

By the Council for Smarter Government and Representative
Allen

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.

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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 contained in
22 records that disclose personal financial or health information
23 held by the Department of Insurance, or its service providers,
24 are confidential and exempt from s. 119.07(1) and s. 24(a),
25 Art. I of the State Constitution. This exemption applies to
26 information and records made confidential and exempt by this
27 section held by the Department of Insurance or its service
28 providers before, on, or after the effective date of this
29 exemption. Such confidential and exempt information and
30 records may be disclosed to another governmental entity, if
31 disclosure is necessary for the receiving entity to perform

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11 repealed on October 2, 2007, unless reviewed and saved from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

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

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

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

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