

By the Committee on Governmental Oversight and Productivity;
and Senator Garcia

302-2325-02

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 for exceptions to the
10 exemption; providing for future review and
11 repeal; providing a statement of public
12 necessity; providing a contingent effective
13 date.

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

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17 Section 1. Subsection (3) of section 440.125, Florida
18 Statutes, is created to read:

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

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

1 furtherance of their official duties under ss. 440.13 and
2 440.134. The receiving entity shall maintain the confidential
3 and exempt status of such records, reports, and information.
4 This subsection is subject to the Open Government Sunset
5 Review Act of 1995 in accordance with s. 119.15, and shall
6 stand repealed on October 2, 2007, unless reviewed and saved
7 from repeal through reenactment by the Legislature.

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

22 Section 3. This act shall take effect on the effective
23 date of CS for SB 2340 or similar legislation, and shall not
24 take effect if such legislation does not become a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 644

Makes personal identifying information in medical records and medical reports of an injured employee and in medical bills provided to the Agency for Health Care Administration and the Department of Education confidential and exempt.

Authorizes sharing of information with the Department of Insurance in the performance of official duties.

Requires receiving entity to maintain exempt status of information.

Provides a statement of public necessity.

Provides an contingent effective date.