

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding examination and investigation
 4 reports under the Florida Insurance Code; amending s.
 5 624.319, F.S., which provides an exemption from public
 6 records requirements for specified examination and
 7 investigation reports under the Florida Insurance Code and
 8 related work papers, information, and lists of insurers or
 9 regulated companies; reorganizing the exemption; defining
 10 "work papers" to narrow the exemption for work papers and
 11 other information held by the Department of Financial
 12 Services or the Office of Insurance Regulation pursuant to
 13 an examination or investigation; providing for limited
 14 duration of the exemption for work papers; making
 15 editorial changes; deleting unnecessary language; removing
 16 the scheduled repeal of the exemption under the Open
 17 Government Sunset Review Act; providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Subsection (3) of section 624.319, Florida
 22 Statutes, is amended to read:

23 624.319 Examination and investigation reports.--

24 (3) (a) 1. Examination reports, until filed, are
 25 confidential and exempt from ~~the provisions of~~ s. 119.07(1).

26 2. Investigation reports are confidential and exempt from
 27 ~~the provisions of~~ s. 119.07(1) until the investigation is
 28 completed or ceases to be active.

29 3. For purposes of this subsection, an investigation is
 30 active while it is being conducted by the department or office
 31 with a reasonable, good faith belief that it could lead to the
 32 filing of administrative, civil, or criminal proceedings. An
 33 investigation does not cease to be active if the department or
 34 office is proceeding with reasonable dispatch and has a good
 35 faith belief that action could be initiated by the department or
 36 office or other administrative or law enforcement agency. After
 37 an investigation is completed or ceases to be active, portions
 38 of the investigation report relating to the investigation remain
 39 confidential and exempt from ~~the provisions of~~ s. 119.07(1) if
 40 disclosure would:

- 41 ~~a.1.~~ Jeopardize the integrity of another active
- 42 investigation;
- 43 ~~b.2.~~ Impair the safety and financial soundness of the
- 44 licensee or affiliated party;
- 45 ~~c.3.~~ Reveal personal financial information;
- 46 ~~d.4.~~ Reveal the identity of a confidential source;
- 47 ~~e.5.~~ Defame or cause unwarranted damage to the good name
- 48 or reputation of an individual or jeopardize the safety of an
- 49 individual; or
- 50 ~~f.6.~~ Reveal investigative techniques or procedures.

51 (b)1. For purposes of this paragraph, "work papers" means
 52 the records of the procedures followed, the tests performed, the
 53 information obtained and the conclusions reached in an
 54 examination or investigation performed under this section or ss.
 55 624.316, 624.3161, 624.317, and 624.318. Work papers include
 56 planning documentation, work programs, analyses, memoranda,

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57 letters of confirmation and representation, abstracts of company
58 documents, and schedules or commentaries prepared or obtained in
59 the course of such examination or investigation.

60 2.a. Work papers and other information held by the
61 department or office are confidential and exempt from s.
62 119.07(1) and s. 24(a), Art. I of the State Constitution until
63 the examination report is filed or until the investigation is
64 completed or ceases to be active.

65 b. , and work papers and other Information received from
66 another governmental entity or the National Association of
67 Insurance Commissioners, which is confidential or exempt when
68 held by that entity, for use by the department or office
69 department's or office's use in the performance of its
70 examination or investigation duties pursuant to this section or
71 and ss. 624.316, 624.3161, 624.317, and 624.318 is are
72 confidential and exempt from the provisions of s. 119.07(1) and
73 s. 24(a), Art. I of the State Constitution.

74 c. This exemption applies to work papers and such other
75 information held by the department or office before, on, or
76 after the effective date of this exemption.

77 3. Such Confidential and exempt work papers and
78 information may be disclosed to:

79 a. Another governmental entity, if disclosure is necessary
80 for the receiving entity to perform its duties and
81 responsibilities; and may be disclosed to

82 b. The National Association of Insurance Commissioners.
83 The receiving governmental entity or the association must
84 maintain the confidential and exempt status of the information.

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85 ~~The information made confidential and exempt by this paragraph~~
86 ~~may be used in a criminal, civil, or administrative proceeding~~
87 ~~so long as the confidential and exempt status of such~~
88 ~~information is maintained. This paragraph is subject to the Open~~
89 ~~Government Sunset Review Act of 1995 in accordance with s.~~
90 ~~119.15 and shall stand repealed on October 2, 2007, unless~~
91 ~~reviewed and saved from repeal through reenactment by the~~
92 ~~Legislature.~~

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

98 a. Jeopardize the integrity of another active examination
99 or investigation;

100 b. Impair the safety or financial soundness of the
101 licensee, affiliated party, or insured;

102 c. Reveal personal financial, medical, or health
103 information;

104 d. Reveal the identity of a confidential source;

105 e. Defame or cause unwarranted damage to the good name or
106 reputation of an individual or jeopardize the safety of an
107 individual;

108 f. Reveal examination techniques or procedures; or

109 g. Reveal information that is confidential or exempt under
110 sub-subparagraph 2.b.

111 (c) Lists of insurers or regulated companies are
112 confidential and exempt from ~~the provisions of~~ s. 119.07(1) if:

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113 | 1. The financial solvency, condition, or soundness of such
114 | insurers or regulated companies is being monitored by the
115 | office;

116 | 2. The list is prepared to internally coordinate
117 | regulation by the office of the financial solvency, condition,
118 | or soundness of the insurers or regulated companies; and

119 | 3. The office determines that public inspection of such
120 | list could impair the financial solvency, condition, or
121 | soundness of such insurers or regulated companies.

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