

By the Committee on Banking and Insurance; and Senator Rossin

311-1621-01

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A bill to be entitled
An act relating to public records; creating s.
627.3111, F.S.; providing an exemption from
public-records requirements for specific
information related to financial or medical
records of insureds and consumers which are in
the possession of the Department of Insurance;
providing for future review and an expiration
date; providing a finding of public necessity;
providing an effective date.

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

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

627.3111 Confidentiality of personal information of
insured or consumer; records.--

(1) All personal information specifically related to
bank account numbers, personal financial information, patient
records, and other individual personal health information made
or received by the Department of Insurance which is contained
in public records may be redacted by the department before the
release of the information so that this specific personal
information is preserved and any portions of such records that
reveal this information concerning the insured or consumer are
exempt from the provisions of s. 119.07(1) and s. 24(a),
Article I of the State Constitution. This exemption is subject
to the Open Government Sunset Review Act in accordance with s.
119.15 and expires on October 1, 2006, unless reviewed and
reenacted by the Legislature.

1 (2) This section does not apply with respect to
2 records of an insured or other person who is the subject of a
3 criminal investigation and does not prevent the department
4 from referring such information to any local, state, or
5 federal law enforcement authority.

6 Section 2. The Legislature finds that it is a public
7 necessity that personal information specifically relating to
8 bank account numbers, personal financial information, patient
9 records, and other individual personal health information made
10 or received by the Department of Insurance be held
11 confidential and exempt from public disclosure unless
12 otherwise provided for by law. The Legislature finds that this
13 exemption is needed to protect information that is of a
14 sensitive personal nature that concerns individuals. Every
15 person has an expectation of and a right to privacy in all
16 matters concerning his or her personal financial and medical
17 records. Matters of personal health are traditionally private
18 and confidential concerns between the patient and the health
19 care provider. Personal financial information is likewise
20 traditionally confidential and protected from public
21 examination. The private and confidential nature of personal
22 financial and health matters justifies the preservation of
23 these confidences, otherwise recognized by law, and should not
24 be opened up to public display because the records become the
25 possession of a public entity. For these reasons, the
26 individual's expectation of and right to privacy in all
27 matters regarding his or her personal health necessitates this
28 exemption, and likewise, an individual's personal financial
29 situation is also of a sensitive personal nature and should be
30 confidential and exempt.

1 Section 3. This act shall take effect upon becoming a
2 law.

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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 SB 1734

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7 Revises the type of personal financial or medical information
8 made or received by the Department of Insurance which is
9 contained in public records and which may be redacted by the
10 department before such records are released.

11 Revises the statement of public necessity to provide that
12 personal information specifically relating to bank account
13 numbers, personal financial data, patient records, and other
14 individual personal health information be held confidential
15 and exempt from public disclosure because of the individual's
16 expectation of and right to privacy.

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