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2 An act relating to public records; amending s.  
3 624.4212, F.S.; providing an exemption from public  
4 records requirements for certain reports and documents  
5 submitted to the Office of Insurance Regulation  
6 related to an own-risk and solvency assessment by an  
7 insurer or insurance group; providing an exemption  
8 from public records requirements for a corporate  
9 governance annual disclosure and supporting documents  
10 submitted to the office; revising the actuarial board  
11 to which the office may disclose certain information;  
12 providing for and revising future legislative review  
13 and repeal; providing a statement of public necessity;  
14 providing a contingent effective date.  
15

16 Be It Enacted by the Legislature of the State of Florida:  
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18 Section 1. Present subsections (3), (4), and (5) of section  
19 624.4212, Florida Statutes, are redesignated as subsections (4),  
20 (5), and (6), respectively, and amended, and a new subsection  
21 (3) is added to that section, to read:

22 624.4212 Confidentiality of proprietary business and other  
23 information.—

24 (3) Except for information obtained by the office which  
25 would otherwise be available for public inspection, the  
26 following information held by the office is confidential and  
27 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
28 Constitution:

29 (a) An ORSA summary report, a substantially similar ORSA

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30 report, and supporting documents submitted pursuant to s.  
31 628.8015.

32 (b) A corporate governance annual disclosure and supporting  
33 documents submitted pursuant to s. 628.8015.

34 (4)~~(3)~~ Information received from the NAIC, a ~~or another~~  
35 governmental entity in this or another state, the Federal  
36 Government, or a government of another nation which is  
37 confidential or exempt if held by that entity and which is held  
38 by the office for use in the ~~office's~~ performance of its duties  
39 relating to insurer valuation and solvency is confidential and  
40 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
41 Constitution.

42 (5)~~(4)~~ The office may disclose information made  
43 confidential and exempt under this section:

44 (a) If the insurer to which it pertains gives prior written  
45 consent;

46 (b) Pursuant to a court order;

47 (c) To the Actuarial Board for Counseling and Discipline  
48 ~~American Academy of Actuaries~~ upon a request stating that the  
49 information is for the purpose of professional disciplinary  
50 proceedings and specifying procedures satisfactory to the office  
51 for preserving the confidentiality of the information;

52 (d) To other states, federal and international agencies,  
53 the National Association of Insurance Commissioners and its  
54 affiliates and subsidiaries, and state, federal, and  
55 international law enforcement authorities, including members of  
56 a supervisory college described in s. 628.805 if the recipient  
57 agrees in writing to maintain the confidential and exempt status  
58 of the document, material, or other information and has

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59 certified in writing its legal authority to maintain such  
60 confidentiality; or

61 (e) For the purpose of aggregating information on an  
62 industrywide basis and disclosing the information to the public  
63 only if the specific identities of the insurers, or persons or  
64 affiliated persons, are not revealed.

65 ~~(6)~~~~(5)~~ This section is subject to the Open Government  
66 Sunset Review Act in accordance with s. 119.15 and is repealed  
67 on October 2, 2021 ~~2019~~, unless reviewed and saved from repeal  
68 through reenactment by the Legislature.

69 Section 2. (1) The Legislature finds that it is a public  
70 necessity that the own-risk and solvency assessment (ORSA)  
71 summary report, a substantially similar ORSA report, and  
72 supporting documents submitted to and held by the Office of  
73 Insurance Regulation pursuant to s. 628.8015, Florida Statutes,  
74 be confidential and exempt from s. 119.07(1), Florida Statutes,  
75 and s. 24(a), Article I of the State Constitution. In conducting  
76 this required internal assessment, an insurer or insurance group  
77 identifies and evaluates the material and relevant risks to the  
78 insurer or insurance group and the adequacy of capital resources  
79 to support these risks. The ORSA summary report, substantially  
80 similar ORSA report, and supporting documents contain highly  
81 sensitive and strategic financial information about an insurer  
82 or insurer group. Having a comprehensive and unbiased assessment  
83 will provide the office with an effective early warning  
84 mechanism for preventing insolvencies and protecting  
85 policyholders and promote a stable insurance market. Divulging  
86 the ORSA summary report, substantially similar ORSA summary  
87 report, and supporting documents will injure the insurer or

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88 insurance group by providing competitors with detailed insight  
89 into their financial position, risk management strategies,  
90 business plans, pricing and marketing strategies, management  
91 systems, and operational protocols.

92 (2) The Legislature finds that it is a public necessity  
93 that the corporate governance annual disclosure and supporting  
94 documents submitted to and held by the office be confidential  
95 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
96 Article I of the State Constitution. The corporate governance  
97 annual disclosure describes an insurer's governance structure  
98 and the internal practices and procedures used in conducting the  
99 business affairs of the company, making strategic operational  
100 decisions affecting its competitive position, and managing its  
101 financial condition. Release of the corporate governance annual  
102 disclosure and supporting documents will injure the insurer or  
103 insurance group in the marketplace by providing competitors with  
104 the insurer's or the insurance group's confidential business  
105 information. Broad disclosure will give state regulators a  
106 thorough understanding of the corporate governance structure and  
107 internal policies and practices used by insurers and promote  
108 market integrity. Effective governance mechanisms will enable  
109 insurers to take any necessary corrective actions and achieve  
110 strategic goals while allowing the office to perform its  
111 regulatory duties effectively and efficiently.

112 Section 3. This act shall take effect on the same date that  
113 SB 1422 or similar legislation takes effect, if such legislation  
114 is adopted in the same legislative session or an extension  
115 thereof and becomes a law.