

FOR CONSIDERATION By the Committee on Banking and Insurance

597-02917A-13

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1 A bill to be entitled

2 An act relating to public records; providing a public
3 records exemption for the identity of individuals who
4 make certain allegations or provide certain
5 information to the inspector general of Citizens
6 Property Insurance Corporation and for information
7 relating to a resulting investigation; providing for
8 future review and repeal; providing a statement of
9 public necessity; providing a contingent effective
10 date.

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

13
14 Section 1. With respect to the Office of the Inspector
15 General of the corporation:

16 (1) The name or identity of an individual who, in good
17 faith, alleges, or provides information relating to an
18 allegation, to the Office of the Inspector General of the
19 corporation that an employee or agent of the corporation
20 violated a federal, state, or local law, ordinance, or rule;
21 committed an act of fraud, waste, abuse, malfeasance, or
22 mismanagement; committed employee misconduct; or violated a
23 policy of the corporation. The name or identity of such an
24 individual may be disclosed only with the written consent of the
25 individual or pursuant to a court order.

26 (2) All information relating to an investigation of a
27 possible violation or act described in this section conducted by
28 the inspector general is confidential and exempt until he or she
29 completes the investigation and determines such violation or act

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30 occurred. If the inspector general determines that such
31 violation or act did not occur, the information remains
32 confidential and exempt. Information relating to an
33 investigation may be disclosed at any time to a current member
34 of the Financial Services Commission or the current President of
35 the Senate or Speaker of the House of Representatives.

36 (3) This section is subject to the Open Government Sunset
37 Review Act in accordance with s. 119.15, Florida Statutes, and
38 shall stand repealed on October 2, 2018, unless reviewed and
39 saved from repeal through reenactment by the Legislature.

40 Section 2. Section 1 of this act shall be codified as sub-
41 subparagraph j. of subparagraph 1. of paragraph (x) of
42 subsection (6) of section 627.351, Florida Statutes, and the
43 section and subsections in section 1 of this act may be
44 redesignated to conform to that codification.

45 Section 3. (1) The Legislature finds and declares that it
46 is a public necessity that the identity of an individual who
47 makes an allegation, or provides information relating to an
48 allegation against an employer or agent of the corporation
49 regarding a violation of law, ordinance, rule, or corporation
50 policy, or an act of fraud, waste, abuse, malfeasance,
51 mismanagement, or employee misconduct, which is held by the
52 Office of Inspector General of the Citizens Property Insurance
53 Corporation, be made confidential and exempt from s. 119.07(1),
54 Florida Statutes, and s. 24(a), Article I of the State
55 Constitution until the inspector general concludes any resulting
56 evaluation, audit, or investigation. This exemption is necessary
57 because failure to provide such protection could make
58 individuals who provide information vulnerable to harassment or

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59 retaliation from persons who may be the subject of such
60 allegations and resulting investigations and have a chilling
61 effect that discourages individuals from disclosing information
62 that would facilitate the ability of the inspector general to
63 carry out his or her investigatory duties.

64 (2) The Legislature finds that it is a public necessity
65 that information relating to the inspector general's
66 investigation of a possible violation of law, ordinance, rule,
67 or corporation policy, or an act of fraud, waste, abuse,
68 malfeasance, mismanagement, or employee misconduct, be
69 confidential and exempt from s. 119.07(1), Florida Statutes, and
70 s. 24(a), Art. I of the State Constitution. This exemption is
71 necessary because the release of such information could
72 potentially be defamatory to an individual under investigation,
73 cause unwarranted damage to the good name or reputation of such
74 individual, or significantly impair the investigation. The
75 exemption creates a secure environment in which the inspector
76 general may conduct an investigation.

77 Section 4. This act shall take effect on the same date that
78 SB 1770 or similar legislation takes effect, if such legislation
79 is adopted in the same legislative session or an extension
80 thereof and becomes a law.