

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 personal identifying
 5 information filed with the Department of Financial
 6 Services, the Agency for Health Care Administration,
 7 or the Division of Administrative Hearings pursuant to
 8 the Workers' Compensation Law; specifying persons to
 9 whom and circumstances in which such confidential
 10 information may be disclosed; providing for future
 11 legislative review and repeal of the exemption;
 12 providing a finding of public necessity; providing an
 13 effective date.

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

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

19 440.1851 Personal identifying information of an injured or
 20 deceased employee; public records exemption.—

21 (1) Personal identifying information of an injured or
 22 deceased employee filed with the department, the agency, or the
 23 Division of Administrative Hearings pursuant to this chapter is
 24 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 25 of the State Constitution.

26 (2) Information made confidential and exempt under this
27 section may be disclosed only:

28 (a) To the injured employee or the surviving spouse or
29 dependents of the deceased employee;

30 (b) In an aggregate reporting format that does not reveal
31 the personal identifying information of any employee, if the
32 aggregation includes the records of at least 10 employees and
33 does not include records related to a date of accident occurring
34 in the 90 days before a public records request;

35 (c) To a party litigant, or his or her authorized
36 representative, in matters pending before the Office of the
37 Judges of Compensation Claims;

38 (d) Pursuant to a court order or subpoena;

39 (e) To an insurer anti-fraud investigative unit
40 established and maintained pursuant to s. 626.9891 for the
41 purpose of fulfilling its responsibilities; or

42 (f) To an administrative or law enforcement agency in the
43 furtherance of such agency's official duties and
44 responsibilities. An administrative or law enforcement agency
45 receiving such information shall maintain the confidentiality of
46 the information as provided in this section.

47 (3) This section is subject to the Open Government Sunset
48 Review Act in accordance with s. 119.15 and is repealed on
49 October 2, 2022, unless reviewed and saved from repeal through
50 reenactment by the Legislature.

51 Section 2. The Legislature finds that it is a public
52 necessity to make confidential and exempt from disclosure any
53 information filed with the Department of Financial Services, the
54 Agency for Health Care Administration, or the Division of
55 Administrative Hearings pursuant to chapter 440, Florida
56 Statutes, that would identify an injured or deceased employee.
57 Such information is of a sensitive, personal nature. Disclosure
58 of such sensitive, personal information about an injured or
59 deceased employee is an invasion of the injured employee's
60 privacy or the privacy of the deceased employee's family.
61 Further, the release of such information could lead to
62 discrimination against the injured employee by coworkers,
63 potential employers, and others. The harm caused to an injured
64 employee or a deceased employee's family by the release of such
65 information outweighs any public benefit derived from its
66 release.

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