

By the Committee on Health, Aging and Long-Term Care; and
Senator Saunders

317-1733-99

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 contained in personnel
6 records relating to employees of certain
7 licensed facilities and their spouses and
8 children; providing for future review and
9 repeal; providing a finding of public
10 necessity; 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. Subsection (10) is added to section
15 395.3025, Florida Statutes, 1998 Supplement, 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 employees of any licensed
20 facility; the home addresses, telephone numbers, social
21 security numbers, photographs, and places of employment of the
22 spouses and children of such persons; and the names and
23 locations of schools and day care facilities attended by the
24 children of such persons are exempt from s. 119.07(1) and s.
25 24(a), Art. I of the State Constitution. This subsection is
26 subject to the Open Government Sunset Review Act of 1995 in
27 accordance with s. 119.15, and shall stand repealed on October
28 2, 2004, unless reviewed and saved from repeal through
29 reenactment by the Legislature.

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

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

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 1498

9 Provides a Public Records Law exemption for certain specified
10 personal information about certain health facility employees
11 and the spouses and children of such employees and limits the
12 applicability of the exemption to hospital and ambulatory
13 surgical center personnel records.

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