

By Senator Garcia

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A bill to be entitled

An act relating to public records; creating an exemption from public disclosure requirements for policyholder personal-identifying information contained in records or information held by the Department of Financial Services pertaining to the multiple hurricane deductible reimbursement program; providing an exception to the exemption; providing for future repeal and legislative review of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

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

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

(1) Policyholder personal-identifying information contained in records or information held by the Department of Financial Services pursuant to the multiple hurricane deductible reimbursement program created in Senate Bill 10-A or House Bill 9-A is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Article 1 of the State Constitution. Such confidential and exempt information may be disclosed to another governmental entity if disclosure is necessary for the receiving governmental entity to perform its duties and responsibilities. The receiving governmental entity must maintain the confidential and exempt status of the information. The information made confidential and exempt by

1 this subsection may be used in a criminal, civil, or
2 administrative proceeding so long as the confidential and
3 exempt status of such information is maintained.

4 (2) After a reimbursement payment has been made to a
5 policyholder by the Department of Financial Services under the
6 reimbursement program, the name of that individual and the
7 amount of payment is not confidential and exempt from the
8 provisions of section 119.07(1), Florida Statutes, and Section
9 24(a), Article I of the State Constitution.

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12 Florida Statutes, and shall stand repealed on October 2, 2010,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

15 Section 2. The Legislature finds that it is a public
16 necessity that policyholder personal-identifying information
17 in records or information held by the Department of Financial
18 Services pertaining to the multiple hurricane deductible
19 reimbursement program be made confidential and exempt in order
20 to effectively and efficiently administer this "one-time"
21 governmental program. The legislative intent of this program,
22 as expressed in Senate Bill 10-A and House Bill 9-A, is to
23 reimburse policyholders in Florida for financial loss suffered
24 due to the application of multiple hurricane deductibles,
25 which constitutes a valid and necessary public and
26 governmental purpose and which serves the public health,
27 safety, and welfare. Release of a policyholder's
28 personal-identifying information, such as the name and address
29 of the claimant, is proprietary and confidential business
30 information because the availability of such information would
31 identify insurance company insureds, which is proprietary and

