Committee on Banking and Insurance

HB 37 — Direct Primary Care Agreements

by Reps. Burgess, Miller, M. and others (CS/SB 80 by Banking and Insurance Committee and Senators Lee and Young)

The bill amends the Florida Insurance Code (code) to provide that a direct primary care agreement is not insurance and is not subject to regulation under the code, which will remove regulatory uncertainty for health care providers. Direct primary care (DPC) is a primary care medical practice model that eliminates third party payers from the primary care provider-patient relationship and the associated administrative costs associated with filing and resolving insurance claims.

The bill also defines DPC agreements and requires them to meet statutory requirements, including consumer disclosures. A contract that does not meet these requirements is not a DPC agreement and is not exempt from the code.

The bill does not impact state revenues or expenditures.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 38-0; House 97-10

Committee on Banking and Insurance

SB 220 — Bankruptcy Matters in Foreclosure Proceedings

by Senators Passidomo and Mayfield

The bill allows a lienholder in a foreclosure proceeding to use documents filed in a defendant's bankruptcy case as admissions against the defendant. A mortgage foreclosure is a legal action by a lender against a debtor to force the sale of real property that secures a defaulted-upon loan. The proceeds of the sale are used to repay the debt. Often, a debtor subject to foreclosure will file for bankruptcy as a means of obtaining an automatic stay of the foreclosure action and a discharge of the mortgage debt.

In bankruptcy, a debtor must file a statement under penalty of perjury stating his or her intent to retain, redeem, or surrender any property securing a debt. The debtor is supposed to act on that decision as a condition of obtaining a discharge of his or her debts. In some cases, debtors have stated an intention to surrender real property in bankruptcy proceedings, but later have actively contested the completion of a foreclosure proceeding regarding the property in state court.

The bill allows for documents filed under a penalty of perjury in a bankruptcy case to be filed in a mortgage foreclosure proceeding as admissions against the debtor/mortgagor. The bill also creates a rebuttable presumption that a defendant has waived any defense to a foreclosure action if the lienholder submits documents filed in the defendant's bankruptcy case which:

- Evidence intention to surrender to the lienholder the property that is the subject of the foreclosure;
- Have not been withdrawn by the defendant; and
- Show that a final order that discharges the defendant's debts or confirms the defendant's repayment plan that provides for surrender of the property.

A defendant can still raise a defense based upon the lienholder's action or inaction subsequent to the filing of the document which evidenced the defendant's intent to surrender the property.

The bill also requires a court in foreclosure proceeding, upon the request of a lienholder, to take judicial notice of any order entered in a bankruptcy case.

If approved by the Governor, these provisions take effect October 1, 2018.
Vote: Senate 35-0; House 111-0

Committee on Banking and Insurance

CS/CS/SB 376 — Workers' Compensation Benefits for First Responders

by Appropriations Committee; Banking and Insurance Committee; and Senators Book, Young, Taddeo, Montford, Stewart, Rader, Campbell, and Torres

The bill revises the standards for determining compensability of employment-related post-traumatic stress disorder (PTSD) under workers' compensation insurance for first responders, which includes volunteers or employees engaged as law enforcement officers, firefighters, emergency medical technicians, and paramedics. The bill allows first responders that meet certain conditions to access indemnity and medical benefits for PTSD without an accompanying physical injury. Current law provides only medical benefits for a mental or nervous injury without an accompanying physical injury and requires the first responder to incur a compensable physical injury to receive indemnity benefits for a mental or nervous injury. Generally, the bill will increase the likelihood of compensability for workers' compensation indemnity benefits for PTSD.

PTSD is a psychiatric disorder that can occur in persons who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other violent personal assault. A diagnosis of PTSD requires direct or indirect exposure to an upsetting traumatic event. Although estimates vary across occupations and the general population, some studies indicate that first responders and other professionals who are exposed to potentially traumatic events in their workplace are significantly more likely to develop PTSD compared to the general population.

The bill creates an exception to current law to authorize the compensation of indemnity benefits for PTSD, if the first responder:

- Has PTSD that resulted from the course and scope of employment; and
- Is examined and diagnosed with PTSD by an authorized treating psychiatrist of the employer or carrier due to the first responder experiencing one of the following qualifying events relating to minors or others:
  - Seeing for oneself a deceased minor;
  - Witnessing directly the death of a minor;
  - Witnessing directly the injury to a minor who subsequently died prior to, or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;
  - Seeing for oneself a decedent who died due to grievous bodily harm of a nature that shocks the conscience;
  - Witnessing directly a death, including suicide, due to grievous bodily harm; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence;
  - Witnessing directly an injury that results in death, if the person suffered grievious bodily harm that shocks the conscience; or

- Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered grievous bodily harm, if the injured person subsequently died prior to or upon arrival at a hospital emergency department.

