



305854

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/03/2017	.	
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The Committee on Banking and Insurance (Perry) recommended 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,



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11 records, or supporting documentation held by the department is
12 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
13 of the State Constitution.

14 (a) As used in this section, the term "personal identifying
15 information" means:

- 16 1. The injured or deceased employee's name;
- 17 2. The injured or deceased employee's date of birth;
- 18 3. The injured or deceased employee's home address or
19 mailing address;
- 20 4. The injured or deceased employee's e-mail address; or
- 21 5. The injured or deceased employee's telephone number.

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

- 24 1. To the injured employee, to the spouse or a dependent of
25 the deceased employee, to the spouse or a dependent of the
26 injured employee if authorized by the injured employee, or to
27 the legal representative of the deceased employee's estate;
- 28 2. To a party litigant, or his or her authorized
29 representative, in matters pending before the Office of the
30 Judges of Compensation Claims;
- 31 3. To a carrier or an employer for the purpose of
32 investigating the compensability of a claim or for the purpose
33 of administering its anti-fraud investigative unit established
34 pursuant to s. 626.9891;
- 35 4. In an aggregate reporting format that does not reveal
36 the personal identifying information of any employee;
- 37 5. Pursuant to a court order or subpoena;
- 38 6. To an agency for administering its anti-fraud
39 investigative function or in the furtherance of the agency's



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40 official duties and responsibilities; or

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

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

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

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

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

58 Section 2. The Legislature finds that it is a public
59 necessity to make confidential and exempt from s. 119.07(1),
60 Florida Statutes, and s. 24(a), Article I of the State
61 Constitution the personal identifying information of an injured
62 or deceased employee which is contained in reports, notices,
63 records, or supporting documentation held by the Department of
64 Financial Services. Such information is of a sensitive, personal
65 nature, and disclosure of such information about an injured or
66 deceased employee is an invasion of that employee's privacy or
67 the privacy of his or her family. Further, the release of such
68 information could lead to discrimination against the employee by



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69 coworkers, potential employers, and others. The harm caused to
70 such an employee or his or her family by the release of this
71 information outweighs any public benefit derived from its
72 release.

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

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

76 And the title is amended as follows:

77 Delete everything before the enacting clause
78 and insert:

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A bill to be entitled

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An act relating to public records; creating s.

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440.1851, F.S.; providing an exemption from public

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records requirements for the personal identifying

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information of an injured or deceased employee which

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is contained in reports, notices, records, or

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supporting documentation held by the Department of

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Financial Services; defining the term "personal

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identifying information"; specifying circumstances

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under which the department may disclose such

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information; providing retroactive applicability;

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providing a criminal penalty for willful and knowing

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disclosure of such information; providing for future

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review and repeal of the exemption; providing a

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statement of public necessity; providing an effective

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date.