



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 held by 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; providing a definition;
 9 specifying persons to whom and circumstances in which
 10 such confidential information may be disclosed;
 11 providing applicability; providing for future
 12 legislative review and repeal of the exemption;
 13 providing a finding of public necessity; providing an
 14 effective date.

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

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

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

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



26 | of the State Constitution.

27 | (a) As used in this section, the term "personal
28 | identifying information" means:

29 | 1. The injured or deceased employee's name;

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

31 | 3. The injured or deceased employee's home address or
32 | mailing address;

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

34 | 5. The injured or deceased employee's telephone number.

35 | (b) Information made confidential and exempt under this
36 | section may be disclosed only:

37 | 1. To the injured employee or the surviving spouse or
38 | dependents of the deceased employee;

39 | 2. In an aggregate reporting format that does not reveal
40 | the personal identifying information of any employee, if the
41 | aggregation includes the records of at least 10 employees and
42 | does not include records related to a date of accident occurring
43 | in the 90 days before a public records request;

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

47 | 4. Pursuant to a court order or subpoena;

48 | 5. To an agency for administering its anti-fraud
49 | investigative function or otherwise in the furtherance of the
50 | agency's official duties and responsibilities;



51 6. To an insurer's anti-fraud investigative unit
52 established and maintained pursuant to s. 626.9891 for the
53 purpose of fulfilling its responsibilities; or

54 7. To a state or federal governmental entity in the
55 furtherance of the entity's official duties and
56 responsibilities. An entity receiving such information shall
57 maintain the confidentiality of the information as provided in
58 this section.

59 (c) This exemption applies to personal identifying
60 information held by the department, the agency, or the division
61 before, on, or after the effective date of this exemption.

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

66 Section 2. The Legislature finds that it is a public
67 necessity to make confidential and exempt from s. 119.07(1),
68 Florida Statutes, and s. 24(a), Article I of the State
69 Constitution the personal identifying information of an injured
70 or deceased employee held by the Department of Financial
71 Services, the Agency for Health Care Administration, or the
72 Division of Administrative Hearings. Such information is of a
73 sensitive, personal nature, and disclosure of such information
74 about an injured or deceased employee is an invasion of that
75 employee's privacy or the privacy of his or her family. Further,



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76 | the release of such information could lead to discrimination
77 | against the employee by coworkers, potential employers, and
78 | others. The harm caused to such an employee or his or her family
79 | by the release of this information outweighs any public benefit
80 | derived from its release.

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