



1           (c) Custodians of public records and their designees  
2 must respond to requests to inspect and copy records promptly  
3 and in good faith. A good faith response includes making  
4 reasonable efforts to determine from other officers or  
5 employees whether such a record exists and, if so, the  
6 location at which the record can be accessed.

7           ~~(d)(b)~~ A person who has custody of a public record who  
8 asserts that an exemption applies to a part of such record  
9 shall redact that portion of the record to which an exemption  
10 has been asserted and validly applies, and such person shall  
11 produce the remainder of such record for inspection and  
12 copying.

13           ~~(e)(e)~~ If the person who has custody of a public  
14 record contends that all or part of the record is exempt from  
15 inspection and copying, he or she shall state the basis of the  
16 exemption that he or she contends is applicable to the record,  
17 including the statutory citation to an exemption created or  
18 afforded by statute.

19           ~~(f)(d)~~ If requested by the person seeking to inspect  
20 or copy the record, the custodian of public records shall  
21 state in writing and with particularity the reasons for the  
22 conclusion that the record is exempt or confidential.

23           ~~(g)(e)~~ In any civil action in which an exemption to  
24 this section is asserted, if the exemption is alleged to exist  
25 under or by virtue of s. 119.071(1)(d) or (f), (2)(d),(e), or  
26 (f), or (4)(c), the public record or part thereof in question  
27 shall be submitted to the court for an inspection in camera.  
28 If an exemption is alleged to exist under or by virtue of s.  
29 119.071(2)(c), an inspection in camera is discretionary with  
30 the court. If the court finds that the asserted exemption is  
31 not applicable, it shall order the public record or part

1 | thereof in question to be immediately produced for inspection  
2 | or copying as requested by the person seeking such access.

3 |       ~~(h)(f)~~ Even if an assertion is made by the custodian  
4 | of public records that a requested record is not a public  
5 | record subject to public inspection or copying under this  
6 | subsection, the requested record shall, nevertheless, not be  
7 | disposed of for a period of 30 days after the date on which a  
8 | written request to inspect or copy the record was served on or  
9 | otherwise made to the custodian of public records by the  
10 | person seeking access to the record. If a civil action is  
11 | instituted within the 30-day period to enforce the provisions  
12 | of this section with respect to the requested record, the  
13 | custodian of public records may not dispose of the record  
14 | except by order of a court of competent jurisdiction after  
15 | notice to all affected parties.

16 |       ~~(i)(g)~~ The absence of a civil action instituted for  
17 | the purpose stated in paragraph ~~(g)(e)~~ does not relieve the  
18 | custodian of public records of the duty to maintain the record  
19 | as a public record if the record is in fact a public record  
20 | subject to public inspection and copying under this subsection  
21 | and does not otherwise excuse or exonerate the custodian of  
22 | public records from any unauthorized or unlawful disposition  
23 | of such record.

24 |       Section 2. Subsection (5) of section 497.140, Florida  
25 | Statutes, is amended to read:

26 |             497.140 Fees.--

27 |             (5) The department shall charge a fee not to exceed  
28 | \$25 for the certification of a public record. The fee shall be  
29 | determined by rule of the department. The department shall  
30 | assess a fee for duplication of a public record as provided in  
31 | s. 119.07(1)(a) and ~~(d)(b)~~.

1           Section 3. Paragraph (b) of subsection (4) of section  
2 627.311, Florida Statutes, is amended to read:

3           627.311 Joint underwriters and joint reinsurers;  
4 public records and public meetings exemptions.--

5           (4) The Florida Automobile Joint Underwriting  
6 Association:

7           (b) Shall keep portions of association meetings during  
8 which confidential and exempt underwriting files or  
9 confidential and exempt claims files are discussed exempt from  
10 the provisions of s. 286.011 and s. 24(b), Art. I of the State  
11 Constitution. All closed portions of association meetings  
12 shall be recorded by a court reporter. The court reporter  
13 shall record the times of commencement and termination of the  
14 meeting, all discussion and proceedings, the names of all  
15 persons present at any time, and the names of all persons  
16 speaking. No portion of any closed meeting shall be off the  
17 record. Subject to the provisions of this paragraph and s.  
18 119.07(1)(d)-(f)(b)-(d), the court reporter's notes of any  
19 closed meeting shall be retained by the association for a  
20 minimum of 5 years. A copy of the transcript, less any  
21 confidential and exempt information, of any closed meeting  
22 during which confidential and exempt claims files are  
23 discussed shall become public as to individual claims files  
24 after settlement of that claim.

