

By Representative Goodlette

1 A bill to be entitled
2 An act relating to public records; creating s.
3 395.3037, F.S.; providing an exemption from
4 public records requirements for specified
5 identifying information relating to active or
6 former employees of a health care facility or
7 rural hospital and their spouses and children;
8 providing for future review and repeal;
9 providing a finding of public necessity;
10 providing an effective date.

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

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14 Section 1. Section 395.3037, Florida Statutes, is
15 created to read:

16 395.3037 Confidentiality of personal identifying
17 information regarding employees of health care facilities and
18 rural hospitals.--The home addresses, telephone numbers,
19 social security numbers, and photographs of active or former
20 employees of any health care facility or rural hospital, as
21 defined by s. 408.07(23) and (42); the home addresses,
22 telephone numbers, social security numbers, photographs, and
23 places of employment of the spouses and children of such
24 persons; and the names and locations of schools and day care
25 facilities attended by the children of such persons are exempt
26 from s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution. This section is subject to the Open Government
28 Sunset Review Act of 1995 in accordance with s. 119.15, and
29 shall stand repealed on October 2, 2004, unless reviewed and
30 saved from repeal through reenactment by the Legislature.

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1 Section 2. The Legislature finds that it is a public
2 necessity that the personal information of employees of health
3 care facilities specified in this act be confidential and
4 exempt from public records requirements. Employees in these
5 facilities provide treatment and care to 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. It is
12 not uncommon for employees of these facilities to be
13 threatened by patients or family members of patients who may
14 be angry or upset with the nature of the treatment or the
15 circumstances under which it has been provided. If these
16 individuals gain access to the personal information specified
17 in this act, then they could use the information to threaten,
18 intimidate, harass, or cause physical harm or other injury to
19 the employees of these health care facilities or their
20 families. This concern is not mere speculation. Incidences
21 have occurred in which patients have inflicted injuries upon
22 health care providers which have resulted in the death of the
23 provider. The Legislature further finds that incidences have
24 occurred in which the personal records of employees have been
25 requested under circumstances which could have threatened the
26 safety or welfare of the employees or their families, whether
27 or not actual harm resulted. Because release of this personal
28 information would not benefit the public or aid it in
29 monitoring the effective and efficient operation of
30 government, but could result in harm to the specified
31 employees or their families, the Legislature finds that it is

1 public necessity that the personal information specified in
2 this act be confidential and exempt from public records
3 requirements. This exemption is consistent with the
4 longstanding policy of the state as reflected in s.
5 119.07(3)(i), Florida Statutes.

6 Section 3. This act shall take effect October 1, 1999.

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9 HOUSE SUMMARY

10 Provides an exemption from public records requirements
11 for specified identifying information relating to active
12 or former employees of a health care facility or rural
13 hospital and their spouses and children. Provides for
14 future review and repeal.
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