

Committee Substitute for
Committee Substitute for Senate Bill No. 2826

An act relating to public records; creating s. 409.25661, F.S.; exempting from public-records requirements certain records obtained by the Department of Revenue under an insurance claim data exchange system; providing for expiration of the exemption; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

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

Section 1. Section 409.25661, Florida Statutes, is created, to read:

409.25661 Public-record exemption for insurance claim data exchange information.—

(1) Information obtained by the Department of Revenue pursuant to s. 409.25659 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the department determines whether a match exists. If a match exists, such information becomes available for public disclosure. If a match does not exist, the nonmatch information shall be destroyed as provided in s. 409.25659.

(2) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds it is a public necessity that insurance claims information obtained by the Department of Revenue pursuant to section 409.25659, Florida Statutes, be made confidential and exempt until such time as the department determines whether a match is made with regards to a person who owes child support. Such information regarding those persons who do not receive a match is personal and of a private nature. Gathering and maintaining personal information on persons for purposes of child support enforcement, when such persons do not owe child support, could be considered an intrusion into the right of one's privacy, especially since those persons are unaware that government has collected such information. If such information is not made confidential and exempt until the time specified, the effective and efficient administration of the insurance claim data exchange program could be jeopardized. Insurers might be less likely to provide the department with information regarding insurance claims if the insurer believes such information will be made available for public disclosure. Finally, public oversight of such program is not hindered in that the public has access to all information regarding persons receiving a match.

Section 3. This act shall take effect upon becoming a law if SB 160 or similar legislation is adopted in the same legislative session, or an extension thereof, and becomes law.

Approved by the Governor June 18, 2004.

Filed in Office Secretary of State June 18, 2004.