

1 A bill to be entitled
2 An act relating to public records; amending s.
3 395.3025, F.S.; providing an exemption from
4 public records requirements for specified
5 identifying information relating to active or
6 current employees of a licensed facility and
7 their spouses and children; providing for
8 future review and repeal; providing a finding
9 of public necessity; providing an effective
10 date.

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

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14 Section 1. Subsection (10) of section 395.3025,
15 Florida Statutes, is created to read:

16 395.3025 Patient and personnel records; copies;
17 examination.--

18 (10) The home addresses, telephone numbers, social
19 security numbers, and photographs of active or current
20 employees of any licensed facility; the home addresses,
21 telephone numbers, social security numbers, photographs, and
22 places of employment of the spouses and children of such
23 persons; and the names and locations of schools and day care
24 facilities attended by the children of such persons are exempt
25 from s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution. Provided however, any state or federal agency
27 which is authorized to have access to such information by any
28 provision of law shall be granted such access in the
29 furtherance of its statutory duties, notwithstanding the
30 provisions of this subsection. This section is subject to the
31 Open Government Sunset Review Act of 1995 in accordance with

1 s. 119.15, and shall stand repealed on October 2, 2004, unless
 2 reviewed and saved from repeal through reenactment by the
 3 Legislature.

4 Section 2. The Legislature finds that it is a public
 5 necessity that the personal information of employees of health
 6 care facilities specified in this act be exempt from public
 7 records requirements. Employees in these facilities provide
 8 treatment and care to a wide spectrum of individuals
 9 including, among others, prisoners, criminal suspects brought
 10 for treatment by local law enforcement officers prior to
 11 incarceration, patients under the influence of drugs or
 12 alcohol at the time of treatment, and patients who have been
 13 admitted for treatment of mental illnesses, including
 14 involuntary admissions under the Baker Act. It is not uncommon
 15 for employees of these facilities to be threatened by patients
 16 or family members of patients who may be angry or upset with
 17 the nature of the treatment or the circumstances under which
 18 it has been provided. If these individuals gain access to the
 19 personal information specified in this act, then they could
 20 use the information to threaten, intimidate, harass, or cause
 21 physical harm or other injury to the employees of these health
 22 care facilities or their families. This concern is not mere
 23 speculation. Incidents have occurred in which patients have
 24 inflicted injuries upon health care providers which have
 25 resulted in the death of the provider. The Legislature further
 26 finds that incidents have occurred in which the personal
 27 records of employees have been requested under circumstances
 28 which could have threatened the safety or welfare of the
 29 employees or their families, whether or not actual harm
 30 resulted. Because release of this personal information would
 31 not benefit the public or aid it in monitoring the effective

1 and efficient operation of government, but could result in
2 harm to the specified employees or their families, the
3 Legislature finds that it is a public necessity that the
4 personal information specified in this act be exempt from
5 public records requirements. This exemption is consistent with
6 the longstanding policy of the state as reflected in s.
7 119.07(3)(i), Florida Statutes.

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

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