

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records exemptions; creating s.
7 409.25660, F.S.; exempting from public records
8 requirements certain records obtained by the Department of
9 Revenue under an insurance claim data exchange system;
10 providing for expiration of the exemption; providing for
11 future legislative review; providing a finding of public
12 necessity; providing a contingent effective date.

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

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16 Section 1. Section 409.25660, Florida Statutes, is created
17 to read:

18 409.25660 Public records exemption for insurance claim
19 data exchange information.--

20 (1) Information obtained by the Department of Revenue
21 pursuant to s. 409.25659 is confidential and exempt from s.
22 119.07(1) and s. 24(a), Art. I of the State Constitution, until
23 such time as the department determines whether a match exists.

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24 If a match exists, then such information becomes available for
25 public disclosure. If a match does not exist, the nonmatch
26 information shall be destroyed as provided in s. 409.25659.

27 (2) This section is subject to the Open Government Sunset
28 Review Act of 1995 in accordance with s. 119.15, and shall stand
29 repealed on October 2, 2009, unless reviewed and saved from
30 repeal through reenactment by the Legislature.

31 Section 2. The Legislature finds that it is a public
32 necessity that insurance claims information obtained by the
33 Department of Revenue pursuant to s. 409.25659, Florida
34 Statutes, be made confidential and exempt until such time as the
35 department determines whether a match is made with regards to a
36 person who owes child support. Such information regarding those
37 persons who do not receive a match is personal and of a private
38 nature. Gathering and maintaining personal information on
39 persons for purposes of child support enforcement, when such
40 persons do not owe child support, could be considered an
41 intrusion into the right of one's privacy, especially since
42 those persons are unaware that government has collected such
43 information. If such information is not made confidential and
44 exempt until the time specified, then the effective and
45 efficient administration of the insurance claim data exchange
46 program could be jeopardized. Insurers might be less likely to
47 provide the department with information regarding insurance
48 claims if the insurer believes such information will be made
49 available for public disclosure. Finally, public oversight of
50 such program is not hindered in that the public has access to
51 all information regarding persons receiving a match.

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52 Section 3. This act shall take effect upon becoming a law
53 if HB 1759 or similar legislation is adopted in the same
54 legislative session or an extension thereof and becomes law.