

1 A bill to be entitled
 2 An act relating to public records; creating an
 3 exemption from public disclosure requirements
 4 for information held by the Department of
 5 Financial Services pursuant a request for
 6 reimbursement under the multiple hurricane
 7 deductible reimbursement program; providing
 8 exemption to expire within a specified period;
 9 creating an exemption from public disclosure
 10 requirements for information that would
 11 identify an insurer or an insurer's employees;
 12 creating an exemption from public disclosure
 13 requirements for information held by the
 14 department which relates to policyholders who
 15 have not filed claims for reimbursement under
 16 the program; providing for future repeal and
 17 legislative review of the exemption under the
 18 Open Government Sunset Review Act; providing a
 19 statement of public necessity; providing a
 20 contingent effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:
 23

24 Section 1. Confidentiality of information relating to
 25 reimbursement for multiple hurricane deductibles.--
 26 (1) Information held by the Department of Financial
 27 Services pursuant to a request for reimbursement under the
 28 multiple hurricane deductible reimbursement program is exempt
 29 from the provisions of section 119.07(1), Florida Statutes,
 30 and Section 24(a), Article I of the State Constitution, until
 31 90 days after a reimbursement payment has been made to the

1 policyholder by the department, the request for reimbursement
2 is denied, or an application for reimbursement is no longer
3 active, whichever occurs later.

4 (2) Information held by the Department of Financial
5 Services pursuant to the multiple hurricane deductible
6 reimbursement program which would identify an insurer,
7 including the insurer's name, address, form numbers, policy
8 and claims numbers, and names and other information that would
9 identify the insurer's employees, is exempt from the
10 provisions of section 119.07(1), Florida Statutes, and Section
11 24(a), Article I of the State Constitution.

12 (3) Information held by the Department of Financial
13 Services pursuant to the multiple hurricane deductible
14 reimbursement program which relates to policyholders who have
15 not filed claims for reimbursement is exempt from the
16 provisions of section 119.07(1), Florida Statutes, and Section
17 24(a), Article I of the State Constitution.

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

23 Section 2. (1) The legislative intent of the multiple
24 hurricane deductible reimbursement program, as expressed in
25 Senate Bill 10-A and House Bill 9-A, is to reimburse
26 policyholders in Florida for financial loss suffered due to
27 the application of multiple hurricane deductibles, which
28 constitutes a valid and necessary public and governmental
29 purpose and which serves the public health, safety, and
30 welfare. In order for the multiple hurricane deductible
31 reimbursement program to operate effectively and efficiently,

1 the Department of Financial Services will receive information
2 from insureds who will file claims under the program, as well
3 as information from insurers which supports or verifies the
4 claims for reimbursement made under the program.

5 (2) The Legislature finds that it is a public
6 necessity to make exempt from the provisions of section
7 119.07(1), Florida Statutes, and Section 24(a), Article I of
8 the State Constitution, information held by the Department of
9 Financial Services pursuant to a request for reimbursement
10 under the multiple hurricane deductible reimbursement program
11 until 90 days after a reimbursement payment has been made to
12 the policyholder by the department, the request for
13 reimbursement is denied, or an application for reimbursement
14 is no longer active, whichever occurs later. Given the
15 concerns involving the public health, safety, and welfare, the
16 urgency in providing relief to the appropriate residents of
17 the state, and the temporary nature of the program, it is
18 vital that the department be able to perform its duties under
19 the multiple hurricane deductible reimbursement program in the
20 most efficient and effective manner possible. The exemption
21 provided for information held by the department pursuant to a
22 request for reimbursement under the program is a time-limited
23 exemption only and is enacted to permit the department maximum
24 opportunity to fulfill its duties under the program with a
25 minimum amount of distraction while still preserving public
26 oversight by making information available 90 days after a
27 reimbursement payment has been made to the policyholder by the
28 department, the request for reimbursement is denied, or an
29 application for reimbursement is no longer active, whichever
30 occurs later.

31

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

1 deductible reimbursement program which relates to
2 policyholders who have not filed claims for reimbursement.
3 Under the multiple hurricane deductible reimbursement program,
4 insurers may be providing the Department of Financial Services
5 with information concerning large numbers of their insureds,
6 some of whom will not file claims under the program. Insurers
7 could provide information related to each requestor upon a
8 request of the department, but this would increase the amount
9 of time required to fulfill the purpose of the program.
10 Transfer of large databases by insurers is a faster, more
11 efficient, and more effective method of giving the department
12 the information it needs, but this method also will give the
13 department information concerning individual insureds who make
14 no request for reimbursement under the program. As a result,
15 information concerning policyholders who do not make claims
16 for reimbursement should be protected to preserve their
17 privacy and to protect proprietary business information of
18 insurers.

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

23
24
25
26
27
28
29
30
31