

By Senator Lynn

7-1805B-04

1 A bill to be entitled
2 An act relating to public records; creating s.
3 409.25661, F.S.; creating an exemption from
4 public-records requirements for information
5 obtained by the Department of Revenue from
6 insurers and pari-mutuel facilities under
7 specified circumstances; providing for
8 exceptions to the exemption; providing for
9 future legislative review and repeal; providing
10 findings of public necessity; providing a
11 contingent 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 409.25661, Florida Statutes, is
16 created to read:

17 409.25661 Public-record exemption for insurance claims
18 data exchange and pari-mutuel facilities' information.--

19 (1) The information obtained by the Department of
20 Revenue from insurers under s. 409.25659 is confidential and
21 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution. However, the information may be disclosed for
23 the purpose of locating a noncustodial parent who has a child
24 support obligation or for establishing, modifying, or
25 enforcing a child support obligation.

26 (2) The name, address, and social security number of
27 each pari-mutuel winner obtained by the Department of Revenue
28 from pari-mutuel facilities under s. 409.25662 is confidential
29 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
30 Constitution. However, the information may be disclosed for
31 the purpose of locating a noncustodial parent who has a child

1 support obligation or for establishing, modifying, or
2 enforcing a child support obligation.

3 Section 2. Section 409.25661, Florida Statutes, is
4 subject to the Open Government Sunset Review Act of 1995 in
5 accordance with section 119.15, Florida Statutes, and shall
6 stand repealed on October 2, 2009, unless reviewed and saved
7 from repeal through reenactment by the Legislature.

8 Section 3. The Legislature finds it is a public
9 necessity that insurance claims information reported to the
10 Department of Revenue under section 409.25659, Florida
11 Statutes, be held confidential and exempt from disclosure as a
12 public record because the information is personal and of a
13 private nature. Disclosure of this information could create
14 the opportunity for identity theft, fraudulent activity
15 concerning a claim, unauthorized solicitations by attorneys,
16 unauthorized practice of law, and unfair competition by
17 revealing industry claims experience. In addition, providing
18 for the confidentiality of this information promotes insurer
19 compliance with the requirements in section 409.25659, Florida
20 Statutes, to report this information to the Department of
21 Revenue by protecting confidential insurer and consumer
22 information. The Legislature also finds it is a public
23 necessity that the name, address, and social security number
24 of each pari-mutuel winner which is reported to the Department
25 of Revenue under section 409.25662, Florida Statutes, by a
26 pari-mutuel facility be held confidential and exempt from
27 disclosure as a public record because the information is
28 personal and of a private nature. Disclosure of this
29 information, which is sensitive to the noncustodial parent,
30 could be obtained and used for identity theft. In addition,
31 providing for the confidentiality of and an exemption from

1 public disclosure for this information promotes compliance by
2 a pari-mutuel facility with the requirements in section
3 409.25662, Florida Statutes, to report this information to the
4 Department of Revenue.

5 Section 4. This act shall take effect on the same date
6 that SB 160 or similar legislation takes effect, if such
7 legislation is adopted in the same legislative session or an
8 extension thereof and becomes law.

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SENATE SUMMARY

Creates an exemption from public-records requirements for information obtained by the Department of Revenue from insurers and pari-mutuel facilities under specified circumstances. Provides exceptions to the exemption. Provides for future legislative review and repeal under the Open Government Sunset Review Act of 1995. Provides findings of public necessity. (See bill for details.)