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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/01/2025	.	
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The Committee on Governmental Oversight and Accountability
(Ingolia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 631.195, Florida Statutes, is amended to
read:

631.195 Records of insurers; public records exemptions.—

(1) As used in this section, the term:

(a) "Consumer" means a prospective purchaser of, a
purchaser of, a beneficiary of, or an applicant for any



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11 insurance product or service. The term also includes a family
12 member or dependent of such person.

13 (b) "Personal financial and health information" means:

14 1. A consumer's personal health condition, disease, or
15 injury;

16 2. A history of a consumer's personal medical diagnosis or
17 treatment;

18 3. The existence, nature, source, or amount of a consumer's
19 personal income or expenses;

20 4. Records of, or relating to, a consumer's personal
21 financial transactions of any kind;

22 5. The existence, identification, nature, or value of a
23 consumer's assets, liabilities, or net worth;

24 6. The existence or content of, or any individual coverage
25 or status under a consumer's beneficial interest in, any
26 insurance policy or annuity contract; or

27 7. The existence, identification, nature, or value of a
28 consumer's interest in any insurance policy, annuity contract,
29 or trust.

30 (2) The following records, in whatever form, of an insurer
31 which are made or received by the department, acting as receiver
32 pursuant to this chapter, are confidential and exempt from s.
33 119.07(1) and s. 24(a), Art. I of the State Constitution:

34 (a) All personal financial and health information of a
35 consumer.

36 ~~(b) Underwriting files of a type customarily maintained by~~
37 ~~an insurer transacting lines of insurance similar to those lines~~
38 ~~transacted by the insurer.~~

39 (b)(c) Personnel and payroll records of the insurer, except



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40 for the names, benefits, and compensation of executive officers.

41 (c)~~(d)~~ Consumer claim files.

42 ~~(e) An own risk and solvency assessment (ORSA) summary~~
43 ~~report, a substantially similar ORSA summary report, and~~
44 ~~supporting documents submitted to the office pursuant to s.~~
45 ~~628.8015.~~

46 ~~(f) A corporate governance annual disclosure and supporting~~
47 ~~documents submitted to the office pursuant to s. 628.8015.~~

48 (d)~~(g)~~ Information received from the National Association
49 of Insurance Commissioners, a governmental entity in this or
50 another state, the Federal Government, or a government of
51 another nation which is confidential or exempt if held by that
52 entity and which is held by the department for use in the
53 performance of its duties relating to insurer solvency.

54 (3) The exemptions in subsection (2) apply to records held
55 by the department before, on, and after July 1, 2020.

56 (4) Records or portions of records made confidential and
57 exempt by this section may be released under any of the
58 following circumstances:

59 (a) To any state or federal agency, upon written request,
60 if disclosure is necessary for the receiving entity to perform
61 its duties and responsibilities. The receiving agency shall
62 maintain the confidential and exempt status of such record or
63 portion of such record.

64 (b) To comply with a properly authorized civil, criminal,
65 or regulatory investigation or a subpoena or summons by a
66 federal, state, or local authority.

67 (c) To the National Association of Insurance Commissioners
68 and its affiliates and subsidiaries, if the recipient agrees in



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69 writing to maintain the confidential and exempt status of the
70 records.

71 (d) To the guaranty associations and funds of the various
72 states which are receiving, adjudicating, and paying claims of
73 the insolvent insurer subject to delinquency proceedings
74 pursuant to this chapter. The receiving guaranty association
75 shall maintain the confidential and exempt status of such record
76 or portion of such record.

77 (e) Upon written request, to persons identified as
78 designated employees as described in s. 626.989(4)(d), whose
79 responsibilities include the investigation and disposition of
80 claims relating to suspected fraudulent insurance acts.

81 (f) In the case of personal financial and health
82 information of a consumer, upon written request of the consumer
83 or the consumer's legally authorized representative.

84 ~~(5) This section is subject to the Open Government Sunset~~
85 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
86 ~~on October 2, 2025, unless reviewed and saved from repeal~~
87 ~~through reenactment by the Legislature.~~

88 Section 2. This act shall take effect October 1, 2025.

89
90 ===== T I T L E A M E N D M E N T =====

91 And the title is amended as follows:

92 Delete everything before the enacting clause
93 and insert:

94 A bill to be entitled
95 An act relating to a review under the Open Government
96 Sunset Review Act; amending s. 631.195, F.S., which
97 provides an exemption from public records requirements



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98 for certain records made or received by the Department
99 of Financial Services acting as receiver pursuant to
100 specified provisions; revising the list of records
101 that are exempt from public records requirements;
102 removing the scheduled repeal of the exemption;
103 providing an effective date.