## 2-1447-03

A bill to be entitled 1 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 adverse incidents occurring in office practice 6 7 settings; providing for future review and repeal; providing findings of public necessity; 8 9 providing an effective date. 10 Be It Enacted by the Legislature of the State of Florida: 11 12 Section 1. Section 458.353, Florida Statutes, is 13 created to read: 14 458.353 Notification of adverse incident; public 15 records exemption .-- The information contained in the 16 17 notification of an adverse incident, which is required under s. 458.351 and provided to the department by a physician 18 19 licensed under this chapter, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. 20 21 The information may not be made available to the public as 22 part of the record of investigation or prosecution in a disciplinary proceeding. This section is subject to the Open 23 Government Sunset Review Act of 1995 in accordance with s. 24 25 119.15 and shall stand repealed October 2, 2008, unless reviewed and saved from repeal through reenactment by the 26 27 Legislature. 28 Section 2. The Legislature finds that the exemption from public records requirements provided in section 458.353, 29 30 Florida Statutes, is a public necessity, and that it would be an invasion of a patient's privacy for personal, sensitive

1	information contained in the notification of an adverse
2	incident to be publicly available. Furthermore, the
3	Legislature finds that failure to protect the confidentiality
4	of any information submitted to or collected by the Department
5	of Health pursuant to section 458.351, Florida Statutes,
6	regarding an adverse incident, including, but not limited to,
7	the identity of the patient, the type of adverse incident, and
8	the fact that an investigation is being conducted, would deter
9	the collection and reporting of this information to the
10	department. This would prevent the department and the
11	appropriate regulatory boards from effectively carrying out
12	their responsibility to enforce safe patient care and take
13	necessary disciplinary action for practice violations. Release
14	of such information would deter physicians licensed in this
15	state from reporting adverse incidents and could lead to the
16	deterioration of services and care rendered, to the detriment
17	of the health of those served.
18	Section 3. This act shall take effect upon becoming a
19	law.
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22	SENATE SUMMARY
23	Provides exemptions from public-records requirements for
24	information contained in reports made by physicians of adverse incidents occurring in office practice settings.
25	Provides for future review and repeal. Provides findings of public necessity.
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