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2 An act relating to public records and public
3 meeting exemptions for the Department of
4 Insurance regarding risk-based capital
5 information; amending s. 624.40851, F.S., which
6 provides an exemption from public records
7 requirements for certain risk-based capital
8 information held by the Department of Insurance
9 and from public meeting requirements for
10 hearings conducted by the department relating
11 to actions regarding such information;
12 reenacting such exemptions and removing the
13 October 2, 2002, repeal thereof scheduled under
14 the Open Government Sunset Review Act of 1995;
15 clarifying language; providing an effective
16 date.

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

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20 Section 1. Notwithstanding the October 2, 2002, repeal
21 of said section scheduled pursuant to the Open Government
22 Sunset Review Act of 1995, section 624.40851, Florida
23 Statutes, is reenacted and amended to read:

24 624.40851 Confidentiality of risk-based capital
25 information.--

26 (1) The initial risk-based capital report and any
27 adjusted risk-based capital report;~~made, furnished, or filed~~
28 ~~with the Department of Insurance,~~any risk-based capital plan
29 and any,revised risk-based capital plan;~~adjusted risk-based~~
30 ~~capital report,~~and working papers and reports of examination
31 or analysis of an insurer performed pursuant to a plan or

1 corrective order, or regulatory action level event,
2 ~~subsequently filed at the request of the department, with~~
3 respect to any domestic insurer or foreign insurer, held by
4 the Department of Insurance, and transcripts of hearings made
5 as required by ~~conducted pursuant to~~ this section, are
6 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
7 of the State Constitution.

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

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

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1 (3)~~(4)~~ The exemptions provided by this section shall
2 terminate:
3 (a) One year following the conclusion of any
4 risk-based capital plan or revised risk-based capital plan; or
5 (b) On the date of entry of an order of seizure,
6 rehabilitation, or liquidation pursuant to chapter 631.
7 ~~(5) This section is subject to the Open Government
8 Sunset Review Act of 1995 in accordance with s. 119.15 and
9 shall stand repealed on October 2, 2002, unless reviewed and
10 saved from repeal through reenactment by the Legislature.~~

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