

By Senator Jones and Saunders

13-2664-03

1 A bill to be entitled
2 An act relating to public records; amending s.
3 395.0198, F.S.; which provides an exemption
4 from public-records requirements for the
5 information contained in the notification of an
6 adverse incident provided to the Agency for
7 Health Care Administration by a facility
8 licensed under ch. 395, F.S.; specifying
9 information covered under the exemption;
10 authorizing the use of the information as part
11 of certain disciplinary proceedings; reenacting
12 the exemption and removing the repeal thereof
13 scheduled under the Open Government Sunset
14 Review Act of 1995; providing for construction
15 of the act in pari materia with laws enacted
16 during the 2003 Regular Session and 2003
17 Special Session A of the Legislature; providing
18 an effective date.

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

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22 Section 1. Notwithstanding the repeal scheduled on
23 October 2, 2003, under the Open Government Sunset Review Act
24 of 1995, section 395.0198, Florida Statutes, is reenacted and
25 amended to read:

26 395.0198 Notification of adverse incident; public
27 records exemption.--

28 (1) The following information contained in the
29 notification of an adverse incident, which is required under
30 s. 395.0197(7) and provided to the Agency for Health Care
31 Administration by a facility licensed under this chapter, is

1 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
2 of the State Constitution:-

3 (a) Information that identifies the facility licensed
4 under this chapter involved in the incident.

5 (b) The name of or other information that identifies
6 the person reporting the incident on behalf of the facility.

7 (c) The name of or other information that identifies
8 the patient involved in the incident.

9 (d) The name of or other information that identifies
10 the health care practitioner involved in the incident.

11 (e) The name of or the contact number for the medical
12 examiner.

13 (2) In addition, The information made confidential and
14 exempt by subsection (1) is not discoverable or admissible in
15 a civil or administrative action, unless the action is a
16 disciplinary proceeding by the Agency for Health Care
17 Administration, the Department of Health, or the appropriate
18 regulatory board. The information may not be made available to
19 the public as part of the record of investigation or
20 prosecution in a disciplinary proceeding which is made
21 available by the Agency for Health Care Administration or a
22 regulatory board. This exemption is subject to the Open
23 Government Sunset Review Act of 1995 in accordance with s.
24 119.15 and shall stand repealed on October 2, 2003, unless
25 reviewed and saved from repeal through reenactment by the
26 Legislature.

27 Section 2. If any law that is amended by this act was
28 also amended by a law enacted at the 2003 Regular Session or
29 2003 Special Session A of the Legislature, such laws shall be
30 construed as if they had been enacted during the same session
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1 of the Legislature, and full effect should be given to each if
2 that is possible.

3 Section 3. This act shall take effect October 1, 2003.
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6 SENATE SUMMARY

7 Provides that certain specified information contained in
8 a notification of an adverse incident is confidential and
9 exempt from disclosure under the public-records law.
10 Removes the repeal of the exemption scheduled on October
11 2, 2003, under the Open Government Sunset Review Act of
12 1995.
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