

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 personal identifying information of an injured or
 6 deceased employee contained in certain records held by
 7 the Department of Financial Services pursuant to the
 8 Workers' Compensation Law; making technical changes;
 9 removing the scheduled repeal of the exemption;
 10 providing an effective date.

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

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 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. This
 23 public records exemption applies to personal identifying
 24 information held by the department before, on, or after the
 25 effective date of this exemption.

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

30 (2) (a) (b) The department may disclose confidential and
 31 exempt personal identifying information ~~made confidential and~~
 32 ~~exempt under this section only:~~

33 1. To the injured employee, to the spouse or a dependent
 34 of the deceased employee, to the spouse or a dependent of the
 35 injured employee if authorized by the injured employee, or to
 36 the legal representative of the deceased employee's estate;

37 2. To a party litigant, or his or her authorized
 38 representative, in matters pending before the Office of the
 39 Judges of Compensation Claims;

40 3. To a carrier or an employer for the purpose of
 41 investigating the compensability of a claim or for the purpose
 42 of administering its anti-fraud investigative unit established
 43 pursuant to s. 626.9891;

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

46 5. Pursuant to a court order or subpoena;

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

50 7. To a federal governmental entity in the furtherance of

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51 the entity's official duties and responsibilities.

52 (b) A carrier, employer, agency, or governmental entity
53 receiving confidential and exempt personal identifying
54 information from the department shall maintain the confidential
55 and exempt status of the information.

56 ~~(c) This public records exemption applies to personal~~
57 ~~identifying information held by the department before, on, or~~
58 ~~after the effective date of this exemption.~~

59 (3)(2) A person who willfully and knowingly discloses
60 personal identifying information made confidential and exempt
61 under this section to an unauthorized person or entity commits a
62 misdemeanor of the first degree, punishable as provided in s.
63 775.082 or s. 775.083.

64 (4) As used in this section, the term "personal
65 identifying information" means the injured or deceased
66 employee's name, date of birth, home address or mailing address,
67 e-mail address, or telephone number.

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

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