

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Insurance offered the following:

Amendment (with title amendment)

On page 2, line 15 through page 3, line 27
remove: all of said lines

and insert: (b) Workpapers and other information held by the department pursuant to this section, and workpapers and other information received from another governmental entity or the National Association of Insurance Commissioners for the department's use in the performance of its examination or investigation duties pursuant to ss. 624.316, 624.3161, and 624.317 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to workpapers and other information held by the department before, on, or after the effective date of this exemption. Such confidential and exempt information may be disclosed to another governmental entity, if disclosure is necessary for the receiving entity to perform its duties and responsibilities, and may be disclosed to the National Association of Insurance Commissioners. The receiving

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1 governmental entity or the association must maintain the
2 confidential and exempt status of the information. The
3 information made confidential and exempt by this paragraph may
4 be used in a criminal, civil, or administrative proceeding so
5 long as the confidential and exempt status of such information
6 is maintained. This paragraph is subject to the Open
7 Government Sunset Review Act of 1995 in accordance with s.
8 119.15 and shall stand repealed on October 2, 2007, unless
9 reviewed and saved from repeal through reenactment by the
10 Legislature.

11 (c)(b) Lists of insurers or regulated companies are
12 confidential and exempt from the provisions of s. 119.07(1)
13 if:

14 1. The financial solvency, condition, or soundness of
15 such insurers or regulated companies is being monitored by the
16 department;

17 2. The list is prepared to internally coordinate
18 regulation by the department of the financial solvency,
19 condition, or soundness of the insurers or regulated
20 companies; and

21 3. The Insurance Commissioner and Treasurer determine
22 that public inspection of such list could impair the financial
23 solvency, condition, or soundness of such insurers or
24 regulated companies.

25 Section 2. The Legislature finds that the public
26 records exemption created by this act is a public necessity in
27 order to effectively and efficiently administer a government
28 program. Disclosure of such information would reveal
29 information that could be used in preparing examination
30 reports and investigation reports, and could thus thwart the
31 state's interest in assuring the integrity of the regulatory

Amendment No. 1 (for drafter's use only)

1 process. Such confidential and exempt information is, by its
2 nature, incomplete and could be misleading. Release of
3 inaccurate or incomplete information could be detrimental to
4 the persons and insurers examined or investigated.
5 Furthermore, disclosure of such information would impair the
6 ability of the department to gather information it needs to
7 complete examinations and investigations because persons who
8 would otherwise provide confidential information are unwilling
9 to do so for fear that such information will not remain
10 confidential.

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13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 On page 1, lines 3 through 10

16 remove: all of said lines

17

18 and insert:

19 624.319, F.S.; creating a public records
20 exemption for workpapers prepared by the
21 Department of Insurance or workpapers and any
22 other information received by the department
23 from another governmental entity or the
24 National Association of Insurance
25 Commissioners; providing exceptions to the
26 exemption; providing for retroactive
27 application of the exemption;

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