

By Representative Mealor

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 624.319, F.S.; exempting workpapers, or
 4 portions of workpapers, prepared by the
 5 Department of Insurance or received from an
 6 insurance supervisory official of another state
 7 or federal agency for the use of the department
 8 in the performance of its examination or
 9 investigation of insurers or the market conduct
 10 of insurers from public records requirements;
 11 providing for review and repeal of the
 12 exemption; providing a finding of public
 13 necessity; providing an effective date.

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

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

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

1 or law enforcement agency. After an investigation is completed
2 or ceases to be active, portions of the investigation report
3 relating to the investigation remain confidential and exempt
4 from the provisions of s. 119.07(1) if disclosure would:

- 5 1. Jeopardize the integrity of another active
6 investigation;
- 7 2. Impair the safety and financial soundness of the
8 licensee or affiliated party;
- 9 3. Reveal personal financial information;
- 10 4. Reveal the identity of a confidential source;
- 11 5. Defame or cause unwarranted damage to the good name
12 or reputation of an individual or jeopardize the safety of an
13 individual; or
- 14 6. Reveal investigative techniques or procedures.

15 (b) Workpapers, or portions of workpapers, prepared by
16 the department or received from an insurance supervisory
17 official of another state or federal agency for the use of the
18 department in the performance of its examination or
19 investigation duties pursuant to ss. 624.316 and 624.3161 are
20 confidential and exempt from the provisions of s. 119.07(1)
21 and s. 24(a), Art. I of the State Constitution. This paragraph
22 is subject to the Open Government Sunset Review Act of 1995 in
23 accordance with s. 119.15 and shall stand repealed on October
24 2, 2007, unless reviewed and saved from repeal through
25 reenactment by the Legislature.

26 (c)~~(b)~~ Lists of insurers or regulated companies are
27 confidential and exempt from the provisions of s. 119.07(1)
28 if:

- 29 1. The financial solvency, condition, or soundness of
30 such insurers or regulated companies is being monitored by the
31 department;

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

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

9 Section 2. The Legislature finds that the exemption
10 from public disclosure of workpapers, or portions of
11 workpapers, prepared by the Department of Insurance or
12 received from an insurance supervisory official of another
13 state or federal agency for the use of the department in the
14 performance of its examination or investigation duties
15 pursuant to ss. 624.316 and 624.3161, Florida Statutes, is
16 necessary for the effective and efficient administration of a
17 government program. Disclosure of workpapers could indicate
18 the contents of examination reports, which are otherwise
19 confidential until they are filed, and of investigation
20 reports, which are otherwise confidential until the
21 investigation is completed or ceases to be active, and could
22 thus thwart the state's interest in assuring the integrity of
23 the regulatory process. Furthermore, workpapers, by the nature
24 of their incompleteness, have a higher risk of containing
25 inaccurate information about insurers and persons which, if
26 disclosed, could harm the business of a regulated entity or an
27 employee or officer of that entity.

28 Section 3. This act shall take effect upon becoming a
29 law.

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HOUSE SUMMARY

Provides an exemption from public records requirements for workpapers, or portions of workpapers, prepared by the Department of Insurance or received from an insurance supervisory official of another state or federal agency for the use of the department in the performance of its examination or investigation of insurers or the market conduct of insurers. Provides a finding of public necessity. Provides for future review and repeal of the exemption.