

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 forensic facilities; amending s. 455.5656,
7 F.S.; providing an exemption from public
8 records requirements for information obtained
9 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.

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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 forensic facility, as defined in
25 s. 916.106(8), which are held by the Department of Children
26 and Family Services, the Department of Health, and the Board
27 of Nursing, are exempt from the provisions of subsection (1)
28 and s. 24(a), Art. I of the State Constitution. This paragraph
29 is subject to the Open Government Sunset Review Act of 1995 in
30 accordance with s. 119.15 and shall stand repealed on October
31

1 2, 2005, unless reviewed and saved from repeal through
2 reenactment by the Legislature.

3 Section 2. The Legislature finds that it is a public
4 necessity that the home addresses and home telephone numbers
5 of nurses who work in any type of correctional facility,
6 including any prison or jail, or in any forensic facility, as
7 defined in s. 916.106(8), which are held by the Department of
8 Children and Family Services, the Department of Health, and
9 the Board of Nursing, be held confidential and exempt from
10 public records requirements because revealing such information
11 may pose an unnecessary risk to the safety and well-being of
12 such nurses in their own homes from inmates or clients of such
13 facilities who seek such information to stalk, intimidate,
14 harass, or otherwise threaten or harm such nurses. The
15 disclosure of such information may also deter nurses from
16 seeking to work in such facilities, which would be contrary to
17 the state's interest in ensuring the availability of nursing
18 services in such facilities.

19 Section 3. Section 455.5656, Florida Statutes, is
20 amended to read:

21 455.5656 Practitioner's profiles; confidentiality.--

22 (1) Any patient name or other information that
23 identifies a patient which is in a record obtained by the
24 Department of Health or its agent for the purpose of compiling
25 a practitioner profile is confidential and exempt from the
26 provisions of chapter 119 and s. 24(a), Art. I of the State
27 Constitution. Other data received by the department or its
28 agent as a result of its duty to compile and promulgate
29 practitioner profiles are confidential and exempt from the
30 provisions of chapter 119 and s. 24(a), Art. I of the State
31 Constitution until the profile into which the data are

1 incorporated or with respect to which the data are submitted
 2 is made public. Any information or record that the Department
 3 of Health obtains from the Agency for Health Care
 4 Administration or any other governmental entity for the
 5 purpose of compiling a practitioner profile or substantiating
 6 other information or records submitted for that purpose and
 7 that was exempt from the provisions of chapter 119 and s.
 8 24(a), Art. I of the State Constitution does not lose that
 9 character by coming into the possession of the Department of
 10 Health, and such information or record continues to be exempt
 11 from the provisions of chapter 119 and s. 24(a), Art. I of the
 12 State Constitution.

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

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

25 Section 4. The Legislature finds that public release
 26 of a patient's name or any other information that identifies a
 27 patient in a record obtained by the Department of Health or
 28 its agent for purposes of compiling a practitioner profile may
 29 adversely affect the integrity and trust of the
 30 practitioner-patient relationship and may deter affected
 31 parties from seeking needed health care services; therefore,

1 it is a matter of public necessity to protect the
2 confidentiality of such information. The Legislature further
3 finds that, because of the nature of the data submitted to the
4 Department of Health or its agent for purposes of constructing
5 practitioner profiles, the necessity of ensuring the accuracy
6 of those data, the need to refrain from unnecessarily
7 affecting the livelihood of persons who are the subject of
8 practitioner profiles, and the need to maintain the integrity
9 and trust of the practitioner-patient relationship without
10 unwarranted aspersions on the professional competence and
11 ability of these persons, it is a matter of public necessity
12 to protect the confidentiality of the data during the period
13 of their verification. The Legislature further finds that the
14 need to learn or verify information about health care
15 practitioners, though furthering a state interest, does not
16 override the public policy determinations made to exempt
17 certain information from public disclosure and that records so
18 exempted should retain that status when obtained and used by
19 another governmental entity.

20 Section 5. This act shall take effect on the effective
21 date of Committee Substitute for House Bill 567 or similar
22 legislation creating s. 455.56505, Florida Statutes, to
23 provide for the confidentiality of information obtained for
24 practitioner profiles of advanced registered nurse
25 practitioners, if such legislation is adopted in the same
26 legislative session or an extension thereof.

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