect October 1, 2001.
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6 HOUSE SUMMARY

7 Reenacts the public records and meetings exemptions for
8 certain contracts and related documents, marketing plans,
9 trade secrets, and evaluation records of university
10 health services support organizations, for meetings at
11 which any of such records or information is discussed,
12 and for records of such meetings, narrows the type of
13 marketing plans exempted, and removes the October 2,
14 2001, repeal thereof scheduled under the Open Government
15 Sunset Review Act of 1995.

16 Removes provisions which provide that meetings of the
17 governing board of a university health services support
18 organization are public.
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