

By Senator Holzendorf

2-1615-01

1 A bill to be entitled
2 An act relating to public-records exemptions;
3 exempting from the public-records law certain
4 claim file records pertaining to the
5 Long-Term-Care-Facility Joint Underwriting
6 Association; providing for future review and
7 repeal; providing findings of public necessity;
8 providing 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. (1) All active claim files and related
13 records of the Long-Term-Care-Facility Joint Underwriting
14 Association are confidential and exempt from section
15 119.07(1), Florida Statutes, until the processing of the claim
16 is completed or becomes inactive.

17 (2) A claim file is active while it is being conducted
18 by the association with a reasonable good-faith belief that
19 the claim will be resolved. The file does not become inactive
20 as long as the association is proceeding with reasonable
21 dispatch and there is a good-faith belief that the claim will
22 be settled.

23 (3) This section is subject to the Open Government
24 Sunset Review Act of 1995 in accordance with section 119.15,
25 Florida Statutes, and shall stand repealed on October 2, 2006,
26 unless reviewed and saved from repeal before that time through
27 reenactment by the Legislature.

28 Section 2. The Legislature finds that the exemption
29 from public-records requirements provided in this act, is a
30 public necessity, and that it would be an invasion of privacy
31 for sensitive information contained in the claim file to be

1 publicly available. Furthermore, the Legislature finds that
2 failure to protect the confidentiality of any information
3 submitted to or collected by the Long-Term-Care-Facility
4 Joint Underwriting Association regarding a claim, including
5 the fact that a claim is being processed, would deter the
6 collection and processing of this information by the
7 association. This would prevent the association from
8 effectively carrying out its responsibility to process such
9 claims expeditiously. Release of such information could deter
10 persons from divulging information required to process claims.
11 This could lead to the deterioration of services to the
12 detriment of the public.

13 Section 3. This act shall take effect on the effective
14 date of Senate Bill ____.

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17 SENATE SUMMARY

18 Provides exemptions from public records requirements for
19 information contained in claims files being processed by
20 the Long-Term-Care-Facility Joint Underwriting
Association. Provides a statement of public necessity and
provides for future review and repeal.

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