

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 definitions; providing for disclosure of
 12 personal identifying information under specified
 13 circumstances; providing for retroactive application of
 14 the exemption; providing for future review and repeal of
 15 the 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
 30 a school board.

31 (b) "Personal identifying information" means:

32 1. An employee's social security number, home address, and
 33 telephone number.

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 records held by a public educational institution in the state
 45 pursuant to the employee's participation in a group health
 46 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 are confidential and exempt from s.
 52 119.07(1) and s. 24(a), Art. I of the State Constitution.

53 (3) Personal identifying information made confidential and
 54 exempt under subsection (2) may be disclosed to:

55 (a) Collective bargaining agents representing employees in
 56 the performance of their statutory duties under chapter 447.

57 (b) Another governmental entity in the furtherance of its
58 lawful duties and responsibilities.

59 (4) This exemption is remedial in nature and applies to
60 personal identifying information and personal health information
61 held by a public educational institution in the state before,
62 on, or after the effective date of this exemption.

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64 Review Act in accordance with s. 119.15 and shall stand repealed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

67 Section 2. The Legislature finds that it is a public
68 necessity that personal identifying information of current and
69 former employees of an institution comprising a part of the
70 state system of public education and the personal health
71 information of such employees held by a public educational
72 institution in the state pursuant to the employee's
73 participation in a group health insurance plan or program be
74 made confidential and exempt from public records requirements.
75 Because teachers and administrators in schools, community
76 colleges, and universities often are required to impose
77 disciplinary measures on students for improper conduct or
78 violation of school rules or education policies, access to
79 personal identifying information of a teacher or administrator,
80 or the family members thereof, could be used to harass, stalk,
81 intimidate, or bring harm to a teacher or administrator or his
82 or her family as a means of seeking retribution for the
83 administering of disciplinary measures. Disclosure of personal
84 identifying information also could lead to other forms of

85 invasion of personal privacy, with the sale of personal
86 identifying information for marketing purposes that results in
87 unwanted solicitation being just one form of such invasiveness.
88 It also is the finding of the Legislature that matters of
89 personal health are traditionally private and confidential
90 concerns between a patient and his or her health care provider.
91 The private and confidential nature of personal health matters
92 pervades both the public and private health care sectors. Public
93 disclosure of an employee's personal health information held by
94 a public educational institution pursuant to a group health
95 insurance plan or program could have a negative effect on an
96 employee's business and personal relationships. For this reason,
97 a person's expectation of a right to privacy in all matters
98 regarding his or her personal health necessitates the exemption
99 from public records requirements for such information.
100 Therefore, it is the finding of the Legislature that personal
101 identifying information of current and former employees of an
102 institution comprising a part of the state system of public
103 education and personal health information of such employees held
104 by a public educational institution pursuant to a group health
105 insurance plan or program be made confidential and exempt from
106 public records requirements.

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