

By Senator Fasano

11-1150-04

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating an exemption from public-records
4 requirements for certain documents produced by
5 certified stroke treatment centers; exempting
6 portions of meetings or proceedings at which
7 records or reports concerning specific patients
8 are discussed from public-meeting requirements;
9 providing for future legislative review and
10 repeal; providing findings of public necessity;
11 providing a contingent effective date.

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

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15 Section 1. Patient care records; public-records
16 exemption for stroke treatment centers.--

17 (1) Patient care records, transportation and treatment
18 records or reports, and quality assurance proceedings,
19 records, or reports concerning patient care which are obtained
20 or made by a certified stroke treatment center are
21 confidential and exempt from section 119.07(1), Florida
22 Statutes, and Section 24(a), Article I of the State
23 Constitution. Quality assurance concerning patient care, for
24 the purpose of this section, includes any review during which
25 specific persons, cases, and incidents relevant to the
26 performance of quality control are considered and system
27 evaluations.

28 (2) Quality assurance proceedings, records, or reports
29 concerning patient care which are obtained or made by a
30 certified stroke treatment center are not subject to discovery
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1 or introduction into evidence in any civil or administrative
2 action.

3 (3) All information that is confidential by operation
4 of law and is obtained by a stroke treatment center retains
5 its confidential status and is exempt from section 119.07(1),
6 Florida Statutes, and Section 24(a), Article I of the State
7 Constitution.

8 (4) Portions of meetings or proceedings during which
9 specific patient records, transportation and treatment records
10 or reports, or quality assurance records concerning patient
11 care are discussed are exempt from section 286.011, Florida
12 Statutes, and Section 24(b), Article I of the State
13 Constitution.

14 Section 2. This act is subject to the Open Government
15 Sunset Review Act of 1995 in accordance with section 119.15,
16 Florida Statutes, and shall stand repealed on October 2, 2009,
17 unless reviewed and saved from repeal through reenactment by
18 the Legislature.

19 Section 3. The Legislature finds that it is a public
20 necessity that any information concerning a patient of a
21 stroke treatment center be held confidential and exempt from
22 public disclosure in order to protect the patient's sensitive
23 personal, financial, and medical information. The Legislature
24 further finds that it is a public necessity that information
25 pertaining to the operation of quality assurance programs in
26 stroke treatment centers be confidential and exempt from
27 public-records requirements and that certain portions of
28 meetings of quality assurance committees be closed to the
29 public. The Legislature finds that these programs are
30 effective in reducing risks to patients and improve quality
31 when staff members of stroke treatment centers have frank and

1 open internal communication regarding potential resident risks
2 and quality assurance problems and that public access to these
3 discussions or agency records of these discussions would
4 inhibit this frank and open internal communication.

5 Section 4. This act shall take effect on the same date
6 that SB ____ or similar legislation takes effect, if such
7 legislation is adopted in the same legislative session or an
8 extension thereof and becomes law.

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SENATE SUMMARY

Creates an exemption from public-records requirements for documents produced by certified stroke treatment centers. Exempts certain meetings at which patient records are discussed from the public-meeting requirements. Provides for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act of 1995. Provides findings of public necessity. (See bill for details.)