

House Bill No. 401

An act relating to a public records exemption for certain information submitted to the Office of the Attorney General by members of the health care community; amending s. 408.185, F.S., which provides an exemption from public records requirements for certain documents, contracts, and proprietary confidential business information submitted by such entities in connection with a request for an anti-trust no-action letter for a specified period; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

Section 1. Notwithstanding the October 2, 2001, repeal of said section scheduled pursuant to the Open Government Sunset Review Act of 1995, section 408.185, Florida Statutes, is reenacted and amended to read:

408.185 Information submitted for review of antitrust issues; confidentiality.—The following information held by the Office of the Attorney General, which is submitted by a member of the health care community pursuant to a request for an antitrust no-action letter shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 1 year after the date of submission.

- (1) Documents that reveal trade secrets as defined in s. 688.002.
- (2) Preferred provider organization contracts.
- (3) Health maintenance organization contracts.
- (4) Documents that reveal a health care provider's marketing plan.
- (5) Proprietary confidential business information as defined in s. 364.183(3).

~~This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal by reenactment of the Legislature.~~

Section 2. This act shall take effect October 1, 2001.

Approved by the Governor May 29, 2001.

Filed in Office Secretary of State May 29, 2001.