

## House Bill No. 405

An act relating to public records exemptions for certain surplus lines insurance records; amending s. 626.921, F.S., which provides an exemption from public records requirements for certain surplus lines insurance information submitted to the Department of Insurance or available for inspection by the department; reenacting such exemption and removing the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; narrowing the exemption to apply to information specific to a particular policy or policyholder; providing an exemption from public records requirements for certain surplus lines insurance information submitted to the Florida Surplus Lines Service Office; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Notwithstanding the October 2, 2001, repeal of said subsection scheduled pursuant to the Open Government Sunset Review Act of 1995, subsection (8) of section 626.921, Florida Statutes, is reenacted and amended to read:

626.921 Florida Surplus Lines Service Office.—

(8)(a) Information furnished to the department under s. 626.923 or contained in the records subject to examination by the department under s. 626.930 is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the disclosure of the information would reveal information specific to a particular policy or policyholder a trade secret as defined in s. 688.002. ~~This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2001, unless reviewed and saved from repeal through reenactment by the Legislature.~~ The exemption does not apply to any proceeding instituted by the department against an agent or insurer.

(b) Information furnished to the Florida Surplus Lines Service Office under the Surplus Lines Law is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the disclosure of the information would reveal information specific to a particular policy or policyholder. This exemption does not prevent the disclosure of any information by the Florida Surplus Lines Service Office to the department, but the exemption applies to records obtained by the department from the Florida Surplus Lines Service Office. The exemption does not apply to any proceeding instituted by the department against an agent or insurer. This paragraph is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that certain records of the Department of Insurance and the Florida Surplus Lines Service Office be held confidential and exempt. The disclosure of surplus lines policy information submitted to the Department of Insurance or to the Florida Surplus Lines Service Office, to the extent that such information reveals information specific to a particular policy or policyholder, would be harmful to insurers or agents due to the economic value of such information if revealed to competitors. Such information may also reveal economic information about the policyholder that would be harmful as an invasion of privacy of the policyholder. Accordingly, it is a public necessity that such information be held confidential and exempt.

Section 3. This act shall take effect October 1, 2001.

Approved by the Governor June 7, 2001.

Filed in Office Secretary of State June 7, 2001.