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2 An act relating to public records; creating s.  
3 400.1185, F.S.; providing an exemption from  
4 public records requirements for information  
5 contained in records of nursing home  
6 quality-of-care monitors; providing for review  
7 and repeal; providing a statement of public  
8 necessity; providing a contingent effective  
9 date.

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

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13 Section 1. Section 400.1185, Florida Statutes, is  
14 created to read:

15 400.1185 Access to records of nursing home  
16 quality-of-care monitors; confidentiality.--The information  
17 contained in any agency record of a quality-of-care monitoring  
18 visit to a nursing home facility as required under s.  
19 400.118(2), except for specific exclusions provided in s.  
20 400.118(2)(b) and (c) pertaining to the reporting by a  
21 quality-of-care monitor of conditions which threaten the  
22 health or safety of a resident, is confidential and exempt  
23 from s. 119.07(1) and s. 24(a), Art. I of the State  
24 Constitution. This section is subject to the Open Government  
25 Sunset Review Act of 1995 in accordance with s. 119.15, and  
26 shall stand repealed on October 2, 2004, unless reviewed and  
27 saved from repeal through reenactment by the Legislature.

28 Section 2. The Legislature finds that the health and  
29 safety of persons residing in nursing home facilities  
30 necessitates that agency quality-of-care monitors have access  
31 to all areas of resident care and that residents, staff, and

1 licenseholders of such facilities be assured that information  
2 they provide is secure and will be held in confidence. Such  
3 assurance will benefit the public because persons who are  
4 interviewed by, or who provide information by other means to,  
5 the quality-of-care monitors will be encouraged to provide  
6 essential, accurate information. In particular, family  
7 members, guardians, guests of residents, facility volunteers,  
8 other regulatory staff, and representatives of the long-term  
9 care ombudsman councils and human rights advocacy committees  
10 may be encouraged to share information that otherwise they may  
11 withhold for fear that their relative, friend, or  
12 acquaintance, who is a resident in the monitored facility, may  
13 experience intimidation, retaliation, or retribution if it  
14 were readily known that they were the source of information on  
15 which a quality-of-care monitor based an adverse finding or  
16 recommendation. The Legislature further finds that the  
17 exemption from the public records law provided for in section  
18 1 is a public necessity because failure to protect the  
19 confidentiality of information collected by the agency  
20 pursuant to s. 400.118, Florida Statutes, would deter the  
21 collection and reporting of this information to the agency.  
22 The public disclosure of sensitive information concerning  
23 residents of nursing facilities and their care would lead to a  
24 reluctance on the part of residents and staff of nursing  
25 facilities, as well as others, to provide accurate information  
26 which may serve as a basis for identifying and improving  
27 quality-of-care concerns before they develop into health or  
28 safety violations.

29           Section 3. This act shall take effect on the same date  
30 that House Bill 1971 or similar legislation creating s.  
31 400.118, Florida Statutes, relating to the nursing home

1 quality-of-care monitoring program, takes effect, if such  
2 legislation is adopted in the same legislative session, or an  
3 extension thereof.

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