By the Committee on Banking and Insurance

597-2202-07

1	A bill to be entitled
2	An act relating to a review under the Open
3	Government Sunset Review Act; amending s.
4	624.319, F.S.; revising an exemption from the
5	public-records law which is provided for work
6	papers held by the Department of Financial
7	Services or the Office of Insurance Regulation
8	of the Financial Services Commission; defining
9	the term "work papers"; saving the exemption
10	from repeal under the Open Government Sunset
11	Review Act; deleting provisions providing for
12	repeal of the exemption; providing an effective
13	date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Subsection (3) of section 624.319, Florida
18	Statutes, is amended to read:
19	624.319 Examination and investigation reports
20	(3)(a) Examination reports, until filed, are
21	confidential and exempt from the provisions of s. $119.07(1)$.
22	2. Investigation reports are confidential and exempt
23	from the provisions of s. $119.07(1)$ until the investigation is
24	completed or ceases to be active.
25	3. For purposes of this subsection, an investigation
26	is active while it is being conducted by the department or
27	office with a reasonable, good faith belief that it could lead
28	to the filing of administrative, civil, or criminal
29	proceedings. An investigation does not cease to be active if
30	the department or office is proceeding with reasonable
31	dispatch and has a good faith belief that action could be

initiated by the department or office or other administrative or law enforcement agency. After an investigation is completed 2 or ceases to be active, portions of the investigation report 3 relating to the investigation remain confidential and exempt 4 from the provisions of s. 119.07(1) if disclosure would: 5 6 a. 1. Jeopardize the integrity of another active 7 investigation; 8 **b.2.** Impair the safety and financial soundness of the 9 licensee or affiliated party; 10 c.3. Reveal personal financial information; d.4. Reveal the identity of a confidential source; 11 12 e.5. Defame or cause unwarranted damage to the good 13 name or reputation of an individual or jeopardize the safety of an individual; or 14 f.6. Reveal investigative techniques or procedures. 15 16 (b) 1. As used in this paragraph, the term "work 17 papers" means the records of the procedures followed, tests performed, information obtained, and conclusions reached in an 18 examination or investigation performed under ss. 624.316, 19 624.3161, 624.317, and 624.318. Work papers include planning 2.0 21 documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company 22 23 documents, schedules or commentaries prepared or obtained in the course of such examination or investigation, and 2.4 information based on civil and criminal complaints and 2.5 investigations. 26 27 2. Work papers Workpapers and other information held 2.8 by the department or office, and workpapers and other 29 information received from another governmental entity or the National Association of Insurance Commissioners, for the 30 department's or office's use in the performance of its 31

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examination or investigation duties pursuant to this section 2 and ss. 624.316, 624.3161, 624.317, and 624.318 are confidential and exempt from the provisions of s. 119.07(1) 3 and s. 24(a), Art. I of the State Constitution. This exemption 4 5 applies to work papers workpapers and other information held by the department or office before, on, or after the effective date of this exemption. 7 3. Such confidential and exempt work papers 8 9 information may be disclosed to: a. Another governmental entity, if disclosure is 10 necessary for the receiving entity to perform its duties and 11 12 responsibilities; or, and may be disclosed to 13 b. The National Association of Insurance Commissioners. The receiving governmental entity or the 14 association must maintain the confidential and exempt status 15 of the information. The information made confidential and 16 exempt by this paragraph may be used in a criminal, civil, or 18 administrative proceeding so long as the confidential and exempt status of such information is maintained. This 19 paragraph is subject to the Open Government Sunset Review Act 2.0 21 of 1995 in accordance with s. 119.15 and shall stand repealed 2.2 on October 2, 2007, unless reviewed and saved from repeal 23 through reenactment by the Legislature. 4. After an examination report is filed or an 2.4 25 investigation is completed or ceases to be active, portions of the work papers may remain confidential and exempt from s. 26 27 119.07(1) and s. 24(a), Art. I of the State Constitution if 2.8 disclosure would: 29 a. Jeopardize the integrity of another active 30 examination;

1	b. Impair the safety and financial soundness of the
2	licensee or affiliated party;
3	c. Reveal personal financial, medical, or health
4	<pre>information;</pre>
5	d. Reveal the identity of a confidential source;
6	e. Defame or cause unwarranted damage to the good name
7	or reputation of an individual or jeopardize the safety of an
8	individual;
9	f. Reveal examination techniques or procedures; or
10	g. Violate an agreement between governmental entities
11	or with the National Association of Insurance Commissioners
12	with respect to the sharing of confidential information.
13	(c) Lists of insurers or regulated companies are
14	confidential and exempt from the provisions of s. 119.07(1)
15	if:
16	1. The financial solvency, condition, or soundness of
17	such insurers or regulated companies is being monitored by the
18	office;
19	2. The list is prepared to internally coordinate
20	regulation by the office of the financial solvency, condition,
21	or soundness of the insurers or regulated companies; and
22	3. The office determines that public inspection of
23	such list could impair the financial solvency, condition, or
24	soundness of such insurers or regulated companies.
25	Section 2. This act shall take effect October 1, 2007.
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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2	COMMITTEE SUBSTITUTE FOR <u>Senate Bill 1850</u>
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4	The committee substitute provides the following changes:
5	1. Narrows the public records exemption by defining the term "work papers" as that term pertains to investigations or
6	"work papers" as that term pertains to investigations or examinations conducted by the Department of Financial Services and the Office of Insurance Regulation.
7	2. Limits the exemption by providing that after an
8	examination report is filed or an investigation is completed or ceases to be active, portions of work papers
9	remain confidential only under limited circumstances.
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