

hbd-05

Bill No. CS/HB 1479

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Gay offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Paragraph (i) of subsection (3) of section 119.07, Florida Statutes, is amended, and paragraph (dd) is added to said subsection, to read:

119.07 Inspection, examination, and duplication of records; exemptions.--

(3)

(i)1. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local

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1 governments whose responsibilities include revenue collection
2 and enforcement or child support enforcement; the home
3 addresses, telephone numbers, social security numbers,
4 photographs, and places of employment of the spouses and
5 children of such personnel; and the names and locations of
6 schools and day care facilities attended by the children of
7 such personnel are exempt from the provisions of subsection
8 (1). The home addresses, telephone numbers, and photographs of
9 firefighters certified in compliance with s. 633.35; the home
10 addresses, telephone numbers, photographs, and places of
11 employment of the spouses and children of such firefighters;
12 and the names and locations of schools and day care facilities
13 attended by the children of such firefighters are exempt from
14 subsection (1). The home addresses and telephone numbers of
15 justices of the Supreme Court, district court of appeal
16 judges, circuit court judges, and county court judges; the
17 home addresses, telephone numbers, and places of employment of
18 the spouses and children of justices and judges; and the names
19 and locations of schools and day care facilities attended by
20 the children of justices and judges are exempt from the
21 provisions of subsection (1). The home addresses, telephone
22 numbers, social security numbers, and photographs of current
23 or former state attorneys, assistant state attorneys,
24 statewide prosecutors, or assistant statewide prosecutors; the
25 home addresses, telephone numbers, social security numbers,
26 photographs, and places of employment of the spouses and
27 children of current or former state attorneys, assistant state
28 attorneys, statewide prosecutors, or assistant statewide
29 prosecutors; and the names and locations of schools and day
30 care facilities attended by the children of current or former
31 state attorneys, assistant state attorneys, statewide

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1 prosecutors, or assistant statewide prosecutors are exempt
2 from subsection (1) and s. 24(a), Art. I of the State
3 Constitution. The home addresses and home telephone numbers of
4 county and municipal code inspectors and code enforcement
5 officers are confidential and exempt from the provisions of
6 subsection (1) and s. 24(a), Art. I of the State Constitution.

7 2. The home addresses, telephone numbers, social
8 security numbers, and photographs of current or former human
9 resource, labor relations, or employee relations directors,
10 assistant directors, managers, or assistant managers of any
11 local government agency or water management district whose
12 duties include hiring and firing employees, labor contract
13 negotiation, administration, or other personnel-related
14 duties; the names, home addresses, telephone numbers, social
15 security numbers, photographs, and places of employment of the
16 spouses and children of such personnel; and the names and
17 locations of schools and day care facilities attended by the
18 children of such personnel are exempt from subsection (1) and
19 s. 24(a), Art. I of the State Constitution. This subparagraph
20 is subject to the Open Government Sunset Review Act of 1995 in
21 accordance with s. 119.15, and shall stand repealed on October
22 2, 2005, unless reviewed and saved from repeal through
23 reenactment by the Legislature.

24 3.2. An agency that is the custodian of the personal
25 information specified in subparagraph 1. or subparagraph 2.
26 and that is not the employer of the officer, employee,
27 justice, judge, or other person specified in subparagraph 1.
28 or subparagraph 2. shall maintain the confidentiality of the
29 personal information only if the officer, employee, justice,
30 judge, other person, or employing agency of the designated
31 employee submits a written request for confidentiality to the

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1 custodial agency.

2 (dd) All identifying information contained in public
3 records as defined in s. 119.011(1) made or received by the
4 Department of Health or its service providers concerning all
5 aspects of an individual's personal health, including, but not
6 limited to, the identity of the individual, the evaluation,
7 diagnosis, and treatment of medical problems, counseling,
8 eligibility for services, and case management, is confidential
9 and exempt from the provisions of subsection (1) and s. 24(a),
10 Art. I of the State Constitution, except as provided in this
11 paragraph or except as otherwise provided by law.

12 1. Information made confidential and exempt by this
13 paragraph shall be disclosed:

14 a. With the written consent of the individual or the
15 individual's legally authorized representative. Furthermore,
16 if a request is made for a specific individual's records, such
17 records shall be disclosed only with the express written
18 consent of the individual or the individual's legally
19 authorized representative.

20 b. For research purposes, such as epidemiological
21 investigations, provided the information is summarized so that
22 no individual can be identified and no names are revealed.

23 c. In a medical emergency, but only to the extent
24 necessary to protect the health or life of the individual.

25 2. When disclosure is made pursuant to a subpoena, the
26 court shall seal such records from further disclosure, except
27 as otherwise deemed necessary by the court. Except as
28 provided in this paragraph, records disclosed pursuant to a
29 subpoena remain confidential and exempt from the provisions of
30 subsection (1) and s. 24(a), Art. I of the State Constitution.

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1 This paragraph is subject to the Open Government Sunset Review
2 Act of 1995 in accordance with s. 119.15, and shall stand
3 repealed on October 2, 2005, unless reviewed and saved from
4 repeal through reenactment by the Legislature.

5 Section 2. The Legislature finds that the exemption
6 from public records requirements provided by this act for
7 identifying information relating to current and former human
8 resource, labor relations, or employee relations directors,
9 assistant directors, managers, or assistant managers of local
10 government agencies or water management districts and their
11 families is justified because, if such information were not
12 confidential, a human resource, labor relations, or employee
13 relations director, assistant director, manager, or assistant
14 manager or the such person's family could be harmed or
15 threatened with harm by a current or former employee or a
16 friend or family member of a current or former employee.

17 Section 3. The Legislature finds that it is a public
18 necessity that identifying information contained in records
19 received or made by the Department of Health and its service
20 providers concerning all aspects of an individual's personal
21 health, including, but not limited to, the identity of the
22 individual, the evaluation, diagnosis, and treatment of
23 medical problems, counseling, eligibility for services, and
24 case management, be held confidential and exempt from public
25 disclosure unless otherwise provided for by law. The
26 Legislature finds that this exemption is needed to protect
27 information that is of a sensitive personal nature that
28 concerns individuals. Every citizen has an expectation of,
29 and a right to, privacy in all matters concerning his or her
30 personal health when medical services are provided by the
31 Department of Health and its service providers. Matters of

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1 personal health are traditionally private and confidential
 2 concerns between the patient and the health care provider.
 3 The private and confidential nature of personal health matters
 4 pervades both the public and private health care sectors. For
 5 these reasons, the individual's expectation of, and right to,
 6 privacy in all matters regarding his or her personal health
 7 necessitates this exemption.

8 Section 4. This act shall take effect upon becoming a
 9 law.

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12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 remove from the title of the bill: the entire title

15

16 and insert in lieu thereof:

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A bill to be entitled

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An act relating to public records; amending s.

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119.07, F.S.; providing exemptions from public

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records requirements for specified identifying

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information relating to local government or

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water management district human resource, labor

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relations, or employee relations directors,

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assistant directors, managers, or assistant

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managers and their spouses and children;

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providing an exemption from public records

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requirements for identifying information

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contained in personal health records made or

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received by the Department of Health or its

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service providers; specifying conditions under

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which such information may be released;

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1 providing for future review and repeal;
2 providing findings of public necessity;
3 providing an effective date.
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