The PTSD must be demonstrated by clear and convincing evidence. Medical and indemnity benefits for a first responder's PTSD are due regardless of whether the first responder incurred a physical injury, and the following provisions do not apply:

- Apportionment due to a preexisting PTSD;
- The one percent limitation on permanent psychiatric impairment benefits; or
- Any limitation on temporary benefits under s. 440.093, F.S.

The first responder must file the notice of injury with their employer or carrier within 90 days of the qualifying event, described above, or manifestation of the PTSD. However, the claim is barred if it is not filed within 52 weeks of the qualifying event.

The bill requires an employing agency of a first responder to provide educational training relating to mental health awareness, prevention, mitigation, and treatment.

State and local governments may incur additional costs as a result of the implementation of this bill. The National Council on Compensation Insurance estimates the fiscal impact of the bill on Florida's workers' compensation system is approximately 0.2 percent, or approximately $7 million.

If approved by the Governor, these provisions take effect October 1, 2018.
Vote: Senate 33-0; House 114-0

Committee on Banking and Insurance

CS/SB 386 — Consumer Finance

by Banking and Insurance Committee and Senators Garcia and Taddeo

The bill permits consumer finance loans made pursuant to ch. 516, F.S., to be repaid in installments due every 2 weeks, semimonthly, or monthly, rather than only monthly under current law. The bill requires that such a loan be repaid in periodic installments and the final payment may be less than the amount of the prior installments. Lastly, the bill establishes the maximum delinquency charge for each payment in default at least 10 days;

- $15 per default if one payment is due in a month.
- $7.50 per default if two payments are due in a month.
- $5.00 per default if three payments are due in a month.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 35-0; House 117-0

Committee on Banking and Insurance

CS/HB 411 — Public Records and Public Meetings/Firesafety Systems

by Government Accountability Committee and Rep. Clemons and others (SB 738 by Senator Perry)

The bill makes confidential and exempt from public records requirements in s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution firesafety system plans for any state owned or leased buildings and any privately owned or leased property, and information relating to such systems, that are held by a state agency. The bill also makes confidential and exempt from public meeting requirements any portion of a meeting that would reveal a firesafety system plan that is exempt from public records requirements.

The bill specifies that the public record exemptions must be given retroactive application because they are remedial in nature. Thus, records of firesafety system plans and records relating to firesafety systems in existence prior to the effective date of the bill will be protected by the exemptions.

The bill provides a public necessity statement as required by the State Constitution, specifying that as firesafety systems become more integrated with security systems, disclosure of sensitive information relating to the firesafety systems could result in identification of vulnerabilities in the systems and allow a security breach that could damage the systems and disrupt their safe and reliable operation.

The bill provides for repeal of the exemption on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 111-0

Committee on Banking and Insurance

CS/CS/HB 455 — Governance of Banks and Trust Companies

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. McClain and others (CS/SB 416 by Banking and Insurance Committee and Senator Thurston)

The bill amends the financial institution codes to expand the pool of eligible individuals who may serve as a director, president, or chief executive officer of a new or existing bank or trust company that is subject to regulation by the Office of Financial Regulation. Further, the bill clarifies and revises the limitations on corporate investments.

For existing and new state-chartered banks and trust companies, the bill extends the period from 3 to 5 years during which certain officers and directors must have achieved at least 1 year of direct financial institution experience. Under current law, at least two proposed directors, who are not also proposed officers, must have the requisite experience within the 3 years prior to the date of the application for charter. For existing state-chartered banks or trust companies, the president, chief executive officer, or any other person with an equivalent rank, must have had at least 1 year of direct experience within the last 3 years.

The bill requires that at least a majority, rather than three-fifths, of the directors of a state-chartered bank or trust company must have resided in this state for at least 1 year preceding their election and must continue their residency in Florida for the duration of their time in office. This change will align the residency requirement for Florida state-chartered banks with the residency requirement for national banks.

