

ENROLLED  
 HB 7107

2012 Legislature

1  
 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:

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- 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  
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.