

By the Committee on Health Policy; and Senators Rodriguez and Harrell

588-02409-26

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A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; defining the term "emergency department physician"; providing exemptions from public records requirements for the personal identifying and location information of current emergency department physicians and the spouses and certain children of such emergency department physicians; providing for retroactive application of the exemption; requiring certain agencies that are custodians of the exempt information to maintain the exempt status of such information under certain circumstances; specifying procedures for requesting an agency to maintain the exempt status of such information; providing that an individual has a duty to withdraw a request if the exemption no longer applies to him or her; requiring custodial agencies to maintain the exempt status of such information until the exemption no longer applies to the individual; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (1) is added to subsection (5) of section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of public records.—

(5) OTHER PERSONAL INFORMATION.—

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30 (1)1. For purposes of this paragraph, the term "emergency
31 department physician" means a physician licensed under chapter
32 458 or chapter 459 whose duties are performed in a hospital
33 emergency department licensed under chapter 395.

34 2. The home addresses, personal telephone numbers, and
35 dates of birth of current emergency department physicians; the
36 names, home addresses, personal telephone numbers, dates of
37 birth, and places of employment of the spouses and children
38 younger than 26 years of age of such emergency department
39 physicians; and the names and locations of schools and day care
40 facilities attended by the children younger than 26 years of age
41 of such emergency department physicians are exempt from s.
42 119.07(1) and s. 24(a), Art. I of the State Constitution.

43 3. The exemption in subparagraph 2. applies to information
44 held by an agency before, on, or after the effective date of the
45 exemption.

46 4. An agency that is the custodian of information specified
47 in subparagraph 2. and that is not the employer of the emergency
48 department physician must maintain the exempt status of that
49 information only if the individual requests the maintenance of
50 an exemption under subparagraph 2. on the basis of eligibility
51 as a current emergency department physician or the spouse or
52 child of such emergency department physician and the individual
53 submits a written and notarized request for maintenance of the
54 exemption to the custodial agency. The request must state under
55 oath the statutory basis for the individual's exemption request
56 and confirm the individual's eligibility for the exemption. An
57 individual who has submitted such a request has a duty to
58 withdraw the request if the exemption no longer applies to the

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individual. If a custodial agency receives a request meeting the requirements of this subparagraph, the custodial agency must maintain the exempt status of such information applicable to the individual until the qualifying conditions for the exemption under subparagraph 2. no longer apply to the individual subject to the exemption.

5. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the home addresses, personal telephone numbers, and dates of birth of current emergency department physicians; the names, home addresses, personal telephone numbers, and places of employment of the spouses and children younger than 26 years of age of such emergency department physicians; and the names and locations of schools and day care facilities attended by the children younger than 26 years of age of such emergency department physicians be made exempt from public records requirements. Emergency department physicians, by the nature of their duties, are often placed in traumatic circumstances in which loss of life and severe bodily injuries have occurred. Such emergency department physicians are particularly vulnerable to physical violence, harassment, and intimidation perpetrated by patients or relatives of patients who can be violent, angry, or mentally unstable. As a result, the Legislature finds that the release of personal identifying and location information of emergency department physicians, or of the spouses and children of such emergency department physicians, could place them in

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88 danger of being physically or emotionally harmed or stalked by a
89 person who has a hostile reaction to his or her encounter with
90 such physicians. The Legislature further finds that the harm
91 that may result from the release of such personal identifying
92 and location information outweighs any public benefit that may
93 be derived from the disclosure of the information.

94 Section 3. This act shall take effect July 1, 2026.