

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 and personal
6 financial and health information held by the
7 Department of Insurance; providing for
8 exceptions to the exemption; providing for
9 retroactive application; providing for future
10 review and repeal; providing a finding of
11 public necessity; providing an effective date.

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

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

17 627.3111 Public records exemption.--All bank account
18 numbers and debit, charge, and credit card numbers; and all
19 other personal financial and health information of a consumer
20 held by the Department of Insurance or its service providers
21 or agents, relating to a consumer's complaint or inquiry
22 regarding a matter or activity regulated under the Florida
23 Insurance Code, are confidential and exempt from s. 119.07(1)
24 and s. 24(a), Art. I of the State Constitution. For the
25 purpose of this section, the term "consumer" includes but is
26 not limited to a prospective purchaser, purchaser, or
27 beneficiary of, or applicant for, any product or service
28 regulated under the Florida Insurance Code, and a family
29 member or dependent of a consumer, a subscriber under a group
30 policy, or a policyholder. This information shall be
31 redacted from records that contain non-exempt information

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

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

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

18 Section 3. This act shall take effect upon becoming a
19 law.

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