Lastly, the bill amends current law to clarify an ambiguity in the interpretation of investment limits relating to corporate obligations or corporate bonds. The bill clarifies that:

- The types of entities for which the limitation on investments in corporations applies are subsidiary corporations and affiliates.
- The limitation on investments in corporations applies to an aggregate of any combination of stocks, obligations, and other securities of subsidiary corporations and affiliates.
- The aggregate of such investments may not exceed 10 percent of the total assets of the bank.

The bill has no fiscal impact on the Office of Financial Regulation.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 36-0; House 107-0

Committee on Banking and Insurance

CS/CS/HB 465 — Insurance

by Commerce Committee; Insurance and Banking Subcommittee; and Reps. Santiago and Hager (CS/CS/SB 784 by Judiciary Committee; Banking and Insurance Committee; and Senator Brandes)

The bill amends numerous provisions of the Florida Insurance Code. This bill:

- Provides that the stock of a subsidiary corporation or related entity of a foreign insurer is exempt from certain limitations on valuation and investment requirements for solvency evaluation purposes if the investments are permissible in the insurer's domicile state that is a member of the National Association of Insurance Commissioners and the investments meet specified requirements;
- Provides that an applicant for licensure as an all-lines adjuster certified as a Claims Adjuster Certified Professional from WebCE, Inc., does not have to take the adjuster examination;
- Repeals a requirement that surplus lines insurers request eligibility from the Florida Surplus Lines Service Office;
- Incorporates a recent amendment of the Gramm-Leach-Bliley Act for purposes of privacy standards applicable to certain notices required by rules adopted by the Department of Financial Services and the Financial Services Commission;
- Provides that an insurer may issue an insurance policy without certain signatures;
- Requires that a notice of policy change summarize the changes made to the policy before renewal;
- Provides that an insurer is not required to participate in a mediation of a property insurance claim requested by an assignee of policy benefits;
- Allows motor vehicle insurers to use the Intelligent Mail barcode, or similar method approved by the United States Postal Service, to document proof of mailing of certain required notices;
- Authorizes specialty insurers to overcome a presumption of control regarding acquisition of stocks, interests, and assets of other companies by filing a disclaimer of control with the Office of Insurance Regulation, and provides that authorized viatical settlement providers are specialty insurers;
- Expands the confidentiality of documents submitted to the Office of Insurance Regulation under Own-Risk and Solvency Assessment requirements to make such documents inadmissible as evidence in any private civil action, regardless of from whom they were obtained;
- Revises unearned premium reserve requirements for reciprocal insurers; and
- Allows for electronic posting of certain policy information by health maintenance organizations and motor vehicle service agreement companies.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 38-0; House 113-1

Committee on Banking and Insurance

CS/CS/HB 483 — Unfair Insurance Trade Practices

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Yarborough and others (CS/CS/SB 762 by Commerce and Tourism Committee; Banking and Insurance Committee; and Senator Mayfield)

The bill amends the Unfair Insurance Trade Practices Act to allow insurers and their agents to give goods, wares, store gift cards, gift certificates, event tickets, anti-fraud or loss mitigation services, charitable donations, or other items not exceeding $100 in value within 1 calendar year to insureds, prospective insureds, and others.

The bill limits advertising gifts by title insurance agents, agencies, and insurers to an aggregate $25 gift value per calendar year, rather than a $25 per gift value limit with no annual aggregate limitation.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 38-0; House 114-0

Committee on Banking and Insurance

CS/HB 529 — Florida Fire Prevention Code

by Commerce Committee and Rep. Diaz, M. (CS/SB 746 by Banking and Insurance Committee and Senator Bean)

The bill establishes a 3-year exemption to the Fire Prevention Code to allow for the limited placement of waste containers and waste within the hallways of apartment buildings that utilize a doorstep waste pickup service.

Under the bill, a doorstep waste collection service may operate in apartment buildings with enclosed corridors served by interior or exterior exit stairs if waste is not placed in exit access corridors for longer than 5 hours; waste containers do not occupy exit access corridors for longer than 12 hours; and waste containers do not exceed 13 gallons. For apartment buildings with open-air corridors or balconies serviced by exterior stairs waste cannot be placed in exit access corridors for longer than 5 hours; there is no limit on how long waste containers may occupy access corridors; and a waste container size may not exceed 27 gallons. In all cases the management of an apartment complex utilizing a doorstep waste collection service that would operate under this new law must have written policies and procedures in place and enforce them to insure compliance. A copy of such policies and procedures can be requested and must be provided to the authority having jurisdiction. Additionally, waste containers may not reduce the means of egress width below that required under NFPA Life Safety Code 101:31.

