

By the Committee on Banking and Insurance; and Senators Perry and Bradley

597-03360-17

20171008c1

1 A bill to be entitled
2 An act relating to public records; creating s.
3 440.1851, F.S.; providing an exemption from public
4 records requirements for the personal identifying
5 information of an injured or deceased employee which
6 is contained in reports, notices, records, or
7 supporting documentation held by the Department of
8 Financial Services; defining the term "personal
9 identifying information"; specifying circumstances
10 under which the department may disclose such
11 information; providing retroactive applicability;
12 providing a criminal penalty for willful and knowing
13 disclosure of such information; providing for future
14 review and repeal of the exemption; providing a
15 statement of public necessity; providing an effective
16 date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 440.1851, Florida Statutes, is created
21 to read:

22 440.1851 Personal identifying information of an injured or
23 deceased employee; public records exemption.—

24 (1) The personal identifying information of an injured or
25 deceased employee which is contained in reports, notices,
26 records, or supporting documentation held by the department is
27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution.

29 (a) As used in this section, the term "personal identifying

597-03360-17

20171008c1

30 information" means:

31 1. The injured or deceased employee's name;

32 2. The injured or deceased employee's date of birth;

33 3. The injured or deceased employee's home address or
34 mailing address;

35 4. The injured or deceased employee's e-mail address; or

36 5. The injured or deceased employee's telephone number.

37 (b) The department may disclose information made
38 confidential and exempt under this section only:

39 1. To the injured employee, to the spouse or a dependent of
40 the deceased employee, to the spouse or a dependent of the
41 injured employee if authorized by the injured employee, or to
42 the legal representative of the deceased employee's estate;

43 2. To a party litigant, or his or her authorized
44 representative, in matters pending before the Office of the
45 Judges of Compensation Claims;

46 3. To a carrier or an employer for the purpose of
47 investigating the compensability of a claim or for the purpose
48 of administering its anti-fraud investigative unit established
49 pursuant to s. 626.9891;

50 4. In an aggregate reporting format that does not reveal
51 the personal identifying information of any employee;

52 5. Pursuant to a court order or subpoena;

53 6. To an agency for administering its anti-fraud
54 investigative function or in the furtherance of the agency's
55 official duties and responsibilities; or

56 7. To a federal governmental entity in the furtherance of
57 the entity's official duties and responsibilities.

58

597-03360-17

20171008c1

59 Any carrier, employer, agency, or governmental entity receiving
60 such information shall maintain the confidentiality of the
61 information as long as it would otherwise be confidential.

62 (c) This exemption applies to personal identifying
63 information held by the department before, on, or after the
64 effective date of this exemption.

65 (2) A person who willfully and knowingly discloses personal
66 identifying information made confidential and exempt under this
67 section commits a misdemeanor of the first degree, punishable as
68 provided in s. 775.082 or s. 775.083.

69 (3) This section is subject to the Open Government Sunset
70 Review Act in accordance with s. 119.15, and shall stand
71 repealed on October 2, 2022, unless reviewed and saved from
72 repeal through reenactment by the Legislature.

73 Section 2. The Legislature finds that it is a public
74 necessity to make confidential and exempt from s. 119.07(1),
75 Florida Statutes, and s. 24(a), Article I of the State
76 Constitution the personal identifying information of an injured
77 or deceased employee which is contained in reports, notices,
78 records, or supporting documentation held by the Department of
79 Financial Services. Such information is of a sensitive, personal
80 nature, and disclosure of such information about an injured or
81 deceased employee is an invasion of that employee's privacy or
82 the privacy of his or her family. Further, the release of such
83 information could lead to discrimination against the employee by
84 coworkers, potential employers, and others. The harm caused to
85 such an employee or his or her family by the release of this
86 information outweighs any public benefit derived from its
87 release.

597-03360-17

20171008c1

88

Section 3. This act shall take effect October 1, 2017.