

By the Committee on Banking and Insurance; and Senator Holzendorf

311-243A-02

1 A bill to be entitled
2 An act relating to public-records and
3 public-meeting exemptions relating to certain
4 risk-based capital information; amending s.
5 624.40851, F.S.; making technical and
6 conforming changes; abrogating future
7 legislative review and repeal of the
8 exemptions; providing an effective date.

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

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12 Section 1. Section 624.40851, Florida Statutes, is
13 amended to read:

14 624.40851 Confidentiality of risk-based capital
15 information.--

16 (1) The initial risk-based capital report made,
17 furnished, or filed with the Department of Insurance, any
18 risk-based capital plan, revised risk-based capital plan,
19 adjusted risk-based capital report, and working papers and
20 reports of examination or analysis of an insurer performed
21 pursuant to a plan or corrective order, or regulatory action
22 level, subsequently filed at the request of the department,
23 with respect to any domestic insurer or foreign insurer, and
24 transcripts of hearings conducted pursuant to this section,
25 are confidential and exempt from s. 119.07(1) and s. 24(a),
26 Art. I of the State Constitution.

27 (2) Proceedings and hearings conducted pursuant to s.
28 624.4085 ~~section 1 of SB 620, section 1 of HB 1943, or section~~
29 ~~1 of SB 898~~ relating to the department's actions regarding any
30 insurer's risk-based capital plan, revised risk-based capital
31 plan, risk-based capital report or adjusted risk-based capital

1 report, are exempt from the provisions of s. 286.011 and s.
2 24(b), Art. I of the State Constitution, except as otherwise
3 provided in this section. All portions of such hearings or
4 proceedings shall be recorded by a court reporter. The
5 Department of Insurance shall open such proceedings or
6 hearings or provide a copy of the transcript of such hearings
7 or proceedings, or disclose the contents of notices,
8 correspondence, reports, records, or other information to a
9 department, agency, or instrumentality of this or another
10 state or of the United States if the department determines the
11 disclosure is necessary or proper for the enforcement of the
12 laws of the United States or of this or another state.

13 ~~(3) This section does not apply to proceedings,~~
14 ~~hearings, notices, correspondence, reports, records, or other~~
15 ~~information obtained upon the appointment of a receiver for~~
16 ~~the insurer by a court of competent jurisdiction.~~

17 (3)(4) An exemption ~~The exemptions~~ provided by this
18 section expires ~~shall terminate~~:

19 (a) One year following the conclusion of the any
20 risk-based capital plan or revised risk-based capital plan; or

21 (b) On the date ~~of entry of~~ an order of seizure,
22 rehabilitation, or liquidation is entered with respect to the
23 insurer pursuant to chapter 631.

24 ~~(5) This section is subject to the Open Government~~
25 ~~Sunset Review Act of 1995 in accordance with s. 119.15 and~~
26 ~~shall stand repealed on October 2, 2002, unless reviewed and~~
27 ~~saved from repeal through reenactment by the Legislature.~~

28 Section 2. This act shall take effect October 1, 2002.
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SENATE SUMMARY

Abrogates the repeal and legislative review of exemptions from the public-records and public-meetings laws which are provided with respect to risk-based capital information.