

## House Bill No. 7187

An act relating to a review under the Open Government Sunset Review Act regarding examination and investigation reports under the Florida Insurance Code; amending s. 624.319, F.S., which provides an exemption from public records requirements for specified examination and investigation reports under the Florida Insurance Code and related work papers, information, and lists of insurers or regulated companies; reorganizing the exemption; defining “work papers” to narrow the exemption for work papers and other information held by the Department of Financial Services or the Office of Insurance Regulation pursuant to an examination or investigation; providing for limited duration of the exemption for work papers; making editorial changes; deleting unnecessary language; removing the scheduled repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Subsection (3) of section 624.319, Florida Statutes, is amended to read:

624.319 Examination and investigation reports.—

(3)(a)1. Examination reports, until filed, are confidential and exempt from ~~the provisions of~~ s. 119.07(1).

2. Investigation reports are confidential and exempt from ~~the provisions of~~ s. 119.07(1) until the investigation is completed or ceases to be active.

3. For purposes of this subsection, an investigation is active while it is being conducted by the department or office with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings. An investigation does not cease to be active if the department or office is proceeding with reasonable dispatch and has a good faith belief that action could be initiated by the department or office or other administrative or law enforcement agency. After an investigation is completed or ceases to be active, portions of the investigation report relating to the investigation remain confidential and exempt from ~~the provisions of~~ s. 119.07(1) if disclosure would:

a.1. Jeopardize the integrity of another active investigation;

b.2. Impair the safety and financial soundness of the licensee or affiliated party;

c.3. Reveal personal financial information;

d.4. Reveal the identity of a confidential source;

e.5. Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual; or

f.6. Reveal investigative techniques or procedures.

(b)1. For purposes of this paragraph, “work papers” means the records of the procedures followed, the tests performed, the information obtained and the conclusions reached in an examination or investigation performed under this section or ss. 624.316, 624.3161, 624.317, and 624.318. Work papers include planning documentation, work programs, analyses, memoranda, letters of confirmation and representation, abstracts of company documents, and schedules or commentaries prepared or obtained in the course of such examination or investigation.

2.a. Work papers and other information held by the department or office are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the examination report is filed or until the investigation is completed or ceases to be active.

b. , and work papers and other Information received from another governmental entity or the National Association of Insurance Commissioners, which is confidential or exempt when held by that entity, for use by the department or office department’s or office’s use in the performance of its examination or investigation duties pursuant to this section or and ss. 624.316, 624.3161, 624.317, and 624.318 is are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

c. This exemption applies to work papers and such other information held by the department or office before, on, or after the effective date of this exemption.

3. Such Confidential and exempt work papers and information may be disclosed to:

a. Another governmental entity, if disclosure is necessary for the receiving entity to perform its duties and responsibilities; and may be disclosed to

b. The National Association of Insurance Commissioners. The receiving governmental entity or the association must maintain the confidential and exempt status of the information. The information made confidential and exempt by this paragraph may be used in a criminal, civil, or administrative proceeding so long as the confidential and exempt status of such information is maintained. 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, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

4. After an examination report is filed or an investigation is completed or ceases to be active, portions of work papers may remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if disclosure would:

a. Jeopardize the integrity of another active examination or investigation;

- b. Impair the safety or financial soundness of the licensee, affiliated party, or insured;
- c. Reveal personal financial, medical, or health information;
- d. Reveal the identity of a confidential source;
- e. Defame or cause unwarranted damage to the good name or reputation of an individual or jeopardize the safety of an individual;
- f. Reveal examination techniques or procedures; or
- g. Reveal information that is confidential or exempt under sub-subparagraph 2.b.

(c) Lists of insurers or regulated companies are confidential and exempt from ~~the provisions of~~ s. 119.07(1) if:

1. The financial solvency, condition, or soundness of such insurers or regulated companies is being monitored by the office;
2. The list is prepared to internally coordinate regulation by the office of the financial solvency, condition, or soundness of the insurers or regulated companies; and
3. The office determines that public inspection of such list could impair the financial solvency, condition, or soundness of such insurers or regulated companies.

Section 2. This act shall take effect October 1, 2007.

Approved by the Governor June 27, 2007.

Filed in Office Secretary of State June 27, 2007.