

STORAGE NAME: h1081.hcl

DATE: March 9, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
HEALTH CARE LICENSING & REGULATION
ANALYSIS**

BILL #: HB 1081

RELATING TO: Public Records Exemption/Certain Facilities

SPONSOR(S): Representative Goodlette

COMPANION BILL(S): SB 1498(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) HEALTH CARE LICENSING & REGULATION
 - (2) GOVERNMENTAL OPERATIONS
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 1081 creates a public records exemption relating to the confidentiality of certain personal identifying information regarding employees of health care facilities and rural hospitals. The home addresses, telephone numbers, social security numbers, and photographs of active and former employees are exempt from the public records law.

Also, the home addresses, telephone numbers, social security numbers, photographs, places of employment of spouses and children, and the names and location of schools and day care facilities attended by the children of such employees are exempt from the public records law.

The bill includes the statement of public necessity as required by s. 24(a), Art. I of the Florida Constitution. The justification for the exemption is the fact that the Legislature finds that these exemptions are a public necessity, and that it would be an invasion of a person's privacy for such personal, sensitive information contained in these facilities to be publicly available. Employees of these facilities have been threatened and instances have occurred in which patients have inflicted injuries upon health care providers which have resulted in the death of the provider.

These exemptions are subject to the Open Government Sunset Review Act of 1995 and shall stand repealed on October 2, 2004.

There is no fiscal impact on the state, local government or the private sector.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution, provide for public access to any records produced or obtained by a government agency. However, it permits the Legislature to provide by general law for the exemption of certain records. The general law exempting the records must state with specificity the public necessity justifying the exemption.

Currently, certain information available in health care facilities and rural hospitals as defined in s. 408.07, Florida Statutes, is not exempt from the public records law.

Information regarding employees of these health care facilities and rural hospitals, and the places of employment of spouses and children and other personal information are available to the general public.

Employees of these facilities have been threatened and instances have occurred in which patients have inflicted injuries upon health care providers which have resulted in the death of the provider.

The release of this personal information does not benefit the general public or aid in monitoring the effective and efficient operation of these facilities.

B. EFFECT OF PROPOSED CHANGES:

Creates s. 395.3037, F.S., relating to the confidentiality of certain personal identifying information regarding employees of health care facilities and rural hospitals. The home addresses, telephone numbers, social security numbers, and photographs of active and former employees are exempt from the public records law.

Also, the home addresses, telephone numbers, social security numbers, photographs, places of employment of spouses and children, and the names and location of schools and day care facilities attended by the children of such employees are exempt from the public records law.

The bill includes the required statement of public necessity. The justification for the exemption is the fact that the Legislature finds that these exemptions are a public necessity, and that it would be an invasion of a person's privacy for such personal, sensitive information contained in these facilities to be publicly available. Employees of these facilities have been threatened and instances have occurred in which patients have inflicted injuries upon health care providers which have resulted in the death of the provider.

These exemptions are subject to the Open Government Sunset Review Act of 1995 and shall stand repealed on October 2, 2004.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

N/A

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

- (4) Are families required to participate in a program?

N/A

- (5) Are families penalized for not participating in a program?

N/A

- b. Does the bill directly affect the legal rights and obligations between family members?

N/A

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Creates s. 395.3037, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Creates s. 395.3037, Florida Statutes, to provide for the confidentiality of personal identifying information regarding employees of health care facilities and rural hospitals.

These exemptions are subject to the Open Government Sunset Review Act of 1995 and shall stand repealed on October 2, 2004.

Section 2. Includes the required statement of public necessity. The justification for the exemptions from the public records law provided in s. 395.3037, Florida Statutes, is the fact that the Legislature finds that these exemptions are a public necessity, and that it would be an invasion of a patient's privacy for such personal, sensitive information to be publicly available.

Section 3. Provides an effective date of October 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Making this information confidential will protect these individuals from potential harm.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON HEALTH CARE LICENSING & REGULATION:

Prepared by:

Staff Director:

Robert W. Coggins

Lucretia Shaw Collins