

By Senator Lawson

6-03495-08

20082038\_\_

1 A bill to be entitled

2 An act relating to examination and investigation reports;  
3 amending s. 624.319, F.S.; providing that work papers and  
4 other information held by the Office of Insurance  
5 Regulation of the Financial Services Commission and the  
6 Department of Financial Services, and work papers and  
7 other information received from another governmental  
8 entity or the National Association of Insurance  
9 Commissioners, for the office or department's use in the  
10 performance of its respective examination or investigation  
11 duties are confidential; authorizing the office or  
12 department to disclose work papers to other governmental  
13 entities if the disclosure is necessary for the receiving  
14 entity to perform its duties and responsibilities;  
15 requiring the receiving governmental entity or the  
16 association to maintain the confidential and exempt status  
17 of the information; providing that the information made  
18 confidential and exempt may be used in criminal, civil, or  
19 administrative proceedings if the confidential nature of  
20 the information is maintained; providing an effective  
21 date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Paragraph (b) of subsection (3) of section  
26 624.319, Florida Statutes, is amended to read:

27 624.319 Examination and investigation reports.--

28 (3)

6-03495-08

20082038\_\_

29 (b)1. For purposes of this paragraph, "work papers" means  
30 the records of the procedures followed, the tests performed, the  
31 information obtained and the conclusions reached in an  
32 examination or investigation performed under this section or ss.  
33 624.316, 624.3161, 624.317, and 624.318. Work papers include  
34 planning documentation, work programs, analyses, memoranda,  
35 letters of confirmation and representation, abstracts of company  
36 documents, and schedules or commentaries prepared or obtained in  
37 the course of such examination or investigation.

38 2.a. Work papers and other information held by the office  
39 or department, and work papers and other information received  
40 from another governmental entity or the National Association of  
41 Insurance Commissioners, for the office or department's use in  
42 the performance of its respective examination or investigation  
43 duties under this section and ss. 624.316, 624.3161, 624.317, and  
44 624.318, are confidential and exempt from the provisions of s.  
45 119.07(1) and s. 24(a), Art. I of the State Constitution.

46 b. This exemption applies to work papers and other  
47 information held by the office or department before, on, or after  
48 the effective date of this exemption. The confidential and exempt  
49 information may be disclosed to another governmental entity if  
50 disclosure is necessary for the receiving entity to perform its  
51 duties and responsibilities, and may be disclosed to the National  
52 Association of Insurance Commissioners. The receiving  
53 governmental entity or the association must maintain the  
54 confidential and exempt status of the information.

55 c. The information made confidential and exempt by this  
56 paragraph may be used in a criminal, civil, or administrative  
57 proceeding so long as the confidential and exempt status of the

6-03495-08

20082038\_\_

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

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

70 ~~e. This exemption applies to work papers and such~~  
71 ~~information held by the department or office before, on, or after~~  
72 ~~the effective date of this exemption.~~

73 3. Confidential and exempt work papers and information may  
74 be disclosed to:

75 a. Another governmental entity, if disclosure is necessary  
76 for the receiving entity to perform its duties and  
77 responsibilities; and

78 b. The National Association of Insurance Commissioners.

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

83 a. Jeopardize the integrity of another active examination  
84 or investigation;

85 b. Impair the safety or financial soundness of the  
86 licensee, affiliated party, or insured;

6-03495-08

20082038\_\_

- 87           c. Reveal personal financial, medical, or health  
88 information;
- 89           d. Reveal the identity of a confidential source;
- 90           e. Defame or cause unwarranted damage to the good name or  
91 reputation of an individual or jeopardize the safety of an  
92 individual;
- 93           f. Reveal examination techniques or procedures; or
- 94           g. Reveal information that is confidential or exempt under  
95 sub-subparagraph 2.a. ~~2.b.~~
- 96           Section 2. This act shall take effect July 1, 2008.