

By the Committee on Banking and Insurance

597-01491-22

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1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 440.1851, F.S., which
 4 provides an exemption from public records requirements
 5 for the personal identifying information of an injured
 6 or deceased employee which is contained in reports,
 7 notices, records, or supporting documentation held by
 8 the Department of Financial Services pursuant to the
 9 Workers' Compensation Law; removing the scheduled
 10 repeal of the exemption; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Section 440.1851, Florida Statutes, is amended
 15 to read:

16 440.1851 Personal identifying information of an injured or
 17 deceased employee; public records exemption.—

18 (1) The personal identifying information of an injured or
 19 deceased employee which is contained in reports, notices,
 20 records, or supporting documentation held by the department
 21 pursuant to this chapter is confidential and exempt from s.
 22 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

29 1. To the injured employee, to the spouse or a dependent of

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30 the deceased employee, to the spouse or a dependent of the
31 injured employee if authorized by the injured employee, or to
32 the legal representative of the deceased employee's estate;

33 2. To a party litigant, or his or her authorized
34 representative, in matters pending before the Office of the
35 Judges of Compensation Claims;

36 3. To a carrier or an employer for the purpose of
37 investigating the compensability of a claim or for the purpose
38 of administering its anti-fraud investigative unit established
39 pursuant to s. 626.9891;

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

42 5. Pursuant to a court order or subpoena;

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

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

48
49 A carrier, employer, agency, or governmental entity receiving
50 personal identifying information from the department shall
51 maintain the confidential and exempt status of the information.

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

55 (2) A person who willfully and knowingly discloses personal
56 identifying information made confidential and exempt under this
57 section to an unauthorized person or entity commits a
58 misdemeanor of the first degree, punishable as provided in s.

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59 775.082 or s. 775.083.

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

64 Section 2. This act shall take effect October 1, 2022.