

By the Committee on State Administration and  
Representative Brummer

1                                   A bill to be entitled  
2           An act relating to public records exemptions  
3           for certain surplus lines insurance records;  
4           amending s. 626.921, F.S., which provides an  
5           exemption from public records requirements for  
6           certain surplus lines insurance information  
7           submitted to the Department of Insurance or  
8           available for inspection by the department;  
9           reenacting such exemption and removing the  
10          October 2, 2001, repeal thereof scheduled under  
11          the Open Government Sunset Review Act of 1995;  
12          narrowing the exemption to apply to information  
13          specific to a particular policy or  
14          policyholder; providing an exemption from  
15          public records requirements for certain surplus  
16          lines insurance information submitted to the  
17          Florida Surplus Lines Service Office; providing  
18          for future review and repeal; providing a  
19          finding of public necessity; providing an  
20          effective date.

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

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24           Section 1. Notwithstanding the October 2, 2001, repeal  
25   of said subsection scheduled pursuant to the Open Government  
26   Sunset Review Act of 1995, subsection (8) of section 626.921,  
27   Florida Statutes, is reenacted and amended to read:  
28           626.921 Florida Surplus Lines Service Office.--  
29           (8)(a) Information furnished to the department under  
30   s. 626.923 or contained in the records subject to examination  
31   by the department under s. 626.930 is confidential and exempt

1 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
2 the State Constitution if the disclosure of the information  
3 would reveal information specific to a particular policy or  
4 policyholder ~~a trade secret as defined in s. 688.002. This~~  
5 ~~subsection is subject to the Open Government Sunset Review Act~~  
6 ~~of 1995 in accordance with s. 119.15, and shall stand repealed~~  
7 ~~on October 2, 2001, unless reviewed and saved from repeal~~  
8 ~~through reenactment by the Legislature.~~ The exemption does  
9 not apply to any proceeding instituted by the department  
10 against an agent or insurer.

11 (b) Information furnished to the Florida Surplus Lines  
12 Service Office under this section is confidential and exempt  
13 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
14 the State Constitution if the disclosure of the information  
15 would reveal information specific to a particular policy or  
16 policyholder. The exemption does not apply to any proceeding  
17 instituted by the department against an agent or insurer. This  
18 paragraph is subject to the Open Government Sunset Review Act  
19 of 1995 in accordance with s. 119.15, and shall stand repealed  
20 on October 2, 2006, unless reviewed and saved from repeal  
21 through reenactment by the Legislature.

22 Section 2. The Legislature finds that it is a public  
23 necessity that certain records of the Florida Surplus Lines  
24 Service Office be held confidential and exempt. The  
25 disclosure of surplus lines policy information submitted to  
26 the office, to the extent that such information reveals  
27 information specific to a particular policy or policyholder,  
28 would be harmful to insurers or agents due to the economic  
29 value of such information if revealed to competitors. Such  
30 information also may reveal economic information about the  
31 policyholder that would be harmful as an invasion of privacy

1 of the policyholder. Accordingly, it is a public necessity  
2 that such information be held confidential and exempt.

3 Section 3. This act shall take effect October 1, 2001.

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6 HOUSE SUMMARY

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8 Reenacts the public records exemption for certain surplus  
9 lines insurance information submitted to the Department  
10 of Insurance or available for inspection by the  
11 department, removes the October 2, 2001, repeal thereof  
12 scheduled under the Open Government Sunset Review Act of  
13 1995, and narrows the exemption to apply to information  
14 specific to a particular policy or policyholder.

15  
16 Provides an exemption from public records requirements  
17 for certain surplus lines insurance information submitted  
18 to the Florida Surplus Lines Service Office. Provides for  
19 future review and repeal.  
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