

By Senator Hill

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1 A bill to be entitled
2 An act relating to public records; creating s.
3 1012.312, F.S.; providing an exemption from public-
4 records requirements for personal identifying
5 information of employees of public educational
6 institutions in the state, and the spouses and
7 children of such employees, and for personal health
8 information of such employees, and the spouses and
9 children of such employees, held by a public
10 educational institution pursuant to the employee's
11 participation in a group health insurance plan or
12 program; providing for disclosure of personal
13 identifying information under specified circumstances;
14 providing for future review and repeal of the
15 exemption; providing a statement of public necessity;
16 providing an effective date.

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

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20 Section 1. Section 1012.312, Florida Statutes, is created
21 to read:

22 1012.312 Personal identifying information and personal
23 health information of employees of public educational
24 institutions; public-records exemption.-

25 (1) As used in this section, the term:

26 (a) "Employee" means any current or former employee of an
27 institution comprising a part of the state system of public
28 education, including any teacher, administrator, educational
29 support personnel as defined in s. 1010.215(1)(b), or member of

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30 a school board.

31 (b) "Personal identifying information" means:

32 1. An employee's name, social security number, home
33 address, employment status, home telephone number, and
34 photograph.

35 2. The name, age, home address, telephone number, social
36 security number, photograph, and place of employment of the
37 spouse or child of an employee, and the name and location of a
38 school or day care facility attended by the child of an
39 employee.

40 (c) "Personal health information" means:

41 1. A personal health condition of, injury to, history of
42 personal medical diagnosis or treatment of, or any other
43 information that relates to the health of an employee, or to the
44 health of the spouse or child of an employee, contained in any
45 materials, documents, or records held by a public educational
46 institution in the state pursuant to the employee's
47 participation in a group health insurance plan or program.

48 2. The existence or content of any individual coverage or
49 status of coverage under an employee's group health insurance
50 policy.

51 (2) Personal identifying information and personal health
52 information of an employee of an institution comprising a part
53 of the state system of public education are confidential and
54 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
55 Constitution.

56 (3) Personal identifying information made confidential and
57 exempt under subsection (2) may be disclosed to collective
58 bargaining agents representing employees in the performance of

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59 their statutory duties under chapter 447.

60 (4) This section is subject to the Open Government Sunset
61 Review Act in accordance with s. 119.15, and shall stand
62 repealed on October 2, 2014, unless reviewed and saved from
63 repeal through reenactment by the Legislature.

64 Section 2. It is the finding of the Legislature that it is
65 a public necessity to protect the personal identifying
66 information of current and former employees of an institution
67 comprising a part of the state system of public education and to
68 protect the personal health information of such employees held
69 by a public educational institution in the state pursuant to the
70 employee's participation in a group health insurance plan or
71 program. Because teachers and administrators in schools,
72 community colleges, and universities are often required to
73 impose disciplinary measures on students for improper conduct or
74 violation of school rules or education policies, access to
75 personal identifying information of a teacher or administrator,
76 or the family members thereof, could be used to harass, stalk,
77 intimidate, or bring harm to a teacher or administrator or his
78 or her family as a means of seeking retribution for the
79 administering of disciplinary measures. Disclosure of personal
80 identifying information can also lead to other forms of invasion
81 of personal privacy, with the sale of personal identifying
82 information for marketing purposes that results in unwanted
83 solicitation being just one form of such invasiveness. It is
84 also the finding of the Legislature that matters of personal
85 health are traditionally private and confidential concerns
86 between a patient and his or her health care provider. The
87 private and confidential nature of personal health matters

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88 pervades both the public and private health care sectors. Public
89 disclosure of an employee's personal health information held by
90 a public educational institution pursuant to a group health
91 insurance plan or program could have a negative effect on an
92 employee's business and personal relationships and could also
93 have detrimental financial consequences. For this reason, a
94 person's expectation of a right to privacy in all matters
95 regarding his or her personal health necessitates the exemption
96 from public-records requirements for such information.
97 Additionally, names of beneficiaries in insurance information
98 should not be public information. Therefore, it is the finding
99 of the Legislature that personal identifying information of
100 current and former employees of an institution comprising a part
101 of the state system of public education and personal health
102 information of such employees held by a public educational
103 institution pursuant to a group health insurance plan or program
104 be made confidential and exempt from public-records
105 requirements.

106 Section 3. This act shall take effect July 1, 2009.