

By Senator Brown-Waite

10-371A-98

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 information contained in a notification of an
5 adverse incident provided to the Agency for
6 Health Care Administration by a facility
7 licensed under ch. 395, F.S.; providing that
8 such information is not discoverable or
9 admissible in a civil action or administrative
10 proceeding unless such action or proceeding is
11 a disciplinary proceeding conducted by the
12 agency or a regulatory board; providing for
13 future review and repeal; providing a finding
14 of public necessity; providing a contingent
15 effective date.

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

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19 Section 1. The information contained in the
20 notification of an adverse incident, which is required under
21 section 395.0197, Florida Statutes, and provided to the Agency
22 for Health Care Administration by a facility licensed under
23 chapter 395, Florida Statutes, is confidential and exempt from
24 section 119.07(1), Florida Statutes, and Section 24(a),
25 Article I of the State Constitution. In addition, the
26 information is not discoverable or admissible in a civil or
27 administrative action, unless the action is a disciplinary
28 proceeding by the Agency for Health Care Administration or the
29 appropriate regulatory board. The information may not be made
30 available to the public as part of the record of investigation
31 or prosecution in a disciplinary proceeding which is made

1 available by the Agency for Health Care Administration or a
2 regulatory board. This exemption is subject to the Open
3 Government Sunset Review Act of 1995 in accordance with
4 section 119.15, Florida Statutes, and shall stand repealed on
5 October 2, 2003, unless reviewed and saved from repeal through
6 reenactment by the Legislature.

7 Section 2. The Legislature finds that the exemption
8 from the public records law provided in section 1 of this act
9 is a public necessity, and that it would be an invasion of a
10 patient's privacy for information contained in the
11 notification of an adverse incident to be publicly available.
12 Furthermore, the Legislature finds that such information is of
13 a sensitive nature and must be kept confidential so that the
14 Agency for Health Care Administration can effectively carry
15 out its responsibilities.

16 Section 3. This act shall take effect on the date
17 Senate Bill ____, relating to the regulation of health care
18 facilities, or similar legislation becomes a law, and shall
19 not take effect if such legislation does not become a law.
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22 SENATE SUMMARY

23 Provides an exemption from public records requirements
24 for information contained in reports of adverse incidents
25 provided to the Agency for Health Care Administration by
26 certain health care facilities. Provides for future
27 review and repeal of the exemption.
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