

By the Committee on Health, Aging and Long-Term Care; and
Senator Brown-Waite

317-1859-01

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from the public records law for
4 information that identifies the claimant or
5 case number in certain proceedings involving a
6 nursing home or assisted living facility and
7 that is provided to the Agency for Health Care
8 Administration as required by law; providing an
9 exemption from the public-records law for
10 reports of liability claims involving nursing
11 homes that are provided to the Agency for
12 Health Care Administration as required by law;
13 providing a finding of public necessity;
14 providing a contingent effective date.

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

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18 Section 1. Any portion of a document identifying the
19 claimant or case number of a claim or civil action that
20 results in a final judgment, arbitration decision, order,
21 injunction, mediation agreement, or settlement that involves a
22 nursing home or assisted living facility and that is provided
23 to the Agency for Health Care Administration as required under
24 section 400.023(7) or section 400.429(8), Florida Statutes, is
25 confidential and exempt from section 119.07(1), Florida
26 Statutes, and Section 24(a) of Article I of the State
27 Constitution. This exemption is subject to the Open Government
28 Sunset Review Act of 1995 in accordance with section 119.15,
29 Florida Statutes, and shall stand repealed on October 2, 2006,
30 unless reviewed and saved from repeal through reenactment by
31 the Legislature.

1 Section 2. The information contained in any report of
2 liability claims against nursing homes provided to the Agency
3 for Health Care Administration as required under section
4 400.147(9), Florida Statutes, is confidential and exempt from
5 section 119.07(1), Florida Statutes, and Section 24(a) of
6 Article I of the State Constitution. This exemption is subject
7 to the Open Government Sunset Review Act of 1995 in accordance
8 with section 119.15, Florida Statutes, and shall stand
9 repealed on October 2, 2006, unless reviewed and saved from
10 repeal through reenactment by the Legislature.

11 Section 3. The Legislature finds that it is a public
12 necessity to protect the identity of those persons who may
13 have received compensation pursuant to arbitration, mediation,
14 or litigation involving a nursing home or assisted living
15 facility. The Legislature finds that it is not in the best
16 interest of potentially vulnerable individuals for such
17 information to be readily available to those who might use the
18 information to take advantage of or prey upon such
19 individuals. Accordingly, the Legislature finds that the harm
20 to the public which would result from the release of such
21 information substantially outweighs any minimal public benefit
22 derived therefrom. The Legislature also finds that monthly
23 reports of liability claims against nursing homes which are
24 provided to the Agency for Health care Administration contain
25 preliminary allegations that may not possess merit.
26 Accordingly, the Legislature finds that the harm to nursing
27 homes due to the release of such preliminary information
28 substantially outweighs any minimal public benefit derived
29 therefrom.

30 Section 4. This act shall take effect on the date
31 Committee Substitute for Committee Substitute for Senate Bill

1 1202, relating to long-term care, or similar legislation
2 becomes a law, and shall not take effect if such legislation
3 does not become a law.

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5 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
6 COMMITTEE SUBSTITUTE FOR
7 Senate Bill 1848

8 The Committee Substitute for SB 1848 amends the bill to
9 include injunctions in the list of resolved claims or civil
10 actions provided to AHCA that are confidential and exempt from
11 the Public Records Law. The bill is also amended to make
12 reports of liability claims against nursing homes exempt from
13 the Public Records Law. The bill is further amended to provide
14 legislative intent for making reports of liability claims
15 against nursing homes exempt from the Public Records Law.

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