

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-2305-02

1 A bill to be entitled

2 An act relating to public records; creating an

3 exemption from the requirements of s.

4 119.07(1), F.S., and Art. I, s. 24(a) of the

5 State Constitution; providing that information

6 that would identify a person or firm in

7 peer-review records are confidential and

8 exempt; creating an exemption from the

9 requirements of s. 286.011, F.S., and Art. I,

10 s. 24(b) of the State Constitution; providing

11 for future review and repeal; providing a

12 statement of public necessity; providing a

13 contingent effective date.

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

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17 Section 1. Information that would identify a person or

18 firm in peer review records that are made or received by an

19 oversight body appointed by the board pursuant to s. 473.3125,

20 is confidential and exempt from section 119.07(1) and Section

21 24(a), Article I of the State Constitution. This section is

22 subject to the Open Government Sunset Review Act of 1995, in

23 accordance with section 119.15, and shall stand repealed

24 October 2, 2007, unless reviewed and saved from repeal through

25 reenactments by the Legislature.

26 Section 2. Those portions of a peer-review meeting of

27 an oversight body appointed by the board pursuant to section

28 473.3125, at which information is discussed that would

29 identify the person or firm being reviewed are exempt from

30 section 286.011 and Section 24(b), Article I of the State

31 Constitution. This section is subject to the Open Government

1 Sunset Review Act of 1995 and shall stand repealed October 2,
2 2007, unless reviewed and saved from repeal through
3 reenactment by the Legislature.

4 Section 3. The Legislature finds that it is a public
5 necessity to make confidential and exempt information that
6 would identify a person or firm in peer-review records that
7 are made or received by an oversight body appointed by the
8 board pursuant to section 473.3125, Florida Statutes. The
9 peer-review process is intended to sustain and improve the
10 competence of licensees and thereby to protect the public that
11 is served by them. If this identifying information were made
12 available for inspection or copying by the public, licensees
13 and their clients could be adversely affected. These documents
14 may include unsubstantiated allegations or other information
15 that could be misunderstood by the public. Further, a person
16 having information regarding a person or firm undergoing
17 review might be hesitant to provide important testimony,
18 documentation, or other information that the oversight body
19 requires to perform a complete review if his or her identity
20 were not protected. The Legislature also finds that it is a
21 public necessity to close those portions of meetings of an
22 oversight body at which information is discussed which would
23 identify the person or firm being reviewed. If members of an
24 oversight body could not speak freely regarding the person or
25 firm undergoing review, the peer-review process would be
26 ineffective. Oversight body members might hesitate to discuss
27 issues of concern. As a result, the Legislature finds that
28 information that would identify a person or firm in
29 peer-review records that are made or received by an oversight
30 body appointed by the board pursuant to section 473.3125,
31 Florida Statutes, must be confidential and exempt and that

1 those portions of meetings of an oversight body at which this
2 information is discussed should be closed.

3 Section 4. This act shall take effect on the effective
4 date of the Committee Substitute for Senate Bill 1706, or
5 substantially similar legislation, in the 2002 legislative
6 session or an extension thereof, but it shall not take effect
7 if such bill does not become a law.

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9 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 COMMITTEE SUBSTITUTE FOR
11 Senate Bill 648

12 Creates an exemption for information that would identify a
13 person or firm in peer review records that are made or
received by an oversight body appointed by the board.

14 Creates an exemption for those portions of a peer review
15 meeting of an oversight body appointed by the board at which
exempt information is discussed.

16 Provides a statement of public necessity.

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