

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 record exemption for certain records
 5 from consumer complaints and inquiries regarding
 6 matters or activities regulated under the Florida
 7 Insurance Code or Workers' Compensation Employee
 8 Assistance and Ombudsman Office; reorganizing the
 9 definition of "consumer"; providing an exception to
 10 the exemption; saving the exemption from repeal under
 11 the Open Government Sunset Review Act; providing an
 12 effective date.

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

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

18 624.23 Public records exemption.—

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

20 (a) "Consumer" means:

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

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

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

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

29 injury;

30 2. A history of a consumer's personal medical diagnosis or

31 treatment;

32 ~~3.2.~~ The existence, nature, source, or amount of a

33 consumer's personal income or expenses;

34 ~~4.3.~~ Records of or relating to a consumer's personal

35 financial transactions of any kind;

36 ~~5.4.~~ The existence, identification, nature, or value of a

37 consumer's assets, liabilities, or net worth;

38 ~~5. A history of a consumer's personal medical diagnosis or~~

39 ~~treatment;~~

40 6. The existence or content of, or any individual coverage

41 or status under a consumer's beneficial interest in, any

42 insurance policy or annuity contract; or

43 7. The existence, identification, nature, or value of a

44 consumer's interest in any insurance policy, annuity contract,

45 or trust.

46 (2) Personal financial and health information held by the

47 department or office relating to a consumer's complaint or

48 inquiry regarding a matter or activity regulated under the

49 Florida Insurance Code or s. 440.191 are confidential and exempt

50 from s. 119.07(1) and s. 24(a), Art. I of the State

51 Constitution. This exemption applies to personal financial and

52 health information held by the department or office before, on,

53 or after the effective date of this exemption.

54 (3) Such confidential and exempt information may be

55 disclosed to:

56 (a) Another governmental entity, if disclosure is

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57 necessary for the receiving entity to perform its duties and
 58 responsibilities. ~~and~~

59 (b) The National Association of Insurance Commissioners.

60 (c) To the consumer or the consumer's legally authorized
 61 representative.

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

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