

Bill No. CS for SB 628

Barcode 654244

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Posey moved the following amendment:

**Senate Amendment**

On page 6, line 24, through  
page 7, line 4 delete those lines

and insert: private. The Legislature finds that the internal audit process, and therefore accountability to the public, will be damaged if records relating to an incomplete internal audit or investigation are made public. The Legislature also finds that although the association is an agency within the meaning of the public-records and open-meetings laws, the association essentially operates as a private business. Its core function is to engage in the business of providing workers' compensation insurance coverage as distinguished from an agency whose core functions are governmental in nature. The association does not exercise the authority or perform the functions of a department or political subdivision and lacks the power to enforce laws. The Legislature further finds that the general exemptions in chapters 119 and 286 relating to records created by attorneys and communications with attorneys

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1 are designed to address the needs of agencies providing  
2 governmental functions and are generally limited to matters  
3 relating to litigation and adversarial administrative matters.  
4 As distinguished from agencies providing governmental  
5 functions, the association receives the advice of counsel on  
6 the entire range of matters on which a similarly situated  
7 private business would receive advice of counsel, including  
8 matters that do not involve litigation or adversarial  
9 administrative matters. These include, but are not limited to,  
10 legal advice relating to business negotiations with private  
11 entities which provide the association with reinsurance,  
12 policy issuance, policy administration, underwriting, and  
13 payroll audit services, with insurance agents who may act as  
14 producers of insurance business to the association, and with  
15 other entities which provide services to private market  
16 insurers. Accordingly, the Legislature finds that the  
17 association would not be able to carry out its core business  
18 functions effectively without the free and confidential  
19 exchange of attorneys' mental impressions, conclusions,  
20 litigation strategies, and legal theories, both as to business  
21 matters and as to litigation and adversarial administrative  
22 matters.

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