

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 6 ~~of 1995 in accordance with s. 119.15, and shall stand repealed~~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 24 shall stand repealed on October 2, 2006, unless reviewed and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

26 Section 2. The Legislature finds that it is a public
 27 necessity that certain records of the Department of Insurance
 28 and the Florida Surplus Lines Service Office be held
 29 confidential and exempt. The disclosure of surplus lines
 30 policy information submitted to the Department of Insurance or
 31 to the Florida Surplus Lines Service Office, to the extent

1 that such information reveals information specific to a
2 particular policy or policyholder, would be harmful to
3 insurers or agents due to the economic value of such
4 information if revealed to competitors. Such information may
5 also reveal economic information about the policyholder that
6 would be harmful as an invasion of privacy of the
7 policyholder. Accordingly, it is a public necessity that such
8 information be held confidential and exempt.

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

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