The bill provides that the authority having jurisdiction may approve alternative containers and storage arrangements that are demonstrated to provide an equivalent level of safety and must allow apartment occupancies a phase-in period until December 31, 2020, to comply with the requirements of the bill. The provisions of the bill are repealed on July 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 37-1; House 113-0

Committee on Banking and Insurance

CS/HB 533 — Unfair Insurance Trade Practices

by Insurance and Banking Subcommittee and Rep. Hager and others (CS/SB 756 by Rules Committee and Senator Grimsley)

The bill creates an exemption from the Unfair Insurance Trade Practices Act that allows an admitted insurer to refuse to insure a person for failure to purchase motor vehicle services from a membership organization that, as of January 1, 2018, is affiliated with the admitted property and casualty insurer.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 38-0; House 102-0

Committee on Banking and Insurance

SB 660 — Florida Insurance Code Exemption for Nonprofit Religious Organizations

by Senator Brandes

The bill amends Florida's statute governing health care sharing ministries to reflect changes in how the entities operate. A health care sharing ministry is a health care cost sharing arrangement among persons of similar and sincerely held beliefs, administered by a not-for-profit religious organization. Some health care sharing ministries act as a clearinghouse to allow one or more members to directly pay the medical expenses of another member. Other health care sharing ministries receive funds from members and use those funds to pay authorized medical expenses when members request payment. These entities are not insurance companies and are not regulated by the Office of Insurance Regulation.

Current law limits participation in a health care sharing ministry to those who share the same religion. The bill allows participation by those who "share a common set of ethical or religious beliefs." The bill provides that the health care sharing ministry must provide for the financial, physical or medical needs of a participant through contributions from other participants. Current law requires the health care sharing ministry must provide for financial or medical needs by direct payments from one participant to another. The bill allows direct payments but also allows payments from a fund to a participant.

The bill requires the health care sharing ministry to provide monthly to the participants the amount of qualified needs actually shared in the previous month. It also requires the organization to conduct an annual audit performed by an independent certified public accounting firm in according with generally accepted accounting principles. The audit must be available to the public upon request or posted on the organization's website.

The bill expands the required notice to participants that the health care sharing ministry is not an insurance company and no participant is required by law to assist others with medical expenses.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 37-0; House 89-27

Committee on Banking and Insurance

CS/CS/CS/SB 920 — Deferred Presentment Transactions

by Rules Committee; Appropriations Committee; Commerce and Tourism Committee; and Senators Bradley and Braynon

The bill authorizes deferred presentment installment transactions under Florida law. A deferred presentment installment transaction must be fully amortizing and repayable in consecutive installments, which must be as equal as mathematically practicable. The term of a deferred presentment installment transaction may not be less than 60 days or more than 90 days and the time between installment payments must be at least 13 days but not greater than 1 calendar month.

The maximum face amount of a check taken for a deferred presentment installment transaction may not exceed $1,000, exclusive of fees. The maximum fees that may be charged on a deferred presentment installment transaction are 8 percent of the outstanding transaction balance on a biweekly basis. Fees for a deferred presentment installment transaction are calculated using simple interest. Prepayment penalties are prohibited. The bill retains current law in prohibiting a provider from entering into a deferred presentment transaction with any person who has an outstanding deferred presentment transaction or whose previous transaction has been terminated for less than 24 hours. If a drawer timely informs the provider in writing or in person that they cannot redeem or pay in full in cash the amount due and owing, the provider must provide a grace period for payment of a scheduled installment.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 31-5; House 106-9

Committee on Banking and Insurance

CS/HB 935 — Mortgage Regulation

by Commerce Committee and Rep. Nunez (CS/SB 894 by Rules Committee and Senator Garcia)

The bill revises ch. 494, F.S., governing non-depository loan originators, mortgage brokers, and mortgage lender businesses subject to regulation by the Office of Financial Regulation to provide greater consumer protections. The bill provides that it is unlawful for any person to misrepresent a residential mortgage loan as a business purpose loan, and defines the term, "business purpose loan." Further, the bill provides a definition of the term "hold himself or herself out to the public as being in the mortgage lending business," as that term currently exists under two licensing exemption provisions. These current exemptions permit an individual investor to make or acquire a mortgage loan with his or her own funds, or to sell such mortgage loan, without being licensed as a mortgage lender, so long as the individual does not "hold himself or herself out to the public as being in the mortgage lending business."

