

By the Committee on Banking and Insurance

597-1874-07

1 A bill to be entitled
2 An act relating to a review under the Open
3 Government Sunset Review Act; amending s.
4 624.23, F.S., relating to consumer complaints
5 and inquiries handled by the Department of
6 Financial Services and the Office of Insurance
7 Regulation; revising the exemption from
8 public-records requirements which is provided
9 for personal financial and health information
10 of consumers; creating an exemption from
11 public-records requirements for information
12 concerning employees seeking assistance from
13 the Employee Assistance and Ombudsman Office;
14 providing for future legislative review and
15 repeal of the exemptions; providing a statement
16 of public necessity; providing an effective
17 date.

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

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21 Section 1. Section 624.23, Florida Statutes, is
22 amended to read:

23 624.23 Public records exemption.--

24 (1) As used in this section, the term:

25 (a) "Consumer" means:

26 1. A prospective purchaser, purchaser, or beneficiary
27 of, or applicant for, any product or service regulated under
28 the Florida Insurance Code, and a family member or dependent
29 of a consumer.

30 2. An employee seeking assistance from the Employee
31 Assistance and Ombudsman Office under s. 440.191.

1 (b) "Personal financial and health information" means:
2 1. A consumer's personal health condition, disease, or
3 injury;
4 2. The existence, nature, source, or amount of a
5 consumer's personal income or expenses;
6 3. Records of or relating to a consumer's personal
7 financial transactions of any kind;
8 4. The existence, identification, nature, or value of
9 a consumer's assets, liabilities, or net worth;
10 5. A history of a consumer's personal medical
11 diagnosis or treatment;
12 6. The existence or content or any individual coverage
13 or status under a consumer's beneficial interest in any
14 insurance policy or annuity contract; or
15 7. The existence, identification, nature, or value of
16 a consumer's interest in any insurance policy, annuity
17 contract, or trust. All bank account numbers and debit,
18 charge, and credit card numbers, and all other
19 (2) Personal financial and health information of a
20 consumer held by the department or office or their service
21 providers or agents, relating to a consumer's complaint or
22 inquiry regarding a matter or activity regulated under the
23 Florida Insurance Code or s. 440.191, are confidential and
24 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
25 Constitution. For the purpose of this section, the term
26 "consumer" includes but is not limited to a prospective
27 purchaser, purchaser, or beneficiary of, or applicant for, any
28 product or service regulated under the Florida Insurance Code,
29 and a family member or dependent of a consumer, a subscriber
30 under a group policy, or a policyholder. This information
31 shall be redacted from records that contain nonexempt

1 ~~information prior to disclosure.~~ This exemption applies to
2 personal financial and health information ~~made confidential~~
3 ~~and exempt by this section~~ held by the department or office ~~or~~
4 ~~their service providers or agents~~ before, on, or after the
5 effective date of this exemption.

6 (3) Such confidential and exempt information may be
7 disclosed to:

8 (a) Another governmental entity, if disclosure is
9 necessary for the receiving entity to perform its duties and
10 responsibilities; ~~and may be disclosed to~~

11 (b) The National Association of Insurance
12 Commissioners. ~~The receiving governmental entity and the~~
13 ~~association must maintain the confidential and exempt status~~
14 ~~of such information. The information made confidential and~~
15 ~~exempt by this section may be used in a criminal, civil, or~~
16 ~~administrative proceeding so long as the confidential and~~
17 ~~exempt status of such information is maintained. This~~
18 ~~exemption does not include the name and address of an inquirer~~
19 ~~or complainant to the department or office or the name of an~~
20 ~~insurer or other regulated entity which is the subject of the~~
21 ~~inquiry or complaint.~~

22 (4) This section is subject to the Open Government
23 Sunset Review Act ~~of 1995~~ in accordance with s. 119.15 and
24 shall stand repealed on October 2, 2012 ~~2007~~, unless reviewed
25 and saved from repeal through reenactment by the Legislature.

26 Section 2. The Legislature finds that it is a public
27 necessity to protect a person's sensitive financial and health
28 information. Disclosure of financial information would create
29 the opportunity for theft or fraud thereby jeopardizing the
30 financial security of a person. Limiting disclosure of
31 personal financial information held by the Department of

1 Financial Services or the Office of Insurance Regulation is
2 also necessary in order to protect the financial interests of
3 the persons to whom that information pertains. Such
4 information could be used for fraudulent or other illegal
5 purposes, including identity theft, and could result in
6 substantial financial harm. Furthermore, every person has an
7 expectation of and a right to privacy in all matters
8 concerning his or her financial interests. The Legislature
9 further finds that it is a public necessity that health
10 information held by the department or office and information
11 provided by employees seeking assistance from the Employee
12 Assistance and Ombudsman Office be made confidential and
13 exempt because matters of personal health are traditionally
14 private and confidential concerns between the patient and
15 health care provider. The private and confidential nature of
16 personal health matters pervades both the public and private
17 health care sectors. Moreover, public disclosure of health
18 information could have a negative effect upon a person's
19 business and personal relationships, and could also have
20 detrimental financial consequences.

21 Section 3. This act shall take effect October 1, 2007.

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24 SENATE SUMMARY

25 Revises the exemption from public-records requirements
26 which is provided for financial information concerning
27 consumer complaints and inquiries handled by the
28 Department of Financial Services and the Office of
29 Insurance Regulation. Creates an exemption from
30 public-records requirements for information concerning
31 employees seeking assistance from the Employee Assistance
and Ombudsman Office. Provides for future legislative
review and repeal of the exemptions under the Open
Government Sunset Review Act.