

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 and  
 9           circumstances in which such confidential information  
 10          may be disclosed; providing for future legislative  
 11          review and repeal of the exemption; providing a  
 12          finding of public necessity; providing an effective  
 13          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) (a) 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        (b) Information made confidential and exempt under this  
 27 subsection may be disclosed only:  
 28        1. To the injured employee or the dependents of the  
 29 deceased employee;  
 30        2. 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        3. 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        4. Pursuant to a court order; or  
 39        5. To an administrative or law enforcement agency in the  
 40 furtherance of such agency's official duties and  
 41 responsibilities. An administrative or law enforcement agency  
 42 receiving such information shall maintain the confidentiality of  
 43 the information as provided in this section.  
 44        (c) This subsection is subject to the Open Government  
 45 Sunset Review Act in accordance with s. 119.15 and is repealed  
 46 on October 2, 2022, unless reviewed and saved from repeal  
 47 through reenactment by the Legislature.  
 48        Section 2. The Legislature finds that it is a public  
 49 necessity to make confidential and exempt from disclosure any  
 50 information filed with the Department of Financial Services, the

51 Agency for Health Care Administration, or the Division of  
52 Administrative Hearings pursuant to ch. 440, Florida Statutes,  
53 that would identify an injured or deceased employee. Such  
54 information is of a sensitive, personal nature. Disclosure of  
55 such sensitive, personal information about an injured or  
56 deceased employee is an invasion of the injured employee's  
57 privacy or the privacy of the deceased employee's family.  
58 Further, the release of such information could lead to  
59 discrimination against the injured employee by coworkers,  
60 potential employers, and others. The harm caused to an injured  
61 employee or a deceased employee's family by the release of such  
62 information outweighs any public benefit derived from its  
63 release.

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