

By Senator Saunders

25-383C-99

1 A bill to be entitled
2 An act relating to public records; amending s.
3 395.3035, F.S.; providing exemptions from
4 public records requirements for specified
5 personal information relating to employees of
6 certain health care facilities and their
7 spouses and children; providing for future
8 review and repeal; providing a finding of
9 public necessity; providing an effective date.

10

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

12

13 Section 1. Subsection (7) is added to section
14 395.3035, Florida Statutes, to read:15 395.3035 Confidentiality of public hospital records
16 and meetings.--

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27 with s. 119.15, and shall stand repealed on October 2, 2004,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

30 Section 2. The Legislature finds that it is a public
31 necessity that the personal information of employees of health

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

1 laws of this state. This exemption is consistent with the
2 longstanding policy of the state under section 119.07(3)(i),
3 Florida Statutes.

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

5
6 *****

7 SENATE SUMMARY

8 Provides exemptions from public records requirements for
9 specified personal information relating to employees of
10 specified health care facilities, and their spouses and
11 children. Provides for future review and repeal. Provides
12 statement of public necessity.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31