

By Senator Clary

7-1448-98

1 A bill to be entitled
2 An act relating to public records; creating s.
3 440.108, F.S.; providing an exemption from
4 public records requirements for certain
5 information obtained in administering the
6 Workers' Compensation Law; providing for the
7 applicability of confidentiality provisions;
8 authorizing the furnishing of information under
9 certain conditions; providing penalties for
10 violations; providing for future review and
11 repeal; providing a finding of public
12 necessity; providing a contingent effective
13 date.

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

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17 Section 1. Section 440.108, Florida Statutes, is
18 created to read:
19 440.108 Confidentiality of information revealing
20 identity of employing units or of individuals.--Information
21 revealing the identity of an employing unit or of an
22 individual which is obtained from the employing unit or from
23 any individual pursuant to the administration of this chapter,
24 and any determination revealing such information, must, except
25 to the extent necessary for the proper presentation of a claim
26 or upon written authorization of the claimant who has a
27 workers' compensation claim pending, be kept confidential and
28 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State
29 Constitution. Such information may be made available only to
30 public employees in the performance of their public duties.
31 Disclosure of such information as is necessary to the

1 division's compliance and enforcement procedures does not
2 violate this prohibition. Any person, including, but not
3 limited to, an employee of the division, who receives such
4 confidential information and violates this section commits a
5 misdemeanor of the second degree, punishable as provided in s.
6 775.082 or s. 775.083. This exemption is subject to the Open
7 Government Sunset Review Act of 1995 in accordance with s.
8 119.15, and shall stand repealed on October 2, 2003, unless
9 reviewed and saved from repeal through reenactment by the
10 Legislature.

11 Section 2. The Legislature finds that the exemption
12 from the public records law which is provided in section 1 of
13 this act is a public necessity in that the harm caused by
14 releasing such information outweighs any public benefit that
15 might be derived from releasing the information. Information
16 contained in such records is of a sensitive and personal
17 nature, could be used to discriminate against the person to
18 whom the record pertains, and could cause harm to the person's
19 professional reputation.

20 Section 3. This act shall take effect on the effective
21 date of Senate Bill , or similar legislation, relating to
22 the powers of the Division of Workers' Compensation of the
23 Department of Labor and Employment Security.

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26 SENATE SUMMARY

27 Provides an exemption from public records requirements
28 for information obtained in administering the Workers'
29 Compensation Law which reveals an employing unit's or an
30 individual's identity. Provides for applicability of the
31 confidentiality provisions. Authorizes the furnishing of
information in specified circumstances. Provides for
future review and repeal. Provides penalties for
violations. Provides a finding of public necessity.