Florida Senate - 2007

CS for CS for SB 1850

 $\mathbf{B}\mathbf{y}$ the Committees on Governmental Operations; and Banking and Insurance

585-2674-07 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 б papers held by the Department of Financial 7 Services or the Office of Insurance Regulation 8 of the Financial Services Commission; defining the term "work papers"; saving the exemption 9 from repeal under the Open Government Sunset 10 Review Act; deleting provisions providing for 11 12 repeal of the exemption; providing an effective 13 date. 14 Be It Enacted by the Legislature of the State of Florida: 15 16 17 Section 1. Subsection (3) of section 624.319, Florida 18 Statutes, is amended to read: 624.319 Examination and investigation reports.--19 (3)(a)1. Examination reports, until filed, are 20 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. 3. For purposes of this subsection, an investigation 25 is active while it is being conducted by the department or 26 27 office with a reasonable, good faith belief that it could lead 2.8 to the filing of administrative, civil, or criminal 29 proceedings. An investigation does not cease to be active if the department or office is proceeding with reasonable 30 dispatch and has a good faith belief that action could be 31 1

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1 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 <u>f.6.</u> 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 25 investigations. 26 27 2.a. Work papers Workpapers and other information held 2.8 by the department or office are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution 29 30 until the examination report is filed or until the 31

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1 investigation is completed or ceases to be active., and 2 workpapers and other b. Information received from another governmental 3 4 entity or the National Association of Insurance Commissioners, which is confidential or exempt when held by that entity, for 5 6 use by the department or office department's or office's use 7 in the performance of its examination or investigation duties 8 pursuant to this section or and ss. 624.316, 624.3161, 9 624.317, and 624.318 is are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State 10 Constitution. 11 12 c. This exemption applies to work papers workpapers 13 and other information held by the department or office before, on, or after the effective date of this exemption. 14 3. Such confidential and exempt work papers 15 16 information may be disclosed to: 17 a. Another governmental entity, if disclosure is 18 necessary for the receiving entity to perform its duties and responsibilities; or, and may be disclosed to 19 20 b. The National Association of Insurance 21 Commissioners. The receiving governmental entity or the 2.2 association must maintain the confidential and exempt status 23 of the information. The information made confidential and 2.4 exempt by this paragraph may be used in a criminal, civil, or administrative proceeding so long as the confidential and 25 26 exempt status of such information is maintained. This 27 paragraph is subject to the Open Government Sunset Review Act 2.8 of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2007, unless reviewed and saved from repeal 29 30 through reenactment by the Legislature. 31

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1	4. After an examination report is filed or an
2	investigation is completed or ceases to be active, portions of
3	the work papers may remain confidential and exempt from s.
4	119.07(1) and s. 24(a), Art. I of the State Constitution if
5	disclosure would:
6	a. Jeopardize the integrity of another active
7	examination or investigation;
8	b. Impair the safety and financial soundness of the
9	licensee or affiliated party;
10	c. Reveal personal financial, medical, or health
11	information;
12	d. Reveal the identity of a confidential source;
13	e. Defame or cause unwarranted damage to the good name
14	or reputation of an individual or jeopardize the safety of an
15	individual;
16	f. Reveal examination techniques or procedures; or
17	g. Reveal information that is confidential or exempt
18	<u>under sub-subparagraph 2.b.</u>
19	(c) Lists of insurers or regulated companies are
20	confidential and exempt from the provisions of s. 119.07(1)
21	if:
22	1. The financial solvency, condition, or soundness of
23	such insurers or regulated companies is being monitored by the
24	office;
25	2. The list is prepared to internally coordinate
26	regulation by the office of the financial solvency, condition,
27	or soundness of the insurers or regulated companies; and
28	3. The office determines that public inspection of
29	such list could impair the financial solvency, condition, or
30	soundness of such insurers or regulated companies.
31	Section 2. This act shall take effect October 1, 2007.
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Florida Senate - 2007 585-2674-07

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1	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
2	<u>CS/SB_1850</u>
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4	Retains confidential and exempt status of information received from another governmental entity or the National Association
5 6	<pre>or exempt when held by that entity. Exempts work papers until examination report is filed or until</pre>
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8	exceptions.
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