

By the Committee on Banking and Insurance; and Senator Clary

311-2026A-02

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

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

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

19 627.3111 Public records exemption.--All bank account
20 numbers and debit, charge, and credit card numbers; medical
21 records; and personal identifying information, other than name
22 and address, contained in records that disclose personal
23 financial or health information held by the Department of
24 Insurance, or its service providers, are confidential and
25 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution. This exemption applies to information and
27 records made confidential and exempt by this section held by
28 the Department of Insurance or its service providers before,
29 on, or after the effective date of this exemption. Such
30 confidential and exempt information and records may be
31 disclosed to another governmental entity, if disclosure is

1 necessary for the receiving entity to perform its duties and
2 responsibilities, and may be disclosed to the National
3 Association of Insurance Commissioners. The receiving
4 governmental entity and the association must maintain the
5 confidential and exempt status of such information and
6 records. The information and records made confidential and
7 exempt by this section may be used in a criminal, civil, or
8 administrative proceeding so long as the confidential and
9 exempt status of the information and records is maintained.
10 This section is subject to the Open Government Sunset Review
11 Act of 1995 in accordance with s. 119.15 and shall stand
12 repealed on October 2, 2007, unless reviewed and saved from
13 repeal through reenactment by the Legislature.

14 Section 2. The Legislature finds that the public
15 records exemption created by this act is a public necessity in
16 order to protect an individual's sensitive, personal
17 information. Disclosure of bank account numbers and debit,
18 charge, and credit card numbers would create the opportunity
19 for theft or fraud, thereby jeopardizing the financial
20 security of an individual. Limiting the disclosure of
21 personal identifying information contained in records that
22 disclose personal financial information held by the Department
23 of Insurance or its service providers is also necessary in
24 order to protect the financial interests of those persons to
25 whom that information pertains. Such numbers and information
26 could be used for fraudulent and other illegal purposes,
27 including identity theft, and could result in substantial
28 financial harm. Furthermore, every person has an expectation
29 of and a right to privacy in all matters concerning his or her
30 personal financial matters. The Legislature further finds
31 that it is a public necessity that medical records and

1 personal identifying information contained in records that
2 disclose personal health information be made confidential and
3 exempt because matters of personal health are traditionally
4 private and confidential concerns between the patient and the
5 health care provider. The private and confidential nature of
6 personal health matters pervades both the public and private
7 health care sectors. Moreover, public disclosure of medical
8 information could have a negative effect upon a person's
9 business and personal relationships, and could also have
10 detrimental financial consequences.

11 Section 3. This act shall take effect upon becoming a
12 law.

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14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 Senate Bill 1480

17 Specifies that a public records exemption would be created for
18 personal identifying information, other than the name and
19 address, contained in records that disclose personal financial
20 or health information held by the Department of Insurance.

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