

By the Committees on Governmental Oversight and Accountability;  
and Banking and Insurance

585-03565-12

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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., which  
4           provides a public records exemption for certain  
5           records relating to consumer complaints and inquiries  
6           regarding matters or activities regulated under the  
7           Florida Insurance Code or the Employee Assistance and  
8           Ombudsman Office within the Department of Financial  
9           Services; reorganizing the definition of "consumer";  
10          providing exceptions to the exemption; eliminating the  
11          scheduled repeal of the exemption under the Open  
12          Government Sunset Review Act; providing an effective  
13          date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Section 624.23, Florida Statutes, is amended to  
18           read:

19           624.23 Public records exemption.—

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

21           (a) "Consumer" means:

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

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

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

29           1. A consumer's personal health condition, disease, or

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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:

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

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59 responsibilities.~~7~~ and

60 (b) The National Association of Insurance Commissioners.

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

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64 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  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

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