

By the Committees on Finance and Taxation; Judiciary; and  
Senator Lynn

314-2583-04

1                                   A bill to be entitled  
2           An act relating to public records; creating s.  
3           409.25661, F.S.; exempting from public-records  
4           requirements certain records obtained by the  
5           Department of Revenue under an insurance claim  
6           data exchange system; providing for expiration  
7           of the exemption; providing for future  
8           legislative review and repeal; providing  
9           findings of public necessity; providing a  
10          contingent effective date.

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

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14           Section 1. Section 409.25661, Florida Statutes, is  
15 created, to read:

16           409.25661 Public-record exemption for insurance claim  
17 data exchange information.--

18           (1) Information obtained by the Department of Revenue  
19 pursuant to s. 409.25659 is confidential and exempt from s.  
20 119.07(1) and s. 24(a), Art. I of the State Constitution until  
21 such time as the department determines whether a match exists.  
22 If a match exists, such information becomes available for  
23 public disclosure. If a match does not exist, the nonmatch  
24 information shall be destroyed as provided in s. 409.25659.

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27 shall stand repealed on October 2, 2009, unless reviewed and  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

29           Section 2. The Legislature finds it is a public  
30 necessity that insurance claims information obtained by the  
31 Department of Revenue pursuant to section 409.25659, Florida

1 Statutes, be made confidential and exempt until such time as  
2 the department determines whether a match is made with regards  
3 to a person who owes child support. Such information regarding  
4 those persons who do not receive a match is personal and of a  
5 private nature. Gathering and maintaining personal information  
6 on persons for purposes of child support enforcement, when  
7 such persons do not owe child support, could be considered an  
8 intrusion into the right of one's privacy, especially since  
9 those persons are unaware that government has collected such  
10 information. If such information is not made confidential and  
11 exempt until the time specified, the effective and efficient  
12 administration of the insurance claim data exchange program  
13 could be jeopardized. Insurers might be less likely to provide  
14 the department with information regarding insurance claims if  
15 the insurer believes such information will be made available  
16 for public disclosure. Finally, public oversight of such  
17 program is not hindered in that the public has access to all  
18 information regarding persons receiving a match.

19           Section 3. This act shall take effect upon becoming a  
20 law if SB 160 or similar legislation is adopted in the same  
21 legislative session, or an extension thereof, and becomes law.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/SB 2826

The committee substitute specifies that the public records exemption for insurance claim exchange information obtained by the Department of Revenue is confidential and exempt from the opens records law until such time as the department determines whether a match is made with regards to a person who owes child support. If a match exists, then such information becomes available for public disclosure.

The committee substitute changes the effective date from "this act shall take effect on the same day that CS for CS for SB 160 or similar legislation" to "this act shall take effect upon becoming law if SB 160 or similar legislation is adopted."