

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding work papers; amending s.
 4 624.319, F.S.; reorganizing the exemption; creating a
 5 definition narrowing the exemption for work papers and
 6 other information held by the Department of Financial
 7 Services or the Office of Insurance Regulation pursuant to
 8 an examination or investigation; providing for expiration
 9 of the exemption for work papers; making editorial
 10 changes; deleting unnecessary language; deleting the
 11 provision that provides for repeal of the exemption under
 12 the Open Government Sunset Review Act; providing an
 13 effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

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

19 624.319 Examination and investigation reports.--

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

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

25 3. For purposes of this subsection, an investigation is
 26 active while it is being conducted by the department or office
 27 with a reasonable, good faith belief that it could lead to the
 28 filing of administrative, civil, or criminal proceedings. An
 29 investigation does not cease to be active if the department or

30 office is proceeding with reasonable dispatch and has a good
 31 faith belief that action could be initiated by the department or
 32 office or other administrative or law enforcement agency. After
 33 an investigation is completed or ceases to be active, portions of
 34 the investigation report relating to the investigation remain
 35 confidential and exempt from ~~the provisions of~~ s. 119.07(1) if
 36 disclosure would:

37 ~~a.1.~~ Jeopardize the integrity of another active
 38 investigation;

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

41 ~~c.3.~~ Reveal personal financial information;

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

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

46 ~~f.6.~~ Reveal investigative techniques or procedures.

47 (b) 1. For purposes of this paragraph, "work papers" means
 48 the records of the procedures followed, the tests performed, the
 49 information obtained and the conclusions reached in an
 50 examination or investigation performed under this section or ss.
 51 624.316, 624.3161, 624.317, and 624.318. Work papers include
 52 planning documentation, work programs, analyses, memoranda,
 53 letters of confirmation and representation, abstracts of company
 54 documents, and schedule or commentaries prepared or obtained in
 55 the course of such examination or investigation.

56 2.a. Work papers ~~and other information~~ held by the
 57 department or office are confidential and exempt from s.
 58 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

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

76 b. The National Association of Insurance Commissioners. ~~The~~
 77 ~~receiving governmental entity or the association must maintain~~
 78 ~~the confidential and exempt status of the information. The~~
 79 ~~information made confidential and exempt by this paragraph may be~~
 80 ~~used in a criminal, civil, or administrative proceeding so long~~
 81 ~~as the confidential and exempt status of such information is~~
 82 ~~maintained. This paragraph is subject to the Open Government~~
 83 ~~Sunset Review Act of 1995 in accordance with s. 119.15 and shall~~
 84 ~~stand repealed on October 2, 2007, unless reviewed and saved from~~
 85 ~~repeal through reenactment by the Legislature.~~

86 4. After an examination report is filed or an investigation
 87 is completed or ceases to be active, portions of the work papers

88 may remain confidential and exempt from s. 119.07(1) and s.
 89 24(a), Art. I of the State Constitution if disclosure would:
 90 a. Jeopardize the integrity of another active examination;
 91 b. Impair the safety or financial soundness of the
 92 licensee, affiliated party, or insured;
 93 c. Reveal personal financial, medical, or health
 94 information;
 95 d. Reveal the identity of a confidential source;
 96 e. Defame or cause unwarranted damage to the good name or
 97 reputation of an individual or jeopardize the safety of an
 98 individual;
 99 f. Reveal examination techniques or procedures; or
 100 g. Reveal information that is confidential or exempt under
 101 sub-subparagraph 2.b.

102 (c) Lists of insurers or regulated companies are
 103 confidential and exempt from ~~the provisions of~~ s. 119.07(1) if:
 104 1. The financial solvency, condition, or soundness of such
 105 insurers or regulated companies is being monitored by the office;
 106 2. The list is prepared to internally coordinate regulation
 107 by the office of the financial solvency, condition, or soundness
 108 of the insurers or regulated companies; and
 109 3. The office determines that public inspection of such
 110 list could impair the financial solvency, condition, or soundness
 111 of such insurers or regulated companies.

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