

By Senator Perry

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 440.185, F.S.; providing an exemption from public
 4 records requirements for the personal identifying
 5 information of an injured or deceased employee which
 6 is contained in certain notices or reports filed with
 7 the Division of Workers' Compensation of the
 8 Department of Financial Services; authorizing the
 9 division to disclose such information under certain
 10 circumstances; providing for future review and repeal
 11 of the exemption; providing a statement of public
 12 necessity; providing an effective date.

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

16 Section 1. Subsection (11) is added to section 440.185,
 17 Florida Statutes, to read:

18 440.185 Notice of injury or death; reports; penalties for
 19 violations.—

20 (11) (a) In any notice or report filed with the division
 21 pursuant to this section, the personal identifying information
 22 of an injured or deceased employee contained in such notice or
 23 report is confidential and exempt from s. 119.07(1) and s.
 24 24(a), Art. I of the State Constitution.

25 (b) Information made confidential and exempt under this
 26 subsection may be disclosed by the division only:

27 1. In an aggregate reporting format that does not reveal
 28 the personal identifying information of any employee;

29 2. Pursuant to a court order; or

8-00874-17

20171008__

30 3. To an administrative or law enforcement agency in the
31 furtherance of the agency's official duties and
32 responsibilities. An administrative or law enforcement agency
33 receiving such information shall maintain the confidentiality of
34 the information as long as it would otherwise be confidential.

35 (c) This subsection is subject to the Open Government
36 Sunset Review Act in accordance with s. 119.15, and shall stand
37 repealed on October 2, 2022, unless reviewed and saved from
38 repeal through reenactment by the Legislature.

39 Section 2. The Legislature finds that it is a public
40 necessity to make confidential and exempt from s. 119.07(1),
41 Florida Statutes, and s. 24(a), Article I of the State
42 Constitution the personal identifying information of an injured
43 or deceased employee contained in any notice or report filed
44 with the Division of Workers' Compensation of the Department of
45 Financial Services pursuant to s. 440.185, Florida Statutes.
46 Such information filed under the Workers' Compensation Law is of
47 a sensitive, personal nature. Disclosure of such sensitive,
48 personal information about an injured or deceased employee is an
49 invasion of that employee's privacy or the privacy of a deceased
50 employee's family. Further, the release of such information
51 could lead to discrimination against the employee by coworkers,
52 potential employers, and others. The harm caused to such an
53 employee or his or her family by the release of this information
54 outweighs any public benefit derived from its release.

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