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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/06/2015	.	
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The Committee on Health Policy (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 225 - 276

and insert:

n. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of



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12 the spouses and children of such consultants or their employees;
13 and the names and locations of schools and day care facilities
14 attended by the children of such consultants or employees are
15 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
16 Constitution if a consultant or employee has made reasonable
17 efforts to protect such information from being accessible
18 through other means available to the public. This sub-
19 paragraph is subject to the Open Government Sunset Review Act
20 in accordance with s. 119.15 and shall stand repealed on October
21 2, 2020, unless reviewed and saved from repeal through
22 reenactment by the Legislature.

23 3. An agency that is the custodian of the information
24 specified in subparagraph 2. and that is not the employer of the
25 officer, employee, justice, judge, or other person specified in
26 subparagraph 2. shall maintain the exempt status of that
27 information only if the officer, employee, justice, judge, other
28 person, or employing agency of the designated employee submits a
29 written request for maintenance of the exemption to the
30 custodial agency.

31 4. The exemptions in this paragraph apply to information
32 held by an agency before, on, or after the effective date of the
33 exemption.

34 5. Except as otherwise expressly provided in this
35 paragraph, this paragraph is subject to the Open Government
36 Sunset Review Act in accordance with s. 119.15, and shall stand
37 repealed on October 2, 2017, unless reviewed and saved from
38 repeal through reenactment by the Legislature.

39 Section 2. The Legislature finds that it is a public
40 necessity that the home addresses, telephone numbers, dates of



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41 birth, and photographs of current or former impaired
42 practitioner consultants who are retained by an agency or
43 current or former employees of an impaired practitioner
44 consultant whose duties result in a determination of a person's
45 skill and safety to practice a licensed profession; that the
46 names, home addresses, telephone numbers, and places of
47 employment of the spouses and children of such consultants and
48 their employees; and that the names and locations of schools and
49 day care facilities attended by the children of such consultant
50 and employees be exempt from public records requirements if the
51 consultant or employee has made reasonable efforts to protect
52 such information from being accessible through other means
53 available to the public. An impaired practitioner consultant
54 assists the state and its regulatory boards in implementing an
55 impaired practitioner treatment program. The consultant provides
56 the necessary resources to evaluate; treat; and monitor program
57 compliance of licensees, applicants for licensure, and students
58 enrolled in prelicensure education programs who could be
59 impaired and, as a result, unable to practice with reasonable
60 skill and safety to the public. A person who is referred to the
61 program, but who, in the opinion of the consultant, based on
62 treatment and compliance monitoring information, fails to
63 successfully complete its requirements or is an immediate,
64 serious threat to public safety is at risk of failing to obtain
65 or losing the license that is necessary to engage in his or her
66 chosen profession. In 2013, a program participant with a history
67 of alcohol abuse and cocaine dependence traveled 250 miles
68 across the state to confront his compliance monitor in the
69 driveway of her home. Another program participant threatened a



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70 bomb attack on a program office and physical harm to its
71 employees. As a result of these incidents and other telephone
72 threats, the Legislature finds that release of identifying and
73 location information could place an impaired practitioner
74 consultant or an employee of a consultant whose duties result in
75 a determination of a person's skill and safety to practice a
76 licensed profession, or the spouses and children of such
77 consultants or their employees in danger of being physically or
78 emotionally harmed or stalked by a person who has a hostile
79 reaction to a recommendation, report, or conclusion provided by
80 a consultant or an employee of a consultant in the determination
81 of whether the practitioner is impaired. The Legislature further

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83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 5 - 8

86 and insert:

87 location information of current or former impaired
88 practitioner consultants who are retained by an agency
89 or current or former employees of an impaired
90 practitioner consultant whose duties result in a
91 determination of a person's skill and safety to
92 practice a licensed profession and the spouses and
93 children of such consultants or