

1 initiated by the department or office or other administrative
2 or law enforcement agency. After an investigation is completed
3 or ceases to be active, portions of the investigation report
4 relating to the investigation remain confidential and exempt
5 from ~~the provisions of~~ s. 119.07(1) if disclosure would:

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;

11 ~~d.4.~~ Reveal the identity of a confidential source;

12 ~~e.5.~~ Defame or cause unwarranted damage to the good
13 name or reputation of an individual or jeopardize the safety
14 of an individual; or

15 ~~f.6.~~ Reveal investigative techniques or procedures.

16 (b)1. As used in this paragraph, the term "work
17 papers" means the records of the procedures followed, tests
18 performed, information obtained, and conclusions reached in an
19 examination or investigation performed under ss. 624.316,
20 624.3161, 624.317, and 624.318. Work papers include planning
21 documentation, work programs, analyses, memoranda, letters of
22 confirmation and representation, abstracts of company
23 documents, schedules or commentaries prepared or obtained in
24 the course of such examination or investigation, and
25 information based on civil and criminal complaints and
26 investigations.

27 2. Work papers ~~Workpapers and other information~~ held
28 by the department or office, ~~and workpapers and other~~
29 ~~information received from another governmental entity or the~~
30 ~~National Association of Insurance Commissioners, for the~~
31 ~~department's or office's use in the performance of its~~

1 ~~examination or investigation duties pursuant to this section~~
2 ~~and ss. 624.316, 624.3161, 624.317, and 624.318 are~~
3 confidential and exempt from ~~the provisions of~~ s. 119.07(1)
4 and s. 24(a), Art. I of the State Constitution. This exemption
5 applies to work papers ~~workpapers and other information~~ held
6 by the department or office before, on, or after the effective
7 date of this exemption.

8 3. Such confidential and exempt work papers
9 ~~information~~ may be disclosed to:

10 a. Another governmental entity, if disclosure is
11 necessary for the receiving entity to perform its duties and
12 responsibilities; ~~or, and may be disclosed to~~

13 b. The National Association of Insurance
14 Commissioners. ~~The receiving governmental entity or the~~
15 ~~association must maintain the confidential and exempt status~~
16 ~~of the information. The information made confidential and~~
17 ~~exempt by this paragraph may be used in a criminal, civil, or~~
18 ~~administrative proceeding so long as the confidential and~~
19 ~~exempt status of such information is maintained. This~~
20 ~~paragraph is subject to the Open Government Sunset Review Act~~
21 ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~
22 ~~on October 2, 2007, unless reviewed and saved from repeal~~
23 ~~through reenactment by the Legislature.~~

24 4. After an examination report is filed or an
25 investigation is completed or ceases to be active, portions of
26 the work papers may remain confidential and exempt from s.
27 119.07(1) and s. 24(a), Art. I of the State Constitution if
28 disclosure would:

29 a. Jeopardize the integrity of another active
30 examination;
31

1 b. Impair the safety and financial soundness of the
2 licensee or affiliated party;

3 c. Reveal personal financial, medical, or health
4 information;

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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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1850

The committee substitute provides the following changes:

1. Narrows the public records exemption by defining the term "work papers" as that term pertains to investigations or examinations conducted by the Department of Financial Services and the Office of Insurance Regulation.
2. Limits the exemption by providing that after an examination report is filed or an investigation is completed or ceases to be active, portions of work papers remain confidential only under limited circumstances.