

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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The Committee on State Administration offered the following:

Substitute Amendment for Amendment (874793) (with title amendment)

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 627.3111, Florida Statutes, is created to read:

627.3111 Public records exemption.--

All bank account numbers, and debit, charge, and credit card numbers; and, all personal identifying information contained in financial records, patient records, and other individual health records, held by the Department of Insurance, or its service providers, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The department, however, shall release such information to any local, state, or federal law enforcement agency as is necessary for the performance of such agency's official duties and responsibilities, and in addition, this exemption does not apply to any information regarding an insured or other person

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1 who is the subject of a criminal investigation. This exemption
2 is subject to the Open Government Sunset Review Act of 1995 in
3 accordance with s. 119.15 and expires on October 2, 2006,
4 unless reviewed and reenacted by the Legislature.

5 Section 2. The Legislature finds that it is a public
6 necessity that bank account numbers, debit, charge, and credit
7 card numbers; and, personal identifying information contained
8 in financial records, held by the Department of Insurance or
9 its service providers be made exempt from public disclosure,
10 except as otherwise provided in this act, in order to protect
11 the financial interests of those persons about whom that
12 information pertains. Without the exemption, a person could
13 use that information to gain access to highly sensitive,
14 personal financial data that is not his or hers. In addition,
15 this information could easily be used for fraudulent and other
16 illegal purposes, including identify theft, and could result
17 in substantial financial harm. Accordingly, such information
18 is traditionally not disclosed to the public, as is evidenced
19 throughout the Florida Statutes. Furthermore, every person
20 has an expectation of and a right to privacy in all matters
21 concerning his or her personal financial matters. The
22 Legislature further finds that it is a public necessity that
23 personal identifying information contained in patient records
24 and other individual health records held by the Department of
25 Insurance or its service providers be held exempt from public
26 disclosure, except as otherwise provided in the act, because
27 of the sensitive personal nature of such medical information.
28 Matters of personal health are traditionally private concerns
29 between the patient and the health care provider, which
30 pervades both the public and private health care sectors. Such
31 information should not be open to public disclosure just

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1 because the records come into the possession of a public
2 entity. Disclosure of such information could cause
3 unwarranted damage to the good name or reputation of such
4 individuals and could actually jeopardize their health and
5 safety.

6 Section 3. This act shall take effect upon becoming a
7 law.

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

11 And the title is amended as follows:

12 On page 1, of the amendment
13 remove: the entire title

14
15 and insert in lieu thereof:

16 A bill to be entitled

17 An act relating to public records; creating s.
18 627.3111, F.S.; providing an exemption from
19 public records requirements for personal
20 identifying information contained in financial
21 records, patient records, and other medical
22 records, as well as bank account numbers,
23 debit, charge, and credit card numbers, held by
24 the Department of Insurance; providing for
25 future review and repeal; providing a finding
26 of public necessity; providing an effective
27 date.

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