



HB 1029

2003
CS

CHAMBER ACTION

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The Committee on State Administration recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to notification of an adverse incident provided to the Agency for Health Care Administration; amending s. 395.0198, F.S., which provides an exemption from public records requirements for information contained in a notification of an adverse incident; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing that such information is discoverable or admissible in a disciplinary proceeding by the Department of Health; providing an effective date.

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

Section 1. Notwithstanding the October 2, 2003, repeal of said section scheduled pursuant to the Open Government Sunset Review Act of 1995, section 395.0198, Florida Statutes, is amended to read:



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29 | 395.0198 Notification of adverse incident; public records
30 | exemption.--The information contained in the notification of an
31 | adverse incident, which is required under s. 395.0197(7) and
32 | provided to the Agency for Health Care Administration by a
33 | facility licensed under this chapter is confidential and exempt
34 | from s. 119.07(1) and s. 24(a), Art. I of the State
35 | Constitution. In addition, the information is not discoverable
36 | or admissible in a civil or administrative action, unless the
37 | action is a disciplinary proceeding by the Agency for Health
38 | Care Administration, the Department of Health, or the
39 | appropriate regulatory board. The information may not be made
40 | available to the public as part of the record of investigation
41 | or prosecution in a disciplinary proceeding which is made
42 | available by the Agency for Health Care Administration or a
43 | regulatory board. ~~This exemption is subject to the Open
44 | Government Sunset Review Act of 1995 in accordance with s.
45 | 119.15 and shall stand repealed on October 2, 2003, unless
46 | reviewed and saved from repeal through reenactment by the
47 | Legislature.~~

48 | Section 2. This act shall take effect October 1, 2003.