

HB 7107

2012

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 an additional exception to the exemption;
 11 eliminating the scheduled repeal of the exemption
 12 under the Open Government Sunset Review Act; providing
 13 an effective 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
 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:

HB 7107

2012

57 (a) Another governmental entity, if disclosure is
58 necessary 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 ~~(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.