

By Representative Boyd

1 A bill to be entitled
2 An act relating to public records; amending s.
3 119.07, F.S.; providing an exemption from
4 public records requirements for certain
5 information on nurses working in correctional
6 or mental health facilities; amending s.
7 455.5656, F.S.; providing an exemption from
8 public records requirements for information
9 obtained for practitioner profiles of advanced
10 registered nurse practitioners; providing for
11 future review and repeal; providing findings of
12 public necessity; providing a contingent
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Paragraph (dd) is added to subsection (3)
18 of section 119.07, Florida Statutes, to read:

19 119.07 Inspection, examination, and duplication of
20 records; exemptions.--

21 (3)

22 (dd) The home addresses and home telephone numbers of
23 nurses working in any type of correctional facility, including
24 any prison or jail, or in any mental health facility are
25 exempt from the provisions of subsection (1) and s. 24(a),
26 Art. I of the State Constitution.

27 Section 2. The Legislature finds that it is a public
28 necessity that the home addresses and home telephone numbers
29 of nurses who work in any type of correctional facility,
30 including any prison or jail, or in any mental health facility
31 be held confidential and exempt from public records

1 requirements because revealing such information may pose an
2 unnecessary risk to the safety and well-being of such nurses
3 in their own homes from inmates or clients of such facilities
4 who seek such information to stalk, intimidate, harass, or
5 otherwise threaten or harm such nurses. The disclosure of such
6 information may also deter nurses from seeking to work in such
7 facilities, which would be contrary to the state's interest in
8 ensuring the availability of nursing services in such
9 facilities.

10 Section 3. Section 455.5656, Florida Statutes, is
11 amended to read:

12 455.5656 Practitioner's profiles; confidentiality.--

13 (1) Any patient name or other information that
14 identifies a patient which is in a record obtained by the
15 Department of Health or its agent for the purpose of compiling
16 a practitioner profile is confidential and exempt from the
17 provisions of chapter 119 and s. 24(a), Art. I of the State
18 Constitution. Other data received by the department or its
19 agent as a result of its duty to compile and promulgate
20 practitioner profiles are confidential and exempt from the
21 provisions of chapter 119 and s. 24(a), Art. I of the State
22 Constitution until the profile into which the data are
23 incorporated or with respect to which the data are submitted
24 is made public. Any information or record that the Department
25 of Health obtains from the Agency for Health Care
26 Administration or any other governmental entity for the
27 purpose of compiling a practitioner profile or substantiating
28 other information or records submitted for that purpose and
29 that was exempt from the provisions of chapter 119 and s.
30 24(a), Art. I of the State Constitution does not lose that
31 character by coming into the possession of the Department of

1 Health, and such information or record continues to be exempt
2 from the provisions of chapter 119 and s. 24(a), Art. I of the
3 State Constitution.

4 (2)(a) The provisions of subsection (1) with respect
5 to practitioners who are subject to profiling under s. 455.565
6 are ~~This section is~~ subject to the Open Government Sunset
7 Review Act of 1995 in accordance with s. 119.15 and shall
8 stand repealed on October 2, 2002, unless reviewed and saved
9 from repeal through reenactment by the Legislature.

10 (b) The provisions of subsection (1) with respect to
11 practitioners who are subject to profiling under s. 455.56503
12 are subject to the Open Government Sunset Review Act of 1995
13 in accordance with s. 119.15 and shall stand repealed on
14 October 2, 2005, unless reviewed and saved from repeal through
15 reenactment by the Legislature.

16 Section 4. The Legislature finds that public release
17 of a patient's name or any other information that identifies a
18 patient in a record obtained by the Department of Health or
19 its agent for purposes of compiling a practitioner profile may
20 adversely affect the integrity and trust of the
21 practitioner-patient relationship and may deter affected
22 parties from seeking needed health care services; therefore,
23 it is a matter of public necessity to protect the
24 confidentiality of such information. The Legislature further
25 finds that, because of the nature of the data submitted to the
26 Department of Health or its agent for purposes of constructing
27 practitioner profiles, the necessity of ensuring the accuracy
28 of those data, the need to refrain from unnecessarily
29 affecting the livelihood of persons who are the subject of
30 practitioner profiles, and the need to maintain the integrity
31 and trust of the practitioner-patient relationship without

