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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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