

1  
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.

18  
19 Be It Enacted by the Legislature of the State of Florida:  
20

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.  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31