

By Representative Allen

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 and patient records and other
 7 individual financial and health information, as
 8 well as bank account numbers and debit, charge,
 9 and credit card numbers, held by the Department
 10 of Insurance; providing for the release of
 11 information to law enforcement agencies under
 12 specified circumstances; providing for
 13 nonapplicability of the exemption; providing
 14 for future review and repeal; providing a
 15 finding of public necessity; providing an
 16 effective date.

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

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 20 Section 1. Section 627.3111, Florida Statutes, is
 21 created to read:
 22 627.3111 Public records exemption.--All bank account
 23 numbers and debit, charge, and credit card numbers, all
 24 personal identifying information contained in financial
 25 records and patient records, and other individual financial
 26 and health information held by the Department of Insurance, or
 27 its service providers, are exempt from s. 119.07(1) and s.
 28 24(a), Art. I of the State Constitution. The department,
 29 however, shall release such information to any local, state,
 30 or federal law enforcement agency as is necessary for the
 31 performance of such agency's official duties and

1 responsibilities, and in addition, this exemption does not
2 apply to any information regarding an insured or other person
3 who is the subject of a criminal investigation. This exemption
4 is subject to the Open Government Sunset Review Act of 1995 in
5 accordance with s. 119.15 and expires on October 2, 2007,
6 unless reviewed and reenacted by the Legislature.

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

1 private concerns between the patient and the health care
2 provider. Such information should not be open to public
3 disclosure just because the records come into the possession
4 of a public entity. Disclosure of such information could
5 cause unwarranted damage to the good name or reputation of
6 such individuals and could actually jeopardize their health
7 and safety.

8 Section 3. This act shall take effect upon becoming a
9 law.

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11 HOUSE SUMMARY

12 Provides an exemption from public records requirements
13 for personal identifying information contained in
14 financial records and patient records and other
15 individual financial and health information, as well as
16 bank account numbers and debit, charge, and credit card
17 numbers held by the Department of Insurance. Provides for
18 the release of information to law enforcement agencies as
19 is necessary for the performance of an agency's official
20 duties and responsibilities. Provides for
21 nonapplicability of the exemption to any information
22 regarding an insured or other person who is the subject
23 of a criminal investigation. Provides for future review
24 and repeal of the exemption. Provides a finding of public
25 necessity.