

Bill No. SB 30-A

Barcode 145992

CHAMBER ACTION

Senate

House

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	1/AD/2R	.	
2	12/16/2004 10:38 AM	.	
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11 Senator Garcia moved the following amendment:

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Senate Amendment (with title amendment)

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Delete everything after the enacting clause

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15 and insert:

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Section 1. Confidentiality of information relating to reimbursement for multiple hurricane deductibles.--

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(1) Information held by the Department of Financial

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Services pursuant to a request for reimbursement under the multiple hurricane deductible reimbursement program is exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution, until 90 days after a reimbursement payment has been made to the policyholder by the department, the request for reimbursement is denied, or an application for reimbursement is no longer active, whichever occurs later.

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(2) Information held by the Department of Financial

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Services pursuant to the multiple hurricane deductible reimbursement program which would identify an insurer, including the insurer's name, address, form numbers, policy

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1 and claims numbers, and names and other information that would
 2 identify the insurer's employees, is exempt from the
 3 provisions of section 119.07(1), Florida Statutes, and Section
 4 24(a), Article I of the State Constitution.

5 (3) Information held by the Department of Financial
 6 Services pursuant to the multiple hurricane deductible
 7 reimbursement program which relates to policyholders who have
 8 not filed claims for reimbursement is exempt from the
 9 provisions of section 119.07(1), Florida Statutes, and Section
 10 24(a), Article I of the State Constitution.

11 (4) This section is subject to the Open Government
 12 Sunset Review Act of 1995 in accordance with section 119.15,
 13 Florida Statutes, and shall stand repealed on October 2, 2010,
 14 unless reviewed and saved from repeal through reenactment by
 15 the Legislature.

16 Section 2. (1) The legislative intent of the multiple
 17 hurricane deductible reimbursement program, as expressed in
 18 Senate Bill 10-A and House Bill 9-A, is to reimburse
 19 policyholders in Florida for financial loss suffered due to
 20 the application of multiple hurricane deductibles, which
 21 constitutes a valid and necessary public and governmental
 22 purpose and which serves the public health, safety, and
 23 welfare. In order for the multiple hurricane deductible
 24 reimbursement program to operate effectively and efficiently,
 25 the Department of Financial Services will receive information
 26 from insureds who will file claims under the program, as well
 27 as information from insurers which supports or verifies the
 28 claims for reimbursement made under the program.

29 (2) The Legislature finds that it is a public
 30 necessity to make exempt from the provisions of section
 31 119.07(1), Florida Statutes, and Section 24(a), Article I of

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1 the State Constitution, information held by the Department of
2 Financial Services pursuant to a request for reimbursement
3 under the multiple hurricane deductible reimbursement program
4 until 90 days after a reimbursement payment has been made to
5 the policyholder by the department, the request for
6 reimbursement is denied, or an application for reimbursement
7 is no longer active, whichever occurs later. Given the
8 concerns involving the public health, safety, and welfare, the
9 urgency in providing relief to the appropriate residents of
10 the state, and the temporary nature of the program, it is
11 vital that the department be able to perform its duties under
12 the multiple hurricane deductible reimbursement program in the
13 most efficient and effective manner possible. The exemption
14 provided for information held by the department pursuant to a
15 request for reimbursement under the program is a time-limited
16 exemption only and is enacted to permit the department maximum
17 opportunity to fulfill its duties under the program with a
18 minimum amount of distraction while still preserving public
19 oversight by making information available 90 days after a
20 reimbursement payment has been made to the policyholder by the
21 department, the request for reimbursement is denied, or an
22 application for reimbursement is no longer active, whichever
23 occurs later.

24 (3) The Legislature also finds that it is a public
25 necessity to make exempt from the provisions of section
26 119.07(1), Florida Statutes, and Section 24(a), Article I of
27 the State Constitution, information held by the Department of
28 Financial Services pursuant to the multiple hurricane
29 deductible reimbursement program which would identify an
30 insurer, including the insurer's name, address, form numbers,
31 policy and claims numbers, and names and other information

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1 that would identify the insurer's employees. In order for the
2 administration of this program to be effective, the department
3 must have access to information that is available only from
4 insurers in order to verify requests for reimbursement. This
5 insurer information may identify an insurer, including the
6 insurer's name, address, form numbers, policy and claims
7 numbers, and names and other information that would identify
8 the insurer's employees. If this information were to be made
9 available with the reimbursement requestor's information that
10 is later released under subsection (1), it could be used to
11 link insureds with insurers and effectively result in the
12 release of client lists, which is proprietary business
13 information. If this information is not made exempt, insurers
14 might be hesitant to provide the verification necessary to
15 implement the program, which would defeat its purpose. In
16 addition, the Legislature notes that release of proprietary
17 business information of this sort could result in serious
18 economic consequences for insurers and, ultimately, the State
19 of Florida. Furthermore, the Legislature finds that it is a
20 public necessity to make exempt from the provisions of section
21 119.07(1), Florida Statutes, and Section 24(a), Article I of
22 the State Constitution, information held by the Department of
23 Financial Services pursuant to the multiple hurricane
24 deductible reimbursement program which relates to
25 policyholders who have not filed claims for reimbursement.
26 Under the multiple hurricane deductible reimbursement program,
27 insurers may be providing the Department of Financial Services
28 with information concerning large numbers of their insureds,
29 some of whom will not file claims under the program. Insurers
30 could provide information related to each requestor upon a
31 request of the department, but this would increase the amount

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1 of time required to fulfill the purpose of the program.
 2 Transfer of large databases by insurers is a faster, more
 3 efficient, and more effective method of giving the department
 4 the information it needs, but this method also will give the
 5 department information concerning individual insureds who make
 6 no request for reimbursement under the program. As a result,
 7 information concerning policyholders who do not make claims
 8 for reimbursement should be protected to preserve their
 9 privacy and to protect proprietary business information of
 10 insurers.

11 Section 3. This act shall take effect on the same date
 12 that Senate Bill 10-A or House Bill 9-A takes effect, if such
 13 legislation is enacted in the same legislative session, or an
 14 extension thereof, and becomes law.

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

18 And the title is amended as follows:

19 Delete everything before the enacting clause

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21 and insert:

22 A bill to be entitled
 23 An act relating to public records; creating an
 24 exemption from public disclosure requirements
 25 for information held by the Department of
 26 Financial Services pursuant a request for
 27 reimbursement under the multiple hurricane
 28 deductible reimbursement program; providing
 29 exemption to expire within a specified period;
 30 creating an exemption from public disclosure
 31 requirements for information that would

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1 identify an insurer or an insurer's employees;
2 creating an exemption from public disclosure
3 requirements for information held by the
4 department which relates to policyholders who
5 have not filed claims for reimbursement under
6 the program; providing for future repeal and
7 legislative review of the exemption under the
8 Open Government Sunset Review Act; providing a
9 statement of public necessity; providing a
10 contingent effective date.

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