The bill was in response to alleged unlicensed mortgage lending activity in South Florida. According to these reports, some lending entities were providing residential loans with usurious interest rates and high fees made under the guise of business purpose loans in order to avoid licensure and disclosure requirements under ch. 494, F.S., as a mortgage lender. These groups also claim that some of these unscrupulous lenders would not make the "residential loan" unless the borrower formed a limited liability company.

If approved by the Governor, these provisions take effect July 1, 2019.
Vote: Senate 37-0; House 112-0

Committee on Banking and Insurance

HB 953 — Consumer Report Security Freezes

by Rep. Harrison and others (SB 1302 by Senator Brandes)

The bill prohibits consumer reporting agencies (CRAs) from charging fees for placing, removing, or temporarily lifting a security freeze on a consumer report. A security freeze prevents a CRA from releasing the consumer report, credit score, or any information contained within the consumer report to a third party without the consumer's express authorization. Currently, Florida law permits a CRA to charge a consumer up to $10 to institute a credit freeze.

In recent years, data breaches have increased in frequency, scale, sophistication, and severity of impact, resulting in more widespread identity theft. Currently, Florida law allows a consumer to freeze access to his or her consumer report, which prevents anyone from trying to open a new account or new credit under his or her name.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 36-0; House 113-0

Committee on Banking and Insurance

CS/CS/HB 1011 — Homeowners' Insurance Policy Disclosures

by Commerce Committee; Insurance and Banking Subcommittee; and Rep. Cruz and others (CS/SB 1282 by Banking and Insurance Committee and Senator Taddeo)

The bill expands the required notice regarding flood insurance and laws and ordinance coverage in a homeowner's property insurance policy to include notice that the purchase of homeowner's insurance does not cover flood, even if hurricane winds and rain caused the flood to occur. The notice is to be included upon the initial issuance and at each renewal of the homeowner's insurance policy.

If approved by the Governor, these provisions take effect January 1, 2019.
Vote: Senate 36-0; House 115-0

Committee on Banking and Insurance

CS/CS/CS/HB 1073 — Department of Financial Services

by Commerce Committee; Government Operations and Technology Appropriations Subcommittee; Insurance and Banking Subcommittee; and Rep. Hager (CS/CS/CS/SB 1292 by Appropriations Committee; Children, Families, and Elder Affairs Committee; Banking and Insurance Committee; and Senator Stargel)

The bill makes various changes to statutes relating to the Department of Financial Services (DFS). The bill:

- Allows the Division of Treasury to use "electronic images" as a means of producing copies of warrants, vouchers, or checks;
- Creates the Bureau of Insurance Fraud and the Bureau of Workers' Compensation Fraud within the Division of Investigative and Forensic Services of the DFS.
- Requires transition plans of youth aging out of foster care to provide information on the financial literacy curriculum offered by the DFS and requires young adults who have aged out of foster care and who request aftercare services to receive information about the financial literacy curriculum;
- Begins the process of creating the Florida Open Financial Statement System to allow better access to financial reports filed by local governments and provides a $500,000 appropriation;
- Directs agencies to provide risk training, report return-to-work data to the DFS, and submit information regarding internal risk assessments to the DFS;
- Allows DFS to disclose the personal identifying information of injured employees to its contracted vendors for the purpose of administering workers' compensation claims;
- Specifies that public assistance recipients give written consent to make inquiry of past or present employers and records to the Department of Education, rather than the Department of Economic Opportunity, to facilitate the investigation by DFS of public assistance fraud.
- Eliminates the licensure requirement for managing general agents and replaces it with a process where managing general agents are appointed by insurance companies;
- Reduces from 24 to 4 the number of risks that an agent can write for an insurer in a calendar year without an appointment by the insurer or an exchange of business appointment;
- Extends the validity of fingerprints from 12 to 48 months for currently licensed individuals seeking other DFS licenses;
- Eliminates the requirement that nonresident public adjusters and nonresident all-lines adjusters submit an affidavit certifying their understanding of Florida law;
- Provides that DFS may provide rewards to individuals who provide information leading to the arrest and conviction of persons who commit arson;
- Creates a uniform 4-year appointment term for members of the Florida Fire Safety Board;
- Clarifies the inactive status requirements for a fire equipment dealer license and removes the requirements that proof of insurance for a fire equipment dealer or fire protection system contractor's license must be on a form provided by the DFS;

- Specifies roles, responsibilities, and retention requirements of individuals holding a Special Certificate of Compliance;
- Repeals outdated language requiring the Florida State Fire College to develop and implement a staffing formula for the Fire College; and
- Allows a life agent who is a certified public accountant and who has specified registrations in the financial services business to serve as trustee in situations where the life agent has placed the life insurance coverage.