25           Section 4. Paragraph (n) of subsection (6) of section  
26 627.351, Florida Statutes, is amended to read:

27           627.351 Insurance risk apportionment plans.--

28           (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

29           (n)1. The following records of the corporation are  
30 confidential and exempt from the provisions of s. 119.07(1)  
31 and s. 24(a), Art. I of the State Constitution:

1           a. Underwriting files, except that a policyholder or  
2 an applicant shall have access to his or her own underwriting  
3 files.

4           b. Claims files, until termination of all litigation  
5 and settlement of all claims arising out of the same incident,  
6 although portions of the claims files may remain exempt, as  
7 otherwise provided by law. Confidential and exempt claims file  
8 records may be released to other governmental agencies upon  
9 written request and demonstration of need; such records held  
10 by the receiving agency remain confidential and exempt as  
11 provided for herein.

12           c. Records obtained or generated by an internal  
13 auditor pursuant to a routine audit, until the audit is  
14 completed, or if the audit is conducted as part of an  
15 investigation, until the investigation is closed or ceases to  
16 be active. An investigation is considered "active" while the  
17 investigation is being conducted with a reasonable, good faith  
18 belief that it could lead to the filing of administrative,  
19 civil, or criminal proceedings.

20           d. Matters reasonably encompassed in privileged  
21 attorney-client communications.

22           e. Proprietary information licensed to the corporation  
23 under contract and the contract provides for the  
24 confidentiality of such proprietary information.

25           f. All information relating to the medical condition  
26 or medical status of a corporation employee which is not  
27 relevant to the employee's capacity to perform his or her  
28 duties, except as otherwise provided in this paragraph.  
29 Information which is exempt shall include, but is not limited  
30 to, information relating to workers' compensation, insurance  
31 benefits, and retirement or disability benefits.

1 g. Upon an employee's entrance into the employee  
2 assistance program, a program to assist any employee who has a  
3 behavioral or medical disorder, substance abuse problem, or  
4 emotional difficulty which affects the employee's job  
5 performance, all records relative to that participation shall  
6 be confidential and exempt from the provisions of s. 119.07(1)  
7 and s. 24(a), Art. I of the State Constitution, except as  
8 otherwise provided in s. 112.0455(11).

9 h. Information relating to negotiations for financing,  
10 reinsurance, depopulation, or contractual services, until the  
11 conclusion of the negotiations.

12 i. Minutes of closed meetings regarding underwriting  
13 files, and minutes of closed meetings regarding an open claims  
14 file until termination of all litigation and settlement of all  
15 claims with regard to that claim, except that information  
16 otherwise confidential or exempt by law will be redacted.

17  
18 When an authorized insurer is considering underwriting a risk  
19 insured by the corporation, relevant underwriting files and  
20 confidential claims files may be released to the insurer  
21 provided the insurer agrees in writing, notarized and under  
22 oath, to maintain the confidentiality of such files. When a  
23 file is transferred to an insurer that file is no longer a  
24 public record because it is not held by an agency subject to  
25 the provisions of the public records law. Underwriting files  
26 and confidential claims files may also be released to staff of  
27 and the board of governors of the market assistance plan  
28 established pursuant to s. 627.3515, who must retain the  
29 confidentiality of such files, except such files may be  
30 released to authorized insurers that are considering assuming  
31 the risks to which the files apply, provided the insurer

1 | agrees in writing, notarized and under oath, to maintain the  
2 | confidentiality of such files. Finally, the corporation or the  
3 | board or staff of the market assistance plan may make the  
4 | following information obtained from underwriting files and  
5 | confidential claims files available to licensed general lines  
6 | insurance agents: name, address, and telephone number of the  
7 | residential property owner or insured; location of the risk;  
8 | rating information; loss history; and policy type. The  
9 | receiving licensed general lines insurance agent must retain  
10 | the confidentiality of the information received.

11 |         2. Portions of meetings of the corporation are exempt  
12 | from the provisions of s. 286.011 and s. 24(b), Art. I of the  
13 | State Constitution wherein confidential underwriting files or  
14 | confidential open claims files are discussed. All portions of  
15 | corporation meetings which are closed to the public shall be  
16 | recorded by a court reporter. The court reporter shall record  
17 | the times of commencement and termination of the meeting, all  
18 | discussion and proceedings, the names of all persons present  
19 | at any time, and the names of all persons speaking. No portion  
20 | of any closed meeting shall be off the record. Subject to the  
21 | provisions hereof and s. 119.07(1)(d)-(f)(b)-(d), the court  
22 | reporter's notes of any closed meeting shall be retained by  
23 | the corporation for a minimum of 5 years. A copy of the  
24 | transcript, less any exempt matters, of any closed meeting  
25 | wherein claims are discussed shall become public as to  
26 | individual claims after settlement of the claim.

27 |         Section 5. This act shall take effect July 1, 2006.  
28 |  
29 |  
30 |  
31 |