

Bill No. CS for SB 1498

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Saunders moved the following amendment:		
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13	Senate Amendment (with title amendment)		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Subsections (10) and (11) are added to		
18	section 395.3025, Florida Statutes, 1998 Supplement, to read:		
19	395.3025 Patient and personnel records; copies;		
20	examination.--		
21	<u>(10) The home addresses, telephone numbers, social</u>		
22	<u>security numbers, and photographs of employees of any licensed</u>		
23	<u>facility who provide direct patient care or security services;</u>		
24	<u>the home addresses, telephone numbers, social security</u>		
25	<u>numbers, photographs, and places of employment of the spouses</u>		
26	<u>and children of such persons; and the names and locations of</u>		
27	<u>schools and day care facilities attended by the children of</u>		
28	<u>such persons are confidential and exempt from s. 119.07(1) and</u>		
29	<u>s. 24(a), Art. I of the State Constitution. However, any state</u>		
30	<u>or federal agency that is authorized to have access to such</u>		
31	<u>information by any provision of law shall be granted such</u>		

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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4 of 1995 in accordance with s. 119.15, and shall stand repealed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 that 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 long-standing policy
19 of the state under section 119.07(3)(i), Florida Statutes.

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

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22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete everything before the enacting clause

26
27 and insert:

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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