

By Senator Peaden

2-1447-03

1 A bill to be entitled
2 An act relating to public records; creating s.
3 458.353, F.S.; providing exemptions from
4 public-records requirements for information
5 contained in reports made by physicians of
6 adverse incidents occurring in office practice
7 settings; providing for future review and
8 repeal; providing findings of public necessity;
9 providing an 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. Section 458.353, Florida Statutes, is
14 created to read:

15 458.353 Notification of adverse incident; public
16 records exemption.--The information contained in the
17 notification of an adverse incident, which is required under
18 s. 458.351 and provided to the department by a physician
19 licensed under this chapter, is confidential and exempt from
20 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
21 The information may not be made available to the public as
22 part of the record of investigation or prosecution in a
23 disciplinary proceeding. This section is subject to the Open
24 Government Sunset Review Act of 1995 in accordance with s.
25 119.15 and shall stand repealed October 2, 2008, unless
26 reviewed and saved from repeal through reenactment by the
27 Legislature.

28 Section 2. The Legislature finds that the exemption
29 from public records requirements provided in section 458.353,
30 Florida Statutes, is a public necessity, and that it would be
31 an invasion of a patient's privacy for personal, sensitive

