

By Senator Clary

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A bill to be entitled

An act relating to public records; amending s. 624.319, F.S.; exempting workpapers relating to examinations and investigations of insurers from public records requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

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

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

624.319 Examination and investigation reports.--

(3)(a) Examination reports, until filed, are confidential and exempt from the provisions of s. 119.07(1). Investigation reports are confidential and exempt from the provisions of s. 119.07(1) until the investigation is completed or ceases to be active. For purposes of this subsection, an investigation is active while it is being conducted by the department with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the department is proceeding with reasonable dispatch and has a good faith belief that action could be initiated by the department or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, portions of the investigation report relating to the investigation remain confidential and exempt from the provisions of s. 119.07(1) if disclosure would:

- 1 1. Jeopardize the integrity of another active
2 investigation;
- 3 2. Impair the safety and financial soundness of the
4 licensee or affiliated party;
- 5 3. Reveal personal financial information;
- 6 4. Reveal the identity of a confidential source;
- 7 5. Defame or cause unwarranted damage to the good name
8 or reputation of an individual or jeopardize the safety of an
9 individual; or
- 10 6. Reveal investigative techniques or procedures.
- 11 (b) Workpapers, or portions of workpapers, prepared by
12 the department or received from an insurance supervisory
13 official of another state or federal agency for the use of the
14 department in the performance of its examination or
15 investigation duties pursuant to ss. 624.316 and 624.3161 are
16 confidential and exempt from the provisions of s. 119.07(1)
17 and s. 24(a), Art. I of the State Constitution. This paragraph
18 is subject to the Open Government Sunset Review Act of 1995 in
19 accordance with s. 119.15 and shall stand repealed on October
20 2, 2007, unless reviewed and saved from repeal through
21 reenactment by the Legislature.
- 22 ~~(c)~~~~(b)~~ Lists of insurers or regulated companies are
23 confidential and exempt from the provisions of s. 119.07(1)
24 if:
- 25 1. The financial solvency, condition, or soundness of
26 such insurers or regulated companies is being monitored by the
27 department;
- 28 2. The list is prepared to internally coordinate
29 regulation by the department of the financial solvency,
30 condition, or soundness of the insurers or regulated
31 companies; and

