

By the Committee on Banking and Insurance

597-01560A-12

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1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act; amending s. 624.23, F.S., relating
 4 to a public records exemption for certain records from
 5 consumer complaints and inquiries regarding matters or
 6 activities regulated under the Florida Insurance Code
 7 or Workers' Compensation Employee Assistance and
 8 Ombudsman Office; saving the exemption from repeal
 9 under the Open Government Sunset Review Act; deleting
 10 a provision providing for the repeal of the exemption;
 11 providing an effective date.

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

14
 15 Section 1. Section 624.23, Florida Statutes, is amended to
 16 read:

17 624.23 Public records exemption.—

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

19 (a) "Consumer" means:

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

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

26 (b) "Personal financial and health information" means:

27 1. A consumer's personal health condition, disease, or
 28 injury;

29 2. The existence, nature, source, or amount of a consumer's

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30 personal income or expenses;

31 3. Records of or relating to a consumer's personal
32 financial transactions of any kind;

33 4. The existence, identification, nature, or value of a
34 consumer's assets, liabilities, or net worth;

35 5. A history of a consumer's personal medical diagnosis or
36 treatment;

37 6. The existence or content or any individual coverage or
38 status under a consumer's beneficial interest in any insurance
39 policy or annuity contract; or

40 7. The existence, identification, nature, or value of a
41 consumer's interest in any insurance policy, annuity contract,
42 or trust.

43 (2) Personal financial and health information held by the
44 department or office relating to a consumer's complaint or
45 inquiry regarding a matter or activity regulated under the
46 Florida Insurance Code or s. 440.191 are confidential and exempt
47 from s. 119.07(1) and s. 24(a), Art. I of the State
48 Constitution. This exemption applies to personal financial and
49 health information held by the department or office before, on,
50 or after the effective date of this exemption.

51 (3) Such confidential and exempt information may be
52 disclosed to:

53 (a) Another governmental entity, if disclosure is necessary
54 for the receiving entity to perform its duties and
55 responsibilities; and

56 (b) The National Association of Insurance Commissioners.

57 ~~(4) This section is subject to the Open Government Sunset~~
58 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~

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59 ~~on October 2, 2012, unless reviewed and saved from repeal~~
60 ~~through reenactment by the Legislature.~~

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