

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act; amending s. 624.23, F.S., relating to  
 4           consumer complaints and inquiries handled by the  
 5           Department of Financial Services and the Office of  
 6           Insurance Regulation; revising the exemption from public  
 7           records requirements which is provided for personal  
 8           financial and health information of consumers; creating an  
 9           exemption from public records requirements for information  
 10          concerning employees seeking assistance from the Employee  
 11          Assistance and Ombudsman Office; providing for future  
 12          legislative review and repeal of the exemptions; providing  
 13          a statement of public necessity; providing an effective.

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

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 17           Section 1. Section 624.23, Florida Statutes, is amended to  
 18 read:

19           624.23 Public records exemption.--

20           (1) As used in this section, the term:

21           (a) "Consumer" means:

22           1. A prospective purchaser, purchaser, or beneficiary of,  
 23 or applicant for, any product or service regulated under the  
 24 Florida Insurance Code, and a family member or dependent of a  
 25 consumer.

26           2. An employee seeking assistance from the Employee  
 27 Assistance and Ombudsman Office under s. 440.191.

28           (b) "Personal financial and health information" means:

29           1. A consumer's personal health condition, disease, or

30 injury;  
 31 2. The existence, nature, source, or amount of a consumer's  
 32 personal income or expenses;  
 33 3. Records of or relating to a consumer's personal  
 34 financial transactions of any kind;  
 35 4. The existence, identification, nature, or value of a  
 36 consumer's assets, liabilities, or net worth;  
 37 5. A history of a consumer's personal medical diagnosis or  
 38 treatment;  
 39 6. The existence or content or any individual coverage or  
 40 status under a consumer's beneficial interest in any insurance  
 41 policy or annuity contract; or  
 42 7. The existence, identification, nature, or value of a  
 43 consumer's interest in any insurance policy, annuity contract, or  
 44 trust. ~~All bank account numbers and debit, charge, and credit~~  
 45 ~~eard numbers, and all other~~  
 46 (2) Personal financial and health information ~~of a consumer~~  
 47 held by the department or office ~~or their service providers or~~  
 48 ~~agents,~~ relating to a consumer's complaint or inquiry regarding a  
 49 matter or activity regulated under the Florida Insurance Code or  
 50 s. 440.191, are confidential and exempt from s. 119.07(1) and s.  
 51 24(a), Art. I of the State Constitution. ~~For the purpose of this~~  
 52 ~~section, the term "consumer" includes but is not limited to a~~  
 53 ~~prospective purchaser, purchaser, or beneficiary of, or applicant~~  
 54 ~~for, any product or service regulated under the Florida Insurance~~  
 55 ~~Code, and a family member or dependent of a consumer, a~~  
 56 ~~subscriber under a group policy, or a policyholder. This~~  
 57 ~~information shall be redacted from records that contain nonexempt~~  
 58 ~~information prior to disclosure. This exemption applies to~~

59 personal financial and health information ~~made confidential and~~  
 60 ~~exempt by this section~~ held by the department or office ~~or their~~  
 61 ~~service providers or agents~~ before, on, or after the effective  
 62 date of this exemption.

63 (3) Such confidential and exempt information may be  
 64 disclosed to:

65 (a) Another governmental entity, if disclosure is necessary  
 66 for the receiving entity to perform its duties and  
 67 responsibilities; ~~and may be disclosed to~~

68 (b) The National Association of Insurance Commissioners.  
 69 ~~The receiving governmental entity and the association must~~  
 70 ~~maintain the confidential and exempt status of such information.~~  
 71 ~~The information made confidential and exempt by this section may~~  
 72 ~~be used in a criminal, civil, or administrative proceeding so~~  
 73 ~~long as the confidential and exempt status of such information is~~  
 74 ~~maintained. This exemption does not include the name and address~~  
 75 ~~of an inquirer or complainant to the department or office or the~~  
 76 ~~name of an insurer or other regulated entity which is the subject~~  
 77 ~~of the inquiry or complaint.~~

78 (4) This section is subject to the Open Government Sunset  
 79 Review Act ~~of 1995~~ in accordance with s. 119.15 and shall stand  
 80 repealed on October 2, 2012 ~~2007~~, unless reviewed and saved from  
 81 repeal through reenactment by the Legislature.

82 Section 2. The Legislature finds that it is a public  
 83 necessity to protect a person's sensitive financial and health  
 84 information. Disclosure of financial information would create the  
 85 opportunity for theft or fraud thereby jeopardizing the financial  
 86 security of a person. Limiting disclosure of personal financial  
 87 information held by the Department of Financial Services or the

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88 Office of Insurance Regulation is also necessary in order to  
89 protect the financial interests of the persons to whom that  
90 information pertains. Such information could be used for  
91 fraudulent or other illegal purposes, including identity theft,  
92 and could result in substantial financial harm. Furthermore,  
93 every person has an expectation of and a right to privacy in all  
94 matters concerning his or her financial interests. The  
95 Legislature further finds that it is a public necessity that  
96 health information held by the department or office and  
97 information provided by employees seeking assistance from the  
98 Employee Assistance and Ombudsman Office be made confidential and  
99 exempt because matters of personal health are traditionally  
100 private and confidential concerns between the patient and health  
101 care provider. The private and confidential nature of personal  
102 health matters pervades both the public and private health care  
103 sectors. Moreover, public disclosure of health information could  
104 have a negative effect upon a person's business and personal  
105 relationships, and could also have detrimental financial  
106 consequences.

107 Section 3. This act shall take effect October 1, 2007.