

Bill No. HB 281

Amendment No. ____ Barcode 955744

CHAMBER ACTION

Senate

House

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Senator Posey moved the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

624.40851 Confidentiality of risk-based capital information.--

(1) The initial risk-based capital report and any adjusted risk-based capital report,~~made, furnished, or filed with the Department of Insurance,~~any risk-based capital plan, and any revised risk-based capital plan,~~adjusted risk-based capital report,~~and working papers and reports of examination or analysis of an insurer performed pursuant to a plan or corrective order, or regulatory action level event,~~subsequently filed at the request of the department,~~with respect to any domestic insurer or foreign insurer, held by the department,~~and transcripts of hearings made as required by conducted pursuant to~~ this section, are confidential and

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1 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2 Constitution.

3 (2) Proceedings and hearings conducted pursuant to s.
4 624.4085 ~~section 1 of SB 620, section 1 of HB 1943, or section~~
5 ~~1 of SB 898~~ relating to the department's actions regarding any
6 insurer's risk-based capital plan, revised risk-based capital
7 plan, risk-based capital report, or adjusted risk-based
8 capital report, are exempt from ~~the provisions of~~ s. 286.011
9 and s. 24(b), Art. I of the State Constitution, except as
10 otherwise provided in this section. ~~All portions of~~ Such
11 hearings or proceedings shall be recorded by a court reporter.
12 The department ~~of Insurance~~ shall open such proceedings or
13 hearings or provide a copy of the transcript of such hearings
14 or proceedings, ~~or disclose the contents of notices,~~
15 ~~correspondence, reports, records, or other~~ information
16 otherwise made confidential and exempt pursuant to this
17 section to a department, agency, or instrumentality of this or
18 another state or of the United States if the department
19 determines the disclosure is necessary or proper for the
20 enforcement of the laws of the United States or of this or
21 another state.

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

26 (3)(4) An exemption ~~The exemptions~~ provided by this
27 section expires ~~shall terminate~~:

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

30 (b) On the date ~~of entry of~~ an order of seizure,
31 rehabilitation, or liquidation is entered with respect to the

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1 insurer pursuant to chapter 631.

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

6 Section 2. This act shall take effect October 1, 2002.

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

10 And the title is amended as follows:

11 Delete everything before the enacting clause

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13 and insert:

14 A bill to be entitled
15 An act relating to public-records and
16 public-meeting exemptions relating to certain
17 risk-based capital information; amending s.
18 624.40851, F.S.; making technical and
19 conforming changes; abrogating future
20 legislative review and repeal of the
21 exemptions; providing an effective date.

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