

1                                   A bill to be entitled  
2           An act relating to public records; creating s.  
3           627.3111, F.S.; providing an exemption from  
4           public records requirements for personal  
5           identifying information contained in financial  
6           records, patient records, and other medical  
7           records, as well as bank account numbers,  
8           debit, charge, and credit card numbers, held by  
9           the Department of Insurance; providing for  
10          future review and repeal; providing a finding  
11          of public necessity; providing an effective  
12          date.

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

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

18           627.3111 Public records exemption.--All bank account  
19 numbers, and debit, charge, and credit card numbers; and, all  
20 personal identifying information contained in financial  
21 records, patient records, and other individual health records,  
22 held by the Department of Insurance, or its service providers,  
23 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
24 Constitution. The department, however, shall release such  
25 information to any local, state, or federal law enforcement  
26 agency as is necessary for the performance of such agency's  
27 official duties and responsibilities, and in addition, this  
28 exemption does not apply to any information regarding an  
29 insured or other person who is the subject of a criminal  
30 investigation. This exemption is subject to the Open  
31 Government Sunset Review Act of 1995 in accordance with s.

1 119.15 and expires on October 2, 2006, unless reviewed and  
2 reenacted by the Legislature.

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

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

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

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