

CHAPTER 2012-225

House Bill No. 7107

An act relating to a review under the Open Government Sunset Review Act; amending s. 624.23, F.S., which provides a public records exemption for certain records relating to consumer complaints and inquiries regarding matters or activities regulated under the Florida Insurance Code or the Employee Assistance and Ombudsman Office within the Department of Financial Services; reorganizing the definition of “consumer”; providing an additional exception to the exemption; eliminating the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

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

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

624.23 Public records exemption.—

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

(a) “Consumer” means:

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

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

(b) “Personal financial and health information” means:

1. A consumer’s personal health condition, disease, or injury;

2. A history of a consumer’s personal medical diagnosis or treatment;

~~3.2.~~ The existence, nature, source, or amount of a consumer’s personal income or expenses;

~~4.3.~~ Records of or relating to a consumer’s personal financial transactions of any kind;

~~5.4.~~ The existence, identification, nature, or value of a consumer’s assets, liabilities, or net worth;

~~5.— A history of a consumer’s personal medical diagnosis or treatment;~~

6. The existence or content ~~of~~, or any individual coverage or status under a consumer’s beneficial interest in, any insurance policy or annuity contract; or

7. The existence, identification, nature, or value of a consumer's interest in any insurance policy, annuity contract, or trust.

(2) Personal financial and health information held by the department or office relating to a consumer's complaint or inquiry regarding a matter or activity regulated under the Florida Insurance Code or s. 440.191 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to personal financial and health information held by the department or office before, on, or after the effective date of this exemption.

(3) Such confidential and exempt information may be disclosed to:

(a) Another governmental entity, if disclosure is necessary for the receiving entity to perform its duties and responsibilities; ~~and~~

(b) The National Association of Insurance Commissioners.

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

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

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

Approved by the Governor May 4, 2012.

Filed in Office Secretary of State May 4, 2012.