If approved by the Governor, these provisions take effect July 1, 2018.
Vote: Senate 38-0; House 113-0

Committee on Banking and Insurance

CS/CS/HB 1127 — Pub. Rec. and Meetings/Citizens Property Insurance Corporation

by Government Accountability Committee; Oversight, Transparency and Administration Subcommittee and Rep. Lee (CS/CS/CS/SB 1880 by Rules Committee; Governmental Oversight and Accountability Committee; Banking and Insurance Committee; and Senators Broxson and Mayfield)

The bill creates public record and public meeting exemptions to protect data and records pertaining to the security of Citizens Property Insurance Corporation's information networks from disclosure. The bill provides that records held by the corporation that identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, are confidential and exempt from public record requirements. Portions of risk assessments, evaluations, audits, and other reports of Citizen's information technology security program are also exempt from public disclosure. The exemption applies if the disclosure would facilitate unauthorized access to, or unauthorized modification, disclosure, or destruct of data or information or information technology resources.

The bill also creates a public meeting exemption for meetings and portions thereof that would reveal the above-described information technology security information. Recordings or transcripts of such closed portions of meetings must be taken. Recordings or transcripts are confidential and exempt from public record requirements, unless a court, following an in-camera review, determines that the meeting was not restricted to the discussion of confidential and exempt data and information. In the event of such a judicial determination, only that portion of a transcript that reveals nonexempt data and information may be disclosed to a third party.

The bill requires the confidential and exempt records related to the public meeting exemption to be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, and the Office of Insurance Regulation. Such records and portions of meetings, recordings, and transcripts may also be available to a state or federal agency for security purposes or in furtherance of the agency's official duties.

The public record exemptions apply to records or portions of public meetings, recordings, and transcripts held by the corporation. The public records exemption applies retroactively.

This section is subject to the Open Government Sunset Review and stands repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.
Vote: Senate 36-0; House 108-5

Committee on Banking and Insurance

HB 7075 — OGSR/Payment Instrument Transaction Information

by Oversight, Transparency and Administration Subcommittee and Rep. McClure (SB 7010 by Banking and Insurance Committee)

The bill is the product of a review required by the Open Government Sunset Review Act. The Open Government Sunset Review Act requires the Legislature to review each public record exemption 5 years after enactment. If the Legislature does not reenact the exemption, it automatically repeals on October 2nd of the fifth year after enactment.

The Office of Financial Regulation (OFR) licenses and regulates check cashers. Florida law imposes various requirements on check cashiers, including that such licensees maintain certain payment instrument transaction information. In addition, certain information related to each payment instrument being cashed that exceeds $1,000 must be entered into the OFR's check cashing database.

Current law provides that payment instrument transaction information held by the OFR pursuant to the database that identifies a licensee, payor, payee, or conductor is confidential and exempt from public record requirements. The OFR may enter into information-sharing agreements with the Department of Financial Services, law enforcement agencies, and other governmental agencies in certain circumstances, and require those agencies to maintain the confidentiality of the information, except as required by court order.

The bill extends the repeal date by 2 years, to October 2, 2020, for the public record exemption. The bill clarifies that the OFR may release information in the database in the aggregate as long as confidential and exempt identifying information is not disclosed.

If approved by the Governor, these provisions take effect October 1, 2018.
Vote: Senate 37-0; House 113-0

Committee on Banking and Insurance

HB 7097 — OGSR/Citizens Property Insurance Corporation

by Government Accountability Committee and Rep. Santiago (SB 7012 by Banking and Insurance Committee)

The bill reenacts and saves from repeal the public records exemption for proprietary business information provided by participating insurers to the Citizens Property Insurance Corporation's clearinghouse program. Such proprietary business information is shared with the clearinghouse to facilitate placing risks with participating private market insurers when applicants or current Citizens policyholders seek new or renewal property insurance coverage from Citizens.

The bill is based on an Open Government Sunset Review of the public records exemption.

If approved by the Governor, these provisions take effect October 1, 2018.
Vote: Senate 37-0; House 113-0