

House Bill No. 1081

An act relating to public records; amending s. 395.3025, F.S.; providing exemptions from public records requirements for specified personal information relating to employees of licensed hospitals or ambulatory surgical centers who provide direct patient care or security services and their spouses and children, and for specified personal information relating to other employees of such facilities and their spouses and children upon their request; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Subsections (10) and (11) are added to section 395.3025, Florida Statutes, 1998 Supplement, to read:

395.3025 Patient and personnel records; copies; examination.—

(10) The home addresses, telephone numbers, social security numbers, and photographs of employees of any licensed facility who provide direct patient care or security services; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, any state or federal agency that is authorized to have access to such information by any provision of law shall be granted such access in the furtherance of its statutory duties, notwithstanding the provisions of this subsection. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

(11) The home addresses, telephone numbers, social security numbers, and photographs of employees of any licensed facility who have a reasonable belief that release of the information may be used to threaten, intimidate, harass, inflict violence upon, or defraud the employee or any member of the employee's family; the home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, any state or federal agency that is authorized to have access to such information by any provision of law shall be granted such access in the furtherance of its statutory duties, notwithstanding the provisions of this subsection. The licensed facility shall maintain the confidentiality of the personal information only if the employee submits a written request for confidentiality to the licensed facility. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and

shall stand repealed on October 2, 2004, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal information about employees of hospitals and ambulatory surgical centers be confidential and exempt from the public records laws of this state under the following circumstances:

(1) Employees in such facilities who provide direct patient care or security services encounter a wide spectrum of individuals including, among others, prisoners, criminal suspects brought for treatment by local law enforcement officers prior to incarceration, patients under the influence of drugs or alcohol at the time of treatment, and patients who have been admitted for treatment of mental illnesses, including involuntary admissions under the Baker Act. In addition, patients or family members of patients may at times become angry or upset with the nature of the treatment or the circumstances under which it has been provided. If any of these individuals gain access to the personal information specified in this act, they could use that information to threaten, intimidate, harass, or cause physical harm or other injury to the employees who provide direct patient care or security services or to their families. This concern is not mere speculation. Incidents have occurred in which patients have inflicted injuries upon health care providers which have resulted in the death of the provider. Therefore, the Legislature finds that it is a public necessity that the personal information of employees who provide direct patient care or security services be confidential and exempt from disclosure pursuant to the open records laws of this state in order to protect the health, safety, and welfare of these employees and their families.

(2) The Legislature further finds that incidents have occurred in which the personnel records of other employees of hospitals and ambulatory surgical centers have been requested under circumstances that could have threatened the safety or welfare of these employees or their families, whether or not actual harm resulted. While these employees may not provide direct patient care or security services, they may yet face circumstances under which release of this information could be used to threaten, intimidate, harass, inflict violence upon, or defraud them or their families. Because release of this personal information under these circumstances would not benefit the public or aid it in monitoring the effective and efficient operation of government, but could result in harm to these employees or their families, the Legislature finds that it is public necessity that the personal information specified in this act be confidential and exempt from disclosure pursuant to the public records laws of this state when such protection is requested by a hospital or ambulatory surgical center employee in accordance with the provisions of this act.

These exemptions are consistent with the long-standing policy of the state under section 119.07(3)(i), Florida Statutes.

Section 3. This act shall take effect July 1, 1999.

Approved by the Governor June 17, 1999.

Filed in Office Secretary of State June 17, 1999.