

704-107AXA-05

Bill No. HB 1081

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Goodlette offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

Section 1. Subsections (10) and (11) are added to  
section 395.3025, Florida Statutes, 1998 Supplement, to read:

395.3025 Patient and personnel records; copies;  
examination.--

(10) The home addresses, telephone numbers, social  
security numbers, and photographs of employees of any licensed  
facility who provide direct patient care or security services;  
the home addresses, telephone numbers, social security  
numbers, photographs, and places of employment of the spouses  
and children of such persons; and the names and locations of  
schools and day care facilities attended by the children of  
such persons are confidential and exempt from s. 119.07(1) and  
s. 24(a), Art. I of the State Constitution. However, any state  
or federal agency which is authorized to have access to such  
information by any provision of law shall be granted such

1 access in the furtherance of its statutory duties,  
 2 notwithstanding the provisions of this subsection. This  
 3 subsection is subject to the Open Government Sunset Review Act  
 4 of 1995 in accordance with s. 119.15, and shall stand repealed  
 5 on October 2, 2004, unless reviewed and saved from repeal  
 6 through reenactment by the Legislature.

7 (11) The home addresses, telephone numbers, social  
 8 security numbers, and photographs of employees of any licensed  
 9 facility who have a reasonable belief that release of the  
 10 information may be used to threaten, intimidate, harass,  
 11 inflict violence upon, or defraud the employee or any member  
 12 of the employee's family; the home addresses, telephone  
 13 numbers, social security numbers, photographs, and places of  
 14 employment of the spouses and children of such persons; and  
 15 the names and locations of schools and day care facilities  
 16 attended by the children of such persons are confidential and  
 17 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 18 Constitution. However, any state or federal agency which is  
 19 authorized to have access to such information by any provision  
 20 of law shall be granted such access in the furtherance of its  
 21 statutory duties, notwithstanding the provisions of this  
 22 subsection. The licensed facility shall maintain the  
 23 confidentiality of the personal information only if the  
 24 employee submits a written request for confidentiality to the  
 25 licensed facility. This subsection is subject to the Open  
 26 Government Sunset Review Act of 1995 in accordance with s.  
 27 119.15, and shall stand repealed on October 2, 2004, unless  
 28 reviewed and saved from repeal through reenactment by the  
 29 Legislature.

30 Section 2. The Legislature finds that it is a public  
 31 necessity that personal information about employees of

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1 hospitals and ambulatory surgical centers be confidential and  
2 exempt from the public records laws of this state under the  
3 following circumstances:

4 (1) Employees in such facilities who provide direct  
5 patient care or security services encounter a wide spectrum of  
6 individuals including, among others, prisoners, criminal  
7 suspects brought for treatment by local law enforcement  
8 officers prior to incarceration, patients under the influence  
9 of drugs or alcohol at the time of treatment, and patients who  
10 have been admitted for treatment of mental illnesses,  
11 including involuntary admissions under the Baker Act. In  
12 addition, patients or family members of patients may at times  
13 become angry or upset with the nature of the treatment or the  
14 circumstances under which it has been provided. If any of  
15 these individuals gain access to the personal information  
16 specified in this act, they could use that information to  
17 threaten, intimidate, harass, or cause physical harm or other  
18 injury to the employees who provide direct patient care or  
19 security services or to their families. This concern is not  
20 mere speculation. Incidents have occurred in which patients  
21 have inflicted injuries upon health care providers which have  
22 resulted in the death of the provider. Therefore, the  
23 Legislature finds that it is a public necessity that the  
24 personal information of employees who provide direct patient  
25 care or security services be confidential and exempt from  
26 disclosure pursuant to the open records laws of this state in  
27 order to protect the health, safety, and welfare of these  
28 employees and their families.

29 (2) The Legislature further finds that incidents have  
30 occurred in which the personnel records of other employees of  
31 hospitals and ambulatory surgical centers have been requested

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1 under circumstances that could have threatened the safety or  
2 welfare of these employees or their families, whether or not  
3 actual harm resulted. While these employees may not provide  
4 direct patient care or security services, they may yet face  
5 circumstances under which release of this information could be  
6 used to threaten, intimidate, harass, inflict violence upon,  
7 or defraud them or their families. Because release of this  
8 personal information under these circumstances would not  
9 benefit the public or aid it in monitoring the effective and  
10 efficient operation of government, but could result in harm to  
11 these employees or their families, the Legislature finds that  
12 it is public necessity that the personal information specified  
13 in this act be confidential and exempt from disclosure  
14 pursuant to the public records laws of this state when such  
15 protection is requested by a hospital or ambulatory surgical  
16 center employee in accordance with the provisions of this act.

17  
18 These exemptions are consistent with the longstanding policy  
19 of the state under s. 119.07(3)(i), Florida Statutes.

20 Section 3. This act shall take effect July 1, 1999.

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23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 remove from the title of the bill: the entire title

26  
27 and insert in lieu thereof:

28 A bill to be entitled

29 An act relating to public records; amending s.

30 395.3025, F.S.; providing exemptions from

31 public records requirements for specified

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1           personal information relating to employees of  
2           licensed hospitals or ambulatory surgical  
3           centers who provide direct patient care or  
4           security services and their spouses and  
5           children, and for specified personal  
6           information relating to other employees of such  
7           facilities and their spouses and children upon  
8           their request; providing for future review and  
9           repeal; providing a finding of public  
10          necessity; providing an effective date.

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