

By the Council for Smarter Government and Representatives
Cantens and Clarke

1 A bill to be entitled
2 An act relating to public records; amending s.
3 440.125, F.S.; creating a public records
4 exemption for medical records and medical
5 reports of an injured employee and an injured
6 employee's identifying information contained in
7 medical bills provided to the Agency for Health
8 Care Administration and the Department of
9 Education; providing exceptions; providing for
10 future review and repeal; providing a statement
11 of public necessity; providing a contingent
12 effective date.

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

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16 Section 1. Subsection (3) is added to section 440.125,
17 Florida Statutes, to read:

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19 440.125 Medical records and reports; identifying
information in employee medical bills; confidentiality.--

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21 (3) Any medical records and medical reports of an
22 injured employee and any information identifying an injured
23 employee in medical bills which are provided to the Agency for
24 Health Care Administration and the Department of Education
25 pursuant to s. 440.13 are confidential and exempt from the
26 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution, except as otherwise provided by this chapter.
28 The agency and the department may share such confidential and
29 exempt records, reports, or information received pursuant to
30 s. 440.13 with each other and with the Department of Insurance
31 in the furtherance of their official duties under ss. 440.13
and 440.134. The receiving entity shall maintain the

1 confidential and exempt status of such records, reports, and
2 information. This subsection is subject to the Open Government
3 Sunset Review Act of 1995 in accordance with s. 119.15, and
4 shall stand repealed on October 2, 2007, unless reviewed and
5 saved from repeal through reenactment by the Legislature.

6 Section 2. The Legislature finds that it is a public
7 necessity that an injured employee's medical records and
8 medical reports and information identifying the employee in
9 medical bills held by the department or agency be made
10 confidential and exempt from public disclosure because public
11 access to such information is an invasion of the injured
12 employee's right to privacy in that personal, sensitive
13 information would be revealed and public knowledge of such
14 information could lead to discrimination against the employee
15 by coworkers and others. Additionally, there is little
16 utility in providing public access to such information in that
17 the effectiveness and efficiency of the workers' compensation
18 program can be otherwise adequately monitored and evaluated.

19 Section 3. This act shall take effect on the same date
20 that HB 1643 or similar legislation takes effect, if such
21 legislation is adopted in the same legislative session or an
22 extension thereof and becomes law.

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25 HOUSE SUMMARY

26 Exempts from public records disclosure requirements
27 medical records and medical reports of an injured
28 employee and an injured employee's identifying
29 information contained in medical bills provided to the
30 Agency for Health Care Administration and the Department
31 of Education. Provides for future repeal and review.