

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from the public-records law for
4 reports of liability claims involving nursing
5 homes and assisted living facilities that are
6 provided to the Agency for Health Care
7 Administration as required by law; providing a
8 finding of public necessity; providing a
9 contingent effective date.

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

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13 Section 1. The information contained in any report of
14 liability claims against nursing homes and assisted living
15 facilities provided to the Agency for Health Care
16 Administration as required under sections 400.147(9) and
17 400.423(5), Florida Statutes, is confidential and exempt from
18 section 119.07(1), Florida Statutes, and Section 24(a) of
19 Article I of the State Constitution. This exemption is subject
20 to the Open Government Sunset Review Act of 1995 in accordance
21 with section 119.15, Florida Statutes, and shall stand
22 repealed on October 2, 2006, unless reviewed and saved from
23 repeal through reenactment by the Legislature.

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25 Section 2. The Legislature finds that it is a public
26 necessity to protect the identity of claimants, nursing homes
27 and assisted living facilities in the monthly reporting of
28 claims to the Agency for Health Care Administration. The
29 monthly reports detail the names of claimants and facilities,
30 the alleged type of injury or violation and dates of
31 occurrence. Such claims are preliminary allegations that may
not result in a finding of liability or fault on the part of

1 the facility. Consequently, release of such information to the
2 public may unnecessarily and unfairly impact the business
3 operation of the facility. The Legislature finds that it is
4 not in the best interests of the claimants and facilities to
5 make such sensitive information publicly available. Claimants
6 will be forced to choose between either filing a claim
7 regarding a facility to protect their rights, or
8 alternatively, maintain their privacy regarding long-term care
9 provided to themselves or a relative. The Legislature finds
10 that the public will have the benefit of aggregated facility
11 claims data by access to the agency's annual reports on
12 long-term care claims to the Legislature, presented on a
13 by-county basis. The Legislature also finds that those claims
14 with sufficient merit will result in a formal legal complaint
15 filed in a court of law, will as well be public information.
16 Accordingly, the Legislature finds that the harm to facility
17 residents and facilities due to the release of preliminary
18 claims substantially outweighs any minimal public benefit
19 derived therefrom.

20 Section 3. This act shall take effect on the date
21 Committee Substitute for Committee Substitute for Committee
22 Substitute for Senate Bill 1202, relating to long-term care,
23 or similar legislation becomes a law, and shall not take
24 effect if such legislation does not become a law.

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