

By Representative Benson

1 A bill to be entitled
2 An act relating to public records; creating s.
3 408.7058, F.S.; exempting certain information
4 provided to a dispute resolution organization
5 or the Agency for Health Care Administration
6 under certain circumstances; providing for
7 future review or repeal under certain
8 circumstances; specifying legislative findings
9 of public necessity; providing a contingent
10 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. Section 408.7058, Florida Statutes, is
15 created to read:

16 408.7058 Statewide provider and managed care
17 organization claim dispute resolution program; public records
18 exemption.--Any information of a sensitive personal nature
19 concerning the medical treatment or medical history of a
20 subscriber of a managed care organization or information
21 contained in a managed care contract of the managed care
22 organization, which is provided to a dispute resolution
23 organization or the Agency for Health Care Administration
24 pursuant to s. 408.7057 by a provider or managed care
25 organization as defined in s. 408.7057, is confidential and
26 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution. In addition, the information is not discoverable
28 or admissible in a civil or administrative action, unless the
29 action is a disciplinary proceeding by the Agency for Health
30 Care Administration or the appropriate regulatory board. The
31 information may not be made available to the public as part of

1 the record of investigation or prosecution in a disciplinary
2 proceeding which is made available by the Agency for Health
3 Care Administration or a regulatory board. This exemption is
4 subject to the Open Government Sunset Review Act of 1995 in
5 accordance with s. 119.15 and shall stand repealed on October
6 2, 2007, unless reviewed and saved from repeal through
7 reenactment by the Legislature.

8 Section 2. The Legislature finds that it is a public
9 necessity that information of a sensitive personal nature
10 concerning the medical history or medical care of a subscriber
11 of a managed care organization or information contained in a
12 managed care contract of the managed care organization, which
13 information is provided to a dispute resolution organization
14 or the Agency for Health Care Administration, be confidential
15 and exempt from public records requirements because disclosure
16 of such information is highly likely to harm the person or
17 organization to whom or which the information pertains.

18 Section 3. This act shall take effect on the same date
19 that House Bill 293 or similar legislation revising the
20 statewide provider and managed care organization claim dispute
21 resolution program takes effect, if such legislation is
22 adopted in the same legislative session or an extension
23 thereof.

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HOUSE SUMMARY

Provides an exemption from public records requirements for any information of a sensitive personal nature concerning the medical treatment or medical history of a subscriber of a health maintenance organization or managed care organization which is provided to a dispute resolution organization or the Agency for Health Care Administration by a provider or managed care organization. Also specifies that such information is not discoverable or admissible in a civil or administrative action, unless the action is a disciplinary proceeding by the Agency for Health Care Administration or the appropriate regulatory board, and may not be made available to the public as part of the record of investigation or prosecution in a disciplinary proceeding which is made available by the Agency for Health Care Administration or a regulatory board.