597-1873-07

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., relating to workpapers held by

5   the Department of Financial Services or the

6   Office of Insurance Regulation; limiting the

7   conditions under which workpapers and other

8   information related to an investigation or

9   examination are exempt from public-records

10   requirements; reorganizing the provisions

11   related to the public-records exemption for

12   examination reports, investigation reports,

13   workpapers, and other information held by the

14   department or office for purposes of clarity

15   and consistency; saving the exemption from

16   repeal under the Open Government Sunset Review

17   Act; deleting provisions that provide for the

18   repeal of the exemption; providing an effective

19   date.

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21   Be It Enacted by the Legislature of the State of Florida:

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23   Section 1. Subsection (3) of section 624.319, Florida

24   Statutes, is amended to read:

25   624.319 Examination and investigation reports.--

26   (3)(a) The following information is confidential and

27   exempt from s. 119.07(1) and s. 24(a), Art. I of the State

28   Constitution:

29   1. Examination reports, until filed.

30   2. Investigation reports, Examination reports, until

31   filed, are confidential and exempt from the provisions of s.

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1 119.07(1). ~~Investigation reports are confidential and exempt~~
2 ~~from the provisions of s. 119.07(1)~~ until the investigation is
3 completed or ceases to be active. For purposes of this
4 subsection, an investigation is active while it is being
5 conducted by the department or office with a reasonable, good
6 faith belief that it could lead to the filing of
7 administrative, civil, or criminal proceedings. An
8 investigation does not cease to be active if the department or
9 office is proceeding with reasonable dispatch and has a good
10 faith belief that action could be initiated by the department
11 or office or other administrative or law enforcement agency.
12 <u>3. Workpapers or other information prepared by, or</u>
13 <u>provided for the use of, the department or office in the</u>
14 <u>performance of its examination or investigation duties</u>
15 <u>pursuant to this section, or s. 624.316, s. 624.3161, s.</u>
16 <u>624.317, or s. 624.318, until the examination report is filed</u>
17 <u>or the investigation is completed or ceases to be active.</u>
18 <u>(b)</u> After an investigation is completed or ceases to
19 be active, <u>or after an examination report is filed,</u> portions
20 of the investigation report relating to the investigation <u>and</u>
21 <u>workpapers and other information held by the department or</u>
22 <u>office pursuant to subparagraph (a)3.</u> remain confidential and
23 exempt from ~~the provisions of~~ s. 119.07(1) if disclosure
24 would:
25 1. Jeopardize the integrity of another active
26 investigation;
27 2. Impair the safety and financial soundness of the
28 licensee or affiliated party;
29 3. Reveal personal financial information;
30 4. Reveal the identity of a confidential source;
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CODING: Words ~~stricken~~ are deletions; words <u>underlined</u> are additions.

 1   5.   Defame or cause unwarranted damage to the good name

 2   or reputation of an individual or jeopardize the safety of an

 3   individual; or

 4   6.   Reveal investigative techniques or procedures.

 5   ~~(b)   Workpapers and other information held by the~~

 6   ~~department or office, and workpapers and other information~~

 7   ~~received from another governmental entity or the National~~

 8   ~~Association of Insurance Commissioners, for the department's~~

 9   ~~or office's use in the performance of its examination or~~

10   ~~investigation duties pursuant to this section and ss. 624.316,~~

11   ~~624.3161, 624.317, and 624.318 are confidential and exempt~~

12   ~~from the provisions of s. 119.07(1) and s. 24(a), Art. I of~~

13   ~~the State Constitution.   This exemption applies to workpapers~~

14   ~~and other information held by the department or office before,~~

15   ~~on, or after the effective date of this exemption.~~

16   (c)   Information made ~~Such~~ confidential and exempt

17   under this subsection ~~information~~ may be disclosed to:

18   1.   Another governmental entity, if disclosure is

19   necessary for the receiving entity to perform its duties and

20   responsibilities;~~, and may be disclosed to~~

21   2.   The National Association of Insurance

22   Commissioners. ~~The receiving governmental entity or the~~

23   ~~association must maintain the confidential and exempt status~~

24   ~~of the information.~~

25   (d)   The information made confidential and exempt by

26   this subsection ~~paragraph~~ may be used in a criminal, civil, or

27   administrative proceeding ~~so long as the confidential and~~

28   ~~exempt status of such information is maintained.   This~~

29   ~~paragraph is subject to the Open Government Sunset Review Act~~

30   ~~of 1995 in accordance with s. 119.15 and shall stand repealed~~

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 1 ~~on October 2, 2007, unless reviewed and saved from repeal~~

 2 ~~through reenactment by the Legislature.~~

 3   <u>(e)</u>~~(c)~~ Lists of insurers or regulated companies are

 4 confidential and exempt from the provisions of s. 119.07(1)

 5 if:

 6   1.   The financial solvency, condition, or soundness of

 7 such insurers or regulated companies is being monitored by the

 8 office;

 9   2.   The list is prepared to internally coordinate

10 regulation by the office of the financial solvency, condition,

11 or soundness of the insurers or regulated companies; and

12   3.   The office determines that public inspection of

13 such list could impair the financial solvency, condition, or

14 soundness of such insurers or regulated companies.

15   Section 2. This act shall take effect October 1, 2007.

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18   SENATE SUMMARY

19   Revises an exemption from the public-records law which is
     provided for workpapers and other information held by the
20   Department of Financial Services or the Office of
     Insurance Regulation. Removes the repeal of the exemption
21   scheduled to occur on October 2, 2007, under the Open
     Government Sunset Review Act.

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