

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

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

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

21 1012.312 Personal identifying information and personal
 22 health information of employees of public educational
 23 institutions; public records exemption.--

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

25 (a) "Employee" means any current or former employee of an
 26 institution comprising a part of the state system of public
 27 education, including any teacher, administrator, educational

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28 support personnel as defined in s. 1010.215(1)(b), or member of
29 a school board.

30 (b) "Personal identifying information" means:

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

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

39 (c) "Personal health information" means:

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

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

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

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55 (3) Personal identifying information made confidential and
56 exempt under subsection (2) may be disclosed to collective
57 bargaining agents representing employees in the performance of
58 their statutory duties under chapter 447.

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

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

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

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