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A bill to be entitled
 An act relating to a public records exemption for reports of injury or illness filed under the Workers' Compensation Law identifying an ill or injured employee; amending s. 440.185, F.S.; eliminating the public records exemption for reports of injury or illness filed under the Workers' Compensation Law that would identify an ill or injured employee; creating s. 440.592, F.S.; providing an exemption from public records requirements for information identifying an ill or injured worker filed pursuant to the Workers' Compensation Law and held by the Department of Financial Services, the Department of Education, or the Division of Administrative Hearings; providing for specified release of such information to a law enforcement agency; providing for retroactive application; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Subsection (11) of section 440.185, Florida Statutes, is amended to read:

440.185 Notice of injury or death; reports; penalties for violations.--

~~(11) Any information in a report of injury or illness filed pursuant to this section that would identify an ill or injured employee is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand~~



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31 ~~repealed on October 2, 2003, unless reviewed and saved from~~
32 ~~repeal through reenactment by the Legislature.~~

33 Section 2. Section 440.592, Florida Statutes, is created
34 to read:

35 440.592 Public records exemption for the Workers'
36 Compensation Law.--Information that identifies an ill or injured
37 worker, including medical and financial information, held by the
38 Department of Financial Services, the Department of Education,
39 or the Division of Administrative Hearings, pursuant to duties
40 described in this chapter, is confidential and exempt from the
41 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
42 Constitution. Such information may be released to a law
43 enforcement agency in furtherance of the agency's duties and
44 responsibilities. The law enforcement agency must maintain the
45 confidential and exempt status of such information. This
46 exemption applies to information made confidential and exempt by
47 this section before, on, or after the effective date of the
48 exemption.

49 Section 3. Section 440.592, Florida Statutes, is subject
50 to the Open Government Sunset Review Act of 1995 in accordance
51 with s. 119.15, Florida Statutes, and shall stand repealed on
52 October 2, 2008, unless reviewed and saved from repeal through
53 reenactment by the Legislature.

54 Section 4. The Legislature finds that it is a public
55 necessity that the public records exemption created in s.
56 440.592, Florida Statutes, be applied to all information
57 regarding an ill or injured worker held by the Department of
58 Financial Services, the Department of Education, or the Division
59 of Administrative Hearings, pursuant to the Workers'
60 Compensation Law, in order to protect information of a sensitive



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61 personal nature. This information includes personal, medical,
62 and financial details about an ill or injured worker, and public
63 access to such information or confirmation of agency possession
64 of such information could cause harm or embarrassment to an
65 individual and create an interest regarding the nondisclosure of
66 such personal information. The harm from disclosing medical
67 information outweighs any public benefit that can be derived
68 from public access because matters of personal health are
69 traditionally private and confidential concerns between the ill
70 or injured worker and his or her health care provider.
71 Additionally, the private and confidential nature of personal
72 health matters pervades both the public and private health care
73 sectors. The release of personal and financial information
74 concerning an ill or injured worker could allow unscrupulous
75 persons to exploit such a worker when the worker is in a
76 vulnerable state. Additionally, the disclosure of personal,
77 medical, and financial information regarding an ill or injured
78 worker could lead to discrimination against that worker by
79 coworkers and others, as well as place an ill or injured worker
80 at a disadvantage in obtaining employment subsequent to
81 receiving benefits under the Workers' Compensation Law. The harm
82 caused to an ill or injured worker by the release of such
83 information outweighs any public benefit derived from its
84 release.

85 Section 5. This act shall take effect upon becoming a law.