

By the Committee on Health, Aging, and Long-Term Care

317-267A-03

1                                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           amending s. 408.7056, F.S., which provides that  
4           certain information identifying a subscriber  
5           under the Statewide Provider and Subscriber  
6           Assistance Program is exempt from  
7           public-records requirements and requirements  
8           for public meetings; deleting the exemption  
9           provided for information identifying the  
10          spouse, relative, or guardian of a subscriber;  
11          requiring the statewide provider and subscriber  
12          assistance panel, the Agency for Health Care  
13          Administration, and the Department of Insurance  
14          to release certain information to the  
15          subscriber or managed care entity involved in a  
16          grievance procedure; deleting the exemption  
17          that authorizes meetings to be closed if  
18          information constituting a trade secret is  
19          revealed; reenacting the exemptions and  
20          removing the repeal thereof scheduled under the  
21          Open Government Sunset Review Act of 1995;  
22          providing an effective date.

23

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

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26           Section 1. Notwithstanding the repeal scheduled on  
27           October 2, 2003, under the Open Government Sunset Review Act  
28           of 1995, subsections (13), (14), and (15) of section 408.7056,  
29           Florida Statutes, are reenacted and amended to read:

30           408.7056 Statewide Provider and Subscriber Assistance  
31           Program.--

1           ~~(13) Any information which would identify a subscriber~~  
2 ~~or the spouse, relative, or guardian of a subscriber and which~~  
3 ~~is contained in a report obtained by the Department of~~  
4 ~~Insurance pursuant to this section is confidential and exempt~~  
5 ~~from the provisions of s. 119.07(1) and s. 24(a), Art. I of~~  
6 ~~the State Constitution.~~

7           (13)~~(14)~~ A proposed order issued by the agency or  
8 department which only requires the managed care entity to take  
9 a specific action under subsection (7) is subject to a summary  
10 hearing in accordance with s. 120.574, unless all of the  
11 parties agree otherwise. If the managed care entity does not  
12 prevail at the hearing, the managed care entity must pay  
13 reasonable costs and attorney's fees of the agency or the  
14 department incurred in that proceeding.

15           (14)~~(15)~~(a) Any information that identifies which  
16 ~~would identify a subscriber or the spouse, relative, or~~  
17 ~~guardian of a subscriber which is held contained in a~~  
18 ~~document, report, or record prepared or reviewed by the panel,~~  
19 ~~or obtained by the agency, or department pursuant to this~~  
20 section is confidential and exempt from ~~the provisions of s.~~  
21 119.07(1) and s. 24(a), Art. I of the State Constitution.  
22 However, at the request of a subscriber or managed care entity  
23 involved in a grievance procedure, the panel, agency, or  
24 department shall release information identifying the  
25 subscriber involved in that grievance procedure to the  
26 requesting subscriber or managed care entity.

27           (b) Meetings of the panel shall be open to the public  
28 unless the provider or subscriber whose grievance will be  
29 heard requests a closed meeting or the agency or the  
30 department ~~of Insurance~~ determines that information of a  
31 sensitive personal nature which discloses the subscriber's

1 ~~medical treatment or history; or information which constitutes~~  
2 ~~a trade secret as defined by s. 812.081; or information~~  
3 relating to internal risk management programs as defined in s.  
4 641.55(5)(c), (6), and (8) may be revealed at the panel  
5 meeting, in which case that portion of the meeting during  
6 which such sensitive personal information, ~~trade secret~~  
7 ~~information,~~ or internal risk management program information  
8 is discussed shall be exempt from ~~the provisions of~~ s. 286.011  
9 and s. 24(b), Art. I of the State Constitution. All closed  
10 meetings shall be recorded by a certified court reporter.

11  
12 ~~This subsection is subject to the Open Government Sunset~~  
13 ~~Review Act of 1995 in accordance with s. 119.15, and shall~~  
14 ~~stand repealed on October 2, 2003, unless reviewed and saved~~  
15 ~~from repeal through reenactment by the Legislature.~~

16 Section 2. This act shall take effect October 1, 2003.

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19 SENATE SUMMARY

20 Reenacts an exemption from the public-records law and  
21 public-meetings law for information that identifies the  
22 medical history of a subscriber involved in a grievance  
23 procedure before the Statewide Provider and Subscriber  
24 Assistance Program or that reveals information relating  
25 to risk management programs. Removes an exemption  
26 provided for information that identifies the spouse,  
27 relative, or guardian of a subscriber. Requires the  
28 statewide provider and subscriber assistance panel, the  
Agency for Health Care Administration, and the Department  
of Insurance to release certain information to the  
subscriber or managed care entity involved in a grievance  
procedure. Removes an exemption that authorizes a meeting  
to be closed if information constituting a trade secret  
is revealed. Removes the repeal of the exemptions  
scheduled for October 2, 2003, under the Open Government  
Sunset Review Act of 1995.