

By the Committee on State Administration and
Representatives Mealor and McGriff

1 A bill to be entitled
2 An act relating to public records; amending s.
3 624.319, F.S.; creating a public records
4 exemption for workpapers prepared by the
5 Department of Insurance, and workpapers and any
6 other information received by the department
7 from another governmental entity or the
8 National Association of Insurance
9 Commissioners, for the department's use in the
10 performance of specified examination or
11 investigation duties; providing exceptions to
12 the exemption; providing for retroactive
13 application of the exemption; providing for
14 review and repeal of the exemption; providing a
15 finding of public necessity; providing an
16 effective date.

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

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

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

1 cease to be active if the department is proceeding with
2 reasonable dispatch and has a good faith belief that action
3 could be initiated by the department or other administrative
4 or law enforcement agency. After an investigation is completed
5 or ceases to be active, portions of the investigation report
6 relating to the investigation remain confidential and exempt
7 from the provisions of s. 119.07(1) if disclosure would:
8 1. Jeopardize the integrity of another active
9 investigation;
10 2. Impair the safety and financial soundness of the
11 licensee or affiliated party;
12 3. Reveal personal financial information;
13 4. Reveal the identity of a confidential source;
14 5. Defame or cause unwarranted damage to the good name
15 or reputation of an individual or jeopardize the safety of an
16 individual; or
17 6. Reveal investigative techniques or procedures.
18 (b) Workpapers and other information held by the
19 department, and workpapers and other information received from
20 another governmental entity or the National Association of
21 Insurance Commissioners, for the department's use in the
22 performance of its examination or investigation duties
23 pursuant to this section and ss. 624.316, 624.3161, 624.317,
24 and 624.318 are confidential and exempt from the provisions of
25 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
26 This exemption applies to workpapers and other information
27 held by the department before, on, or after the effective date
28 of this exemption. Such confidential and exempt information
29 may be disclosed to another governmental entity, if disclosure
30 is necessary for the receiving entity to perform its duties
31 and responsibilities, and may be disclosed to the National

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

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

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

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

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

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

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

12 Section 3. This act shall take effect upon becoming a
13 law.

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