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585-03309A-12

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government
Sunset Review Act; amending s. 624.23, F.S., which
provides a public records exemption for certain
records relating to consumer complaints and inquiries
regarding matters or activities regulated under the
Florida Insurance Code or the Employee Assistance and
Ombudsman Office within the Department of Financial
Services; reorganizing the definition of "consumer";
providing exceptions to the exemption; eliminating the
scheduled repeal of the exemption under the Open
Government Sunset Review Act; providing an effective
date.

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

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

624.23 Public records exemption.—

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

(a) "Consumer" means:

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

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



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- 28 (b) "Personal financial and health information" means:
29 1. A consumer's personal health condition, disease, or
30 injury;
31 2. A history of a consumer's personal medical diagnosis or
32 treatment;
33 ~~3.2.~~ The existence, nature, source, or amount of a
34 consumer's personal income or expenses;
35 ~~4.3.~~ Records of or relating to a consumer's personal
36 financial transactions of any kind;
37 ~~5.4.~~ The existence, identification, nature, or value of a
38 consumer's assets, liabilities, or net worth;
39 ~~5. A history of a consumer's personal medical diagnosis or~~
40 ~~treatment;~~
41 6. The existence or content of, or any individual coverage
42 or status under a consumer's beneficial interest in, any
43 insurance policy or annuity contract; or
44 7. The existence, identification, nature, or value of a
45 consumer's interest in any insurance policy, annuity contract,
46 or trust.
- 47 (2) Personal financial and health information held by the
48 department or office relating to a consumer's complaint or
49 inquiry regarding a matter or activity regulated under the
50 Florida Insurance Code or s. 440.191 are confidential and exempt
51 from s. 119.07(1) and s. 24(a), Art. I of the State
52 Constitution. This exemption applies to personal financial and
53 health information held by the department or office before, on,
54 or after the effective date of this exemption.
- 55 (3) Such confidential and exempt information may be
56 disclosed to:



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57 (a) Another governmental entity, if disclosure is necessary
58 for the receiving entity to perform its duties and
59 responsibilities. ~~and~~

60 (b) The National Association of Insurance Commissioners.

61 (c) The consumer or the consumer's legally authorized
62 representative.

63 (d) A person or entity that has the express written consent
64 of the consumer or the consumer's legally authorized
65 representative.

66 ~~(4) This section is subject to the Open Government Sunset~~
67 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
68 ~~on October 2, 2012, unless reviewed and saved from repeal~~
69 ~~through reenactment by the Legislature.~~

70 Section 2. This act shall take effect October 1, 2012.