

Amendment No. \_\_\_\_ (for drafter's use only)

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

11 The Committee on State Administration offered the following:

13 **Amendment (with title amendment)**

14 On page 1, line 12 through page 2, line 19,  
15 remove: all of said lines

17 and insert:

18 Section 1. (1) The following information and records  
19 of an insurer subject to delinquency proceedings pursuant to  
20 chapter 631, held by the Department of Insurance acting as  
21 receiver pursuant to chapter 631, or by a guaranty association  
22 established pursuant to chapter 631, are exempt from the  
23 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
24 Constitution:

25 (a) Information in customary underwriting files that  
26 identifies an insured or claimant.

27 (b) Records which if held by the insurer would be  
28 privileged or protected against discovery under Rule 1.280(b),  
29 Florida Rules of Civil Procedure, or other applicable rule or  
30 law.

31 (c) All medical records.

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1           (d) Personal identifying information contained in  
2 nonmanagerial personnel records and nonmanagerial payroll  
3 records.

4           (e) Information in claims files that identifies an  
5 insured or a claimant.

6  
7 This exemption applies to such information and records held by  
8 the Department of Insurance acting as receiver, or by a  
9 guaranty association, before, on, or after the effective date  
10 of this exemption.

11           (2) This section is subject to the Open Government  
12 Sunset Review Act of 1995 in accordance with s. 119.15, and  
13 shall stand repealed on October 2, 2007, unless reviewed and  
14 saved from repeal through reenactment by the Legislature.

15           Section 2. The Legislature finds that it is a public  
16 necessity that certain records of an insurer subject to  
17 delinquency proceedings held by the Department of Insurance as  
18 receiver, or by a guaranty association, be made exempt from  
19 public disclosure. Identifying information contained in  
20 underwriting files, nonmanagerial personnel records,  
21 nonmanagerial payroll records, and claims files, and medical  
22 records contain sensitive personal information that is not  
23 available to the public when held by the insurer. Access to  
24 such information and records could cause harm or embarrassment  
25 to an individual. Disclosure of such information and records  
26 allows access to private information about a person, which  
27 could be used to perpetrate fraud upon that person. Access to  
28 such information and records constitutes an unwarranted  
29 invasion into the life and personal privacy of a person.  
30 Thus, the harm from disclosing such information and records  
31 outweighs any public benefit that can be derived from public

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1 access. Furthermore, the Legislature finds that this  
2 exemption is a public necessity because matters of personal  
3 health are traditionally private and confidential concerns  
4 between a patient and the patient's health care provider. The  
5 private and confidential nature of personal health matters  
6 pervades both the public and private health care sectors.  
7 Other records contain attorney work product and information  
8 that would be privileged or protected under other applicable  
9 law. Disclosure of information not otherwise available  
10 pursuant to the applicable rules of civil procedure or  
11 privileged or protected under other applicable

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

And the title is amended as follows:

On page 1, line 5,

insert after the semicolon:

providing retroactive application of the  
exemption;