

By the Committees on Governmental Oversight and Accountability;
and Banking and Insurance

585-03134-25

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 631.195, F.S., which
4 provides an exemption from public records requirements
5 for certain records made or received by the Department
6 of Financial Services acting as receiver pursuant to
7 specified provisions; revising the list of records
8 that are exempt from public records requirements;
9 removing the scheduled repeal of the exemption;
10 providing an effective date.

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

13
14 Section 1. Section 631.195, Florida Statutes, is amended to
15 read:

16 631.195 Records of insurers; public records exemptions.—

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

18 (a) "Consumer" means a prospective purchaser of, a
19 purchaser of, a beneficiary of, or an applicant for any
20 insurance product or service. The term also includes a family
21 member or dependent of such person.

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

23 1. A consumer's personal health condition, disease, or
24 injury;

25 2. A history of a consumer's personal medical diagnosis or
26 treatment;

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

29 4. Records of, or relating to, a consumer's personal

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30 financial transactions of any kind;

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

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

36 7. The existence, identification, nature, or value of a
37 consumer's interest in any insurance policy, annuity contract,
38 or trust.

39 (2) The following records, in whatever form, of an insurer
40 which are made or received by the department, acting as receiver
41 pursuant to this chapter, are confidential and exempt from s.
42 119.07(1) and s. 24(a), Art. I of the State Constitution:

43 (a) All personal financial and health information of a
44 consumer.

45 ~~(b) Underwriting files of a type customarily maintained by~~
46 ~~an insurer transacting lines of insurance similar to those lines~~
47 ~~transacted by the insurer.~~

48 (b)(e) Personnel and payroll records of the insurer, except
49 for the names, benefits, and compensation of executive officers.

50 (c)(d) Consumer claim files.

51 ~~(e) An own-risk and solvency assessment (ORSA) summary~~
52 ~~report, a substantially similar ORSA summary report, and~~
53 ~~supporting documents submitted to the office pursuant to s.~~
54 ~~628.8015.~~

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

57 (d)(g) Information received from the National Association
58 of Insurance Commissioners, a governmental entity in this or

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59 another state, the Federal Government, or a government of
60 another nation which is confidential or exempt if held by that
61 entity and which is held by the department for use in the
62 performance of its duties relating to insurer solvency.

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

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

68 (a) To any state or federal agency, upon written request,
69 if disclosure is necessary for the receiving entity to perform
70 its duties and responsibilities. The receiving agency shall
71 maintain the confidential and exempt status of such record or
72 portion of such record.

73 (b) To comply with a properly authorized civil, criminal,
74 or regulatory investigation or a subpoena or summons by a
75 federal, state, or local authority.

76 (c) To the National Association of Insurance Commissioners
77 and its affiliates and subsidiaries, if the recipient agrees in
78 writing to maintain the confidential and exempt status of the
79 records.

80 (d) To the guaranty associations and funds of the various
81 states which are receiving, adjudicating, and paying claims of
82 the insolvent insurer subject to delinquency proceedings
83 pursuant to this chapter. The receiving guaranty association
84 shall maintain the confidential and exempt status of such record
85 or portion of such record.

86 (e) Upon written request, to persons identified as
87 designated employees as described in s. 626.989(4)(d), whose

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88 responsibilities include the investigation and disposition of
89 claims relating to suspected fraudulent insurance acts.

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

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

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