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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
05/01/2017 03:57 PM	.	05/03/2017 11:36 AM
	.	

Senator Perry moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

440.1851 Personal identifying information of an injured or
deceased employee; public records exemption.-

(1) The personal identifying information of an injured or
deceased employee which is contained in reports, notices,
records, or supporting documentation held by the department



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12 pursuant to this chapter is confidential and exempt from s.
13 119.07(1) and s. 24(a), Art. I of the State Constitution.

14 (a) As used in this section, the term "personal identifying
15 information" means the injured or deceased employee's name, date
16 of birth, home address or mailing address, e-mail address, or
17 telephone number.

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

20 1. To the injured employee, to the spouse or a dependent of
21 the deceased employee, to the spouse or a dependent of the
22 injured employee if authorized by the injured employee, or to
23 the legal representative of the deceased employee's estate;

24 2. To a party litigant, or his or her authorized
25 representative, in matters pending before the Office of the
26 Judges of Compensation Claims;

27 3. To a carrier or an employer for the purpose of
28 investigating the compensability of a claim or for the purpose
29 of administering its anti-fraud investigative unit established
30 pursuant to s. 626.9891;

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

33 5. Pursuant to a court order or subpoena;

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

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

39
40 A carrier, employer, agency, or governmental entity receiving



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41 personal identifying information from the department shall
42 maintain the confidential and exempt status of the information.

43 (c) This public records exemption applies to personal
44 identifying information held by the department before, on, or
45 after the effective date of this exemption.

46 (2) A person who willfully and knowingly discloses personal
47 identifying information made confidential and exempt under this
48 section to an unauthorized person or entity commits a
49 misdemeanor of the first degree, punishable as provided in s.
50 775.082 or s. 775.083.

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

55 Section 2. The Legislature finds that it is a public
56 necessity to make confidential and exempt from s. 119.07(1),
57 Florida Statutes, and s. 24(a), Article I of the State
58 Constitution the personal identifying information of an injured
59 or deceased employee which is contained in reports, notices,
60 records, or supporting documentation held by the Department of
61 Financial Services pursuant to chapter 440, Florida Statutes.
62 Such information is of a sensitive, personal nature, and
63 disclosure of such information about an injured or deceased
64 employee is an invasion of that employee's privacy or the
65 privacy of his or her family. Because of Florida's workers'
66 compensation system, an employee's personal identifying
67 information becomes public record once the Department of
68 Financial Services is notified that the employee has been
69 injured or has died in a work-related incident. Public records



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70 requests for this information have resulted in unwanted
71 solicitation of injured workers and their families. Further, the
72 release of such information could lead to discrimination against
73 the employee by coworkers, potential employers, and others
74 because of perceived social stigma related to injuries or
75 disabilities. The harm caused to such an employee or his or her
76 family by the release of this information outweighs any public
77 benefit derived from its release.

78 Section 3. This act shall take effect July 1, 2017.

79

80 ===== T I T L E A M E N D M E N T =====

81 And the title is amended as follows:

82 Delete everything before the enacting clause
83 and insert:

84 A bill to be entitled
85 An act relating to public records; creating s.
86 440.1851, F.S.; providing an exemption from public
87 records requirements for the personal identifying
88 information of an injured or deceased employee which
89 is contained in reports, notices, records, or
90 supporting documentation held by the Department of
91 Financial Services pursuant to the Workers'
92 Compensation Law; defining the term "personal
93 identifying information"; specifying the circumstances
94 under which the department may disclose such
95 information; requiring certain entities receiving such
96 information to maintain the confidential and exempt
97 status of such information; providing retroactive
98 applicability; providing a criminal penalty for



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99 willful and knowing disclosure of such information to
100 an unauthorized person or entity; providing for future
101 review and repeal of the exemption; providing a
102 statement of public necessity; providing an effective
103 date.