



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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SENATOR PAULA DOCKERY

Majority Whip
15th District

October 28, 2008

The Honorable Bill McCollum, Attorney General
Department of Legal Affairs
The Capitol PL01
Tallahassee, Florida 32399-1050

Attorney General McCollum:

Please accept this letter as my official request of an opinion stating whether legislation to exempt information that identifies school district employees, their dependents, and their health insurance plan would be redundant of ss. 112.08(7) and 119.071(4)(b), F.S.

A recent court order directed the Polk County School Board to release this type of information in response to a public records request. That order does not expressly mention ss. 112.08(7) or 119.071(4)(b), F.S. A copy of the order is attached. It is my understanding that the person who made the public records request in Polk County has filed similar requests with every school district in the state.

While I strongly believe our comprehensive public access laws should provide citizens with the information that they need to monitor governmental agencies and their expenditure of public funds, I have also heard from many teachers in my district who are concerned that the public release of information relating to their health insurance coverage is not consistent with Florida and federal laws (the Health Insurance Portability and Accountability Act or "HIPAA" and the Gramm-Leach-Bliley Act) which are designed to protect privacy of patients and the insured. Of specific concern is the requested release of the names, date of birth, gender, address and telephone number of the minor children and dependents who are covered by the health insurance plans of these school district employees.

Thank you in advance for your consideration of this request. This is an issue of great concern to me and your assistance in helping to determine whether modification of the existing laws is warranted is very much appreciated.

Warm Regards,

A handwritten signature in cursive script that reads "Paula".

Paula Dockery
State Senator, District 15

REPLY TO:

- Post Office Box 2395, Lakeland, Florida 33806-2395 (863) 413-2900 Toll Free: 1-866-248-6487
- 314 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

KEN PRUITT
President of the Senate

LISA CARLTON
President Pro Tempore

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Enclosure

cc: The Honorable Charlie Crist, Florida Governor
The Honorable Alex Sink, Florida Chief Financial Officer
The Honorable Charles Bronson, Florida Commissioner of Agriculture
Adria Harper, Director, First Amendment Foundation
Barbara Peterson, President, First Amendment Foundation
Office of Open Government, Governor's Office
Polk County School Board
Marianne Capozziello, President, Polk Education Association
Osceola County School Board
Hernando County School Board
Lake County School Board
Sumter County School Board