

By Senator Rossin

35-1267-01

1                                   A bill to be entitled  
2           An act relating to public records; amending s.  
3           624.319, F.S.; exempting work papers relating  
4           to examinations and investigations of insurers  
5           from public records requirements; providing  
6           legislative findings; providing for future  
7           review and repeal of the exemption; providing  
8           an effective date.

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

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12           Section 1. Subsection (3) of section 624.319, Florida  
13 Statutes, is amended to read:

14           624.319 Examination and investigation reports.--  
15           (3)(a) Examination reports, until filed, are  
16 confidential and exempt from the provisions of s. 119.07(1).  
17 Investigation reports are confidential and exempt from the  
18 provisions of s. 119.07(1) until the investigation is  
19 completed or ceases to be active. For purposes of this  
20 subsection, an investigation is active while it is being  
21 conducted by the department with a reasonable, good faith  
22 belief that it could lead to the filing of administrative,  
23 civil, or criminal proceedings. An investigation does not  
24 cease to be active if the department is proceeding with  
25 reasonable dispatch and has a good faith belief that action  
26 could be initiated by the department or other administrative  
27 or law enforcement agency. After an investigation is completed  
28 or ceases to be active, portions of the investigation report  
29 relating to the investigation remain confidential and exempt  
30 from the provisions of s. 119.07(1) if disclosure would:

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1           1. Jeopardize the integrity of another active  
2 investigation;

3           2. Impair the safety and financial soundness of the  
4 licensee or affiliated party;

5           3. Reveal personal financial information;

6           4. Reveal the identity of a confidential source;

7           5. Defame or cause unwarranted damage to the good name  
8 or reputation of an individual or jeopardize the safety of an  
9 individual; or

10          6. Reveal investigative techniques or procedures.

11          **(b) Work papers, or portions thereof, prepared by or**  
12 **for the use of the department in the performance of its**  
13 **examination or investigation duties pursuant to ss. 624.316**  
14 **and 624.3161 or of any state or federal agency responsible for**  
15 **the regulation or supervision of financial institutions as**  
16 **defined in s. 655.005(1) are confidential and exempt from the**  
17 **provisions of s. 119.07(1) and s. 24(a) of Article I of the**  
18 **State Constitution. This paragraph is subject to the Open**  
19 **Government Sunset Review Act of 1995 in accordance with s.**  
20 **119.15 and shall stand repealed on October 2, 2006, unless**  
21 **reviewed and saved from repeal through reenactment by the**  
22 **Legislature.**

23          ~~(c)~~ Lists of insurers or regulated companies are  
24 confidential and exempt from the provisions of s. 119.07(1)  
25 if:

26           1. The financial solvency, condition, or soundness of  
27 such insurers or regulated companies is being monitored by the  
28 department;

29           2. The list is prepared to internally coordinate  
30 regulation by the department of the financial solvency,  
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1 condition, or soundness of the insurers or regulated  
2 companies; and

3 3. The Insurance Commissioner and Treasurer determine  
4 that public inspection of such list could impair the financial  
5 solvency, condition, or soundness of such insurers or  
6 regulated companies.

7 Section 2. The Legislature finds that the exemption  
8 from public disclosure of work papers relating to an  
9 examination is necessary for the effective and efficient  
10 administration of a government program. Disclosure of work  
11 papers could indicate the contents of examination reports,  
12 which are otherwise confidential until they are filed, and of  
13 investigation reports, which are otherwise confidential until  
14 the investigation is completed or ceases to be active, and  
15 could thus thwart the state's interest in assuring the  
16 integrity of the regulatory process. Further, work papers, by  
17 the nature of their incompleteness, have a higher risk of  
18 containing inaccurate information about insurers and persons  
19 which, if disclosed, could harm the business of a regulated  
20 entity or an employee or officer of that entity.

21 Section 3. This act shall take effect upon becoming a  
22 law.

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25 SENATE SUMMARY

26 Exempts partial and complete work papers relating to  
27 examinations and investigations of insurers from public  
28 records disclosure.  
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