

1                                   A bill to be entitled  
 2           An act relating to public records; amending s.  
 3           626.9891, F.S.; providing an exemption from public  
 4           records requirements for reports, documents, or other  
 5           information relating to the investigation and tracking  
 6           of insurance fraud submitted by insurers to the  
 7           Department of Financial Services; providing for future  
 8           legislative review and repeal; providing a statement  
 9           of public necessity; providing a contingent effective  
 10          date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

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 14           Section 1. Subsection (9) is added to section 626.9891,  
 15 Florida Statutes, to read:

16           626.9891 Insurer anti-fraud investigative units; reporting  
 17 requirements; penalties for noncompliance.—

18           (9) (a) The information submitted to the department  
 19 pursuant to paragraphs (3) (d), (e), and (f) and paragraphs  
 20 (5) (d), (e), (f), (g), and (k) is exempt from s. 119.07(1) and  
 21 s. 24(a), Art. I of the State Constitution.

22           (b) This subsection is subject to the Open Government  
 23 Sunset Review Act in accordance with s. 119.15 and shall stand  
 24 repealed on October 2, 2022, unless reviewed and saved from  
 25 repeal through reenactment by the Legislature.

26        (c) This exemption applies to records held before, on, or  
27 after the effective date of this act.

28        Section 2. (1) The Legislature finds that it is a public  
29 necessity to make exempt from s. 119.07(1), Florida Statutes,  
30 and s. 24(a), Art I. of the State Constitution the description  
31 of an insurer's anti-fraud education and training, the  
32 description of an insurer's anti-fraud investigative unit, and  
33 an insurer's rationale for the level of staffing and resources  
34 it provides to the anti-fraud investigative unit as required in  
35 s. 626.9891(3)(d), (e), and (f), Florida Statutes, and filed  
36 with the Division of Investigative and Forensic Services  
37 pursuant to s. 626.9891(2), Florida Statutes, and the data  
38 collected and reported to the Division of Investigative and  
39 Forensic Services pursuant to s. 626.9891(5)(d), (e), (f), (g),  
40 and (k), Florida Statutes.

41        (2) The description of an insurer's anti-fraud education  
42 and training that assists in identifying and evaluating  
43 instances of suspected fraudulent insurance acts, the  
44 description of an insurer's anti-fraud investigative unit, and  
45 an insurer's rationale for the level of staffing and resources  
46 it provides to the anti-fraud investigative unit will allow the  
47 department to ensure that insurers have adequate procedures in  
48 place to properly detect, investigate, and report potential  
49 insurance fraud. The public disclosure of this information would  
50 allow criminal elements to use such information to identify

51 fraud prevention or detection strategies employed by insurers  
52 and use this information to commit insurance fraud. The  
53 Legislature further finds that disclosure of this information  
54 would allow persons suspected of fraud to be alerted to a  
55 potential or ongoing investigation and alter behavior to impede  
56 an investigation. To ensure the integrity of such records  
57 already in the possession of the department, this exemption is  
58 made retroactive in its application.

59 (3) The data submitted pursuant to s. 626.9891(5)(d), (e),  
60 (f), (g), and (k), Florida Statutes, allow the department to  
61 track and assess trends in insurance fraud in this state. Such  
62 information includes the number of claims referred to the anti-  
63 fraud investigative unit, the number of matters referred to the  
64 anti-fraud investigative unit that were not claim related, the  
65 number of claims investigated or accepted by the anti-fraud  
66 investigative unit, the number of other insurance fraud matters  
67 investigated or accepted by the anti-fraud investigative unit  
68 that were not claim related, and the estimated dollar amount or  
69 range of damages on cases referred to the Division of  
70 Investigative and Forensic Services or other agencies. The  
71 public disclosure of this information could injure a business in  
72 the marketplace by providing its competitors with detailed  
73 insights into the claim investigation processes and statistics  
74 of the company, thereby diminishing the advantage that the  
75 business maintains over competitors that do not possess such

76 | information. Without this exemption, insurers might refrain from  
77 | providing accurate and unbiased data, thus impairing the  
78 | department's ability to track and assess insurance fraud in this  
79 | state. This data will allow insurance fraud investigators to  
80 | better track, predict, and curb fraud trends in this state by  
81 | providing access to data gathered by insurers' anti-fraud  
82 | investigative units. Information regarding the amount of  
83 | insurance fraud experienced, referred, and addressed internally  
84 | will be valuable material for the department and will better  
85 | enable law enforcement agencies to assist state prosecutors in  
86 | the successful prosecution of fraudulent behavior.

87 |       Section 3. This act shall take effect on the same date  
88 | that CS/HB 1007 or similar legislation takes effect, if such  
89 | legislation is adopted in the same legislative session or an  
90 | extension thereof and becomes a law.