

1 A bill to be entitled
2 An act relating to public records; amending s.
3 395.3025, F.S.; providing exemptions from
4 public records requirements for specified
5 personal information relating to employees of
6 licensed hospitals or ambulatory surgical
7 centers who provide direct patient care or
8 security services and their spouses and
9 children, and for specified personal
10 information relating to other employees of such
11 facilities and their spouses and children upon
12 their request; providing for future review and
13 repeal; providing a finding of public
14 necessity; providing an effective date.

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

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

20 395.3025 Patient and personnel records; copies;
21 examination.--

22 (10) The home addresses, telephone numbers, social
23 security numbers, and photographs of employees of any licensed
24 facility who provide direct patient care or security services;
25 the home addresses, telephone numbers, social security
26 numbers, photographs, and places of employment of the spouses
27 and children of such persons; and the names and locations of
28 schools and day care facilities attended by the children of
29 such persons are confidential and exempt from s. 119.07(1) and
30 s. 24(a), Art. I of the State Constitution. However, any state
31 or federal agency that is authorized to have access to such

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5 of 1995 in accordance with s. 119.15, and shall stand repealed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

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

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1 Section 2. The Legislature finds that it is a public
2 necessity that personal information about employees of
3 hospitals and ambulatory surgical centers be confidential and
4 exempt from the public records laws of this state under the
5 following circumstances:

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

1 (2) The Legislature further finds that incidents have
2 occurred in which the personnel records of other employees of
3 hospitals and ambulatory surgical centers have been requested
4 under circumstances that could have threatened the safety or
5 welfare of these employees or their families, whether or not
6 actual harm resulted. While these employees may not provide
7 direct patient care or security services, they may yet face
8 circumstances under which release of this information could be
9 used to threaten, intimidate, harass, inflict violence upon,
10 or defraud them or their families. Because release of this
11 personal information under these circumstances would not
12 benefit the public or aid it in monitoring the effective and
13 efficient operation of government, but could result in harm to
14 these employees or their families, the Legislature finds that
15 it is public necessity that the personal information specified
16 in this act be confidential and exempt from disclosure
17 pursuant to the public records laws of this state when such
18 protection is requested by a hospital or ambulatory surgical
19 center employee in accordance with the provisions of this act.
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21 These exemptions are consistent with the long-standing policy
22 of the state under section 119.07(3)(i), Florida Statutes.

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