

Amendment No. 01 (for drafter's use only)

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

11 Representative(s) Allen offered the following:

13 **Amendment (with title amendment)**

14 On page 1, line 19, through page 3, line 6,
15 remove: all said lines

17 and insert:

18 627.3111 Public records exemption.--All bank account
19 numbers and debit, charge, and credit card numbers; and all
20 other personal financial and health information of a consumer
21 held by the Department of Insurance or its service providers
22 or agents, relating to a consumer's complaint or inquiry
23 regarding a matter or activity regulated under the Florida
24 Insurance Code, are confidential and exempt from s. 119.07(1)
25 and s. 24(a), Art. I of the State Constitution. For the
26 purpose of this section, the term "consumer" includes but is
27 not limited to a prospective purchaser, purchaser, or
28 beneficiary of, or applicant for, any product or service
29 regulated under the Florida Insurance Code, and a family
30 member or dependent of a consumer, a subscriber under a group
31 policy, or a policyholder. This information shall be

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1 redacted from records that contain non-exempt information
2 prior to disclosure. This exemption applies to information
3 made confidential and exempt by this section held by the
4 Department of Insurance or its service providers or agents
5 before, on, or after the effective date of this exemption.
6 Such confidential and exempt information may be disclosed to
7 another governmental entity, if disclosure is necessary for
8 the receiving entity to perform its duties and
9 responsibilities, and may be disclosed to the National
10 Association of Insurance Commissioners. The receiving
11 governmental entity and the association must maintain the
12 confidential and exempt status of such information. The
13 information made confidential and exempt by this section may
14 be used in a criminal, civil, or administrative proceeding so
15 long as the confidential and exempt status of such information
16 is maintained. This exemption does not include the name and
17 address of an inquirer or complainant to the department or the
18 name of an insurer or other regulated entity which is the
19 subject of the inquiry of complaint. This section is subject
20 to the Open Government Sunset Review Act of 1995 in accordance
21 with s. 119.15 and shall stand repealed on October 2, 2007,
22 unless reviewed and saved from repeal through reenactment by
23 the Legislature.

24 Section 2. The Legislature finds that the public
25 records exemption created by this act is a public necessity in
26 order to protect an individual's sensitive financial and
27 health information. Disclosure of bank account numbers and
28 debit, charge, and credit card numbers would create the
29 opportunity for theft or fraud thereby jeopardizing the
30 financial security of an individual. Limiting disclosure of
31 personal financial information held by the Department of

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1 Insurance or its service providers is also necessary in order
2 to protect the financial interests of those persons to whom
3 that information pertains. Such numbers and information could
4 be used for fraudulent and other illegal purposes, including
5 identity theft, and could result in substantial financial
6 harm. Furthermore, every person has an expectation of and a
7 right to privacy in all matters concerning his or her personal
8 financial matters. The Legislature further finds that it is a
9 public necessity that health information held by the
10 department be made confidential and exempt because matters of
11 personal health are traditionally private and confidential
12 concerns between the patient and the health care provider.
13 The private and confidential nature of personal health matters
14 pervades both the public and private health care sectors.
15 Moreover, public disclosure of health information could have

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

19 And the title is amended as follows:

20 On page 1, lines 5, through 8,
21 remove: all said lines

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23 and insert:

24 charge, and credit card numbers and personal
25 financial and health information held by the
26 Department of Insurance;

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