

By Senators Jones and Saunders

13-2713-03

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; removing  
 12          the repeal of the exemption scheduled under the  
 13          Open Government Sunset Review Act of 1995;  
 14          providing for construction of the act in pari  
 15          materia with laws enacted during the 2003  
 16          Regular Session or a 2003 Special Session of  
 17          the Legislature; providing an effective date.

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

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

25           395.0198 Notification of adverse incident; public  
 26   records exemption.--

27           (1) The following information contained in the  
 28   notification of an adverse incident, which is required under  
 29   s. 395.0197(7) and provided to the Agency for Health Care  
 30   Administration by a facility licensed under this chapter, is  
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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 a  
29 2003 Special Session 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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