

HB 1887

2004

A bill to be entitled

An act relating to public records and meetings exemptions; creating s. 381.0273, F.S.; providing that information contained in patient safety data or other records maintained by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, and contractors that identifies a patient or that identifies the person or entity reporting patient safety data is confidential and exempt from public records requirements; providing that portions of meetings held by the corporation and its subsidiaries, advisory committees, and contractors at which such information is discussed are exempt from public meetings requirements; providing that minutes of closed portions of certain meetings are confidential and exempt from public records requirements; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 381.0273, Florida Statutes, is created to read:

381.0273 Public records exemption for patient safety data.--

(1)(a) Information that identifies a patient contained in patient safety data, as defined in s. 766.1016, or in other records held by the Florida Patient Safety Corporation and its subsidiaries, advisory committees, and contractors pursuant to

HB 1887

2004

30 s. 381.0271 is confidential and exempt from s. 119.07(1) and s.  
31 24(a), Art. I of the State Constitution.

32 (b) Information that identifies the person or entity that  
33 reports patient safety data, as defined in s. 766.1016, to the  
34 corporation and that is contained in patient safety data or in  
35 other records held by the Florida Patient Safety Corporation and  
36 its subsidiaries, advisory committees, and contractors pursuant  
37 to s. 381.0271 is confidential and exempt from s. 119.07(1) and  
38 s. 24(a), Art. I of the State Constitution.

39 (2)(a) Any portion of a meeting held by the Florida  
40 Patient Safety Corporation or its subsidiaries, advisory  
41 committees, and contractors during which information made  
42 confidential and exempt pursuant to subsection (1) is discussed  
43 is exempt from s. 286.011 and s. 24(b), Art. I of the State  
44 Constitution.

45 (b) The provisions of this subsection apply to those  
46 portions of the minutes of such meetings that contain  
47 information made confidential and exempt pursuant to subsection  
48 (1).

49 (3) This section is subject to the Open Government Sunset  
50 Review Act of 1995 in accordance with s. 119.15, and shall stand  
51 repealed on October 2, 2009, unless reviewed and saved from  
52 repeal through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public  
54 necessity that information that identifies a patient contained  
55 in patient safety data, as defined in s. 766.1016, or other  
56 records held by the Florida Patient Safety Corporation and its  
57 subsidiaries, advisory committees, and contractors be made  
58 confidential and exempt from public disclosure. Such information

HB 1887

2004

59 is of a sensitive and personal nature and the release of such  
60 information could be defamatory to the patient or could cause  
61 unwarranted damage to the name or reputation of the patient. The  
62 Legislature finds that it is a public necessity that information  
63 that identifies the person or entity reporting patient safety  
64 data to the Florida Patient Safety Corporation and its  
65 subsidiaries, advisory committees, and contractors be protected  
66 since health care practitioners and health care facilities would  
67 be unlikely to voluntarily submit patient safety data if their  
68 identity were made public because such information could be  
69 defamatory to the person or entity or could cause unwarranted  
70 damage to the name or reputation of the person or entity. The  
71 Legislature further finds that it is a public necessity that any  
72 portion of a meeting of the Florida Patient Safety Corporation  
73 and its subsidiaries, advisory committees, and contractors be  
74 closed when confidential and exempt information is discussed,  
75 and that those portions of the minutes of such meetings are also  
76 confidential and exempt. Without these protections, the  
77 effectiveness of the Florida Patient Safety Corporation would be  
78 jeopardized and the ability of the Florida Patient Safety  
79 Corporation to assist health care practitioners and health care  
80 facilities to reduce and prevent injury to patients in the  
81 future would be significantly impaired.

82 Section 3. This act shall take effect upon becoming a law  
83 if HB 1885 or similar legislation is adopted in the same  
84 legislative session or an extension thereof and becomes law.