

Bill No. CS for SB 1734

Amendment No.      Barcode 194768

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Rossin moved the following amendment:

**Senate Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

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 who is the subject of a criminal investigation. This exemption

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1 is subject to the Open Government Sunset Review At of 1995 in  
2 accordance with s. 119.15 and expires on October 2, 2006,  
3 unless reviewed and reenacted by the Legislature.

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

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1 entity. Disclosure of such information could cause  
2 unwarranted damage to the good name or reputation of such  
3 individuals and could actually jeopardize their health and  
4 safety.

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

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

10 And the title is amended as follows:

11 Delete everything before the enacting clause

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13 and insert:

14 A bill to be entitled  
15 An act relating to public records; creating s.  
16 627.3111, F.S.; providing an exemption from  
17 public records requirements for personal  
18 identifying information contained in financial  
19 records, patient records, and other medical  
20 records, as well as bank account numbers,  
21 debit, charge, and credit card numbers, held by  
22 the Department of Insurance; providing for  
23 future review and repeal; providing a finding  
24 of public necessity; providing an effective  
25 date.

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