By Senator Garcia

40-597-05

1	A bill to be entitled
2	An act relating to public records; creating an
3	exemption from public disclosure requirements
4	for policyholder personal-identifying
5	information contained in records or information
6	held by the Department of Financial Services
7	pertaining to the multiple hurricane deductible
8	reimbursement program; providing an exception
9	to the exemption; providing for future repeal
10	and legislative review of the exemption under
11	the Open Government Sunset Review Act;
12	providing a statement of public necessity;
13	providing a contingent effective date.
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15	Be It Enacted by the Legislature of the State of Florida:
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17	Section 1. Confidentiality of information relating to
18	reimbursement for multiple hurricane deductibles
19	(1) Policyholder personal-identifying information
20	contained in records or information held by the Department of
21	Financial Services pursuant to the multiple hurricane
22	deductible reimbursement program created in Senate Bill 10-A
23	or House Bill 9-A is confidential and exempt from the
24	provisions of section 119.07(1), Florida Statutes, and Section
25	24(a), Article 1 of the State Constitution. Such confidential
26	and exempt information may be disclosed to another
27	governmental entity if disclosure is necessary for the
28	receiving governmental entity to perform its duties and
29	responsibilities. The receiving governmental entity must
30	maintain the confidential and exempt status of the
31	information. The information made confidential and exempt by

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this subsection may be used in a criminal, civil, or 2 administrative proceeding so long as the confidential and exempt status of such information is maintained. 3 4 (2) After a reimbursement payment has been made to a policyholder by the Department of Financial Services under the 5 6 reimbursement program, the name of that individual and the 7 amount of payment is not confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 8 24(a), Article I of the State Constitution. 9 10 (3) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, 11 12 Florida Statutes, and shall stand repealed on October 2, 2010, 13 unless reviewed and saved from repeal through reenactment by the Legislature. 14 The Legislature finds that it is a public 15 Section 2. necessity that policyholder personal-identifying information 16 in records or information held by the Department of Financial 18 Services pertaining to the multiple hurricane deductible reimbursement program be made confidential and exempt in order 19 to effectively and efficiently administer this "one-time" 2.0 21 governmental program. The legislative intent of this program, as expressed in Senate Bill 10-A and House Bill 9-A, is to 2.2 23 reimburse policyholders in Florida for financial loss suffered due to the application of multiple hurricane deductibles, 2.4 which constitutes a valid and necessary public and 2.5 governmental purpose and which serves the public health, 26 2.7 safety, and welfare. Release of a policyholder's 2.8 personal-identifying information, such as the name and address of the claimant, is proprietary and confidential business 29 information because the availability of such information would 30

1	confidential business information. Without exempting
2	policyholder personal-identifying information, such
3	information is available for competitors to solicit the
4	insureds. Disclosure of such policyholder personal-identifying
5	information could also impair the ability of the department to
6	gather information that it needs to complete its examination
7	of applications for reimbursement or to determine who
8	qualifies for reimbursement, and would ultimately thwart the
9	state's interest in ensuring the integrity of the program.
10	However, the release of only the policyholder's name and the
11	amount the policyholder is reimbursed after such payment is
12	made by the department provides the public with the ability to
13	oversee the operation and integrity of the program.
14	Section 3. This act shall take effect on the same date
15	that Senate Bill 10-A or House Bill 9-A takes effect, if such
16	legislation is enacted in the same legislative session, or an
17	extension thereof, and becomes law.
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20	SENATE SUMMARY
21	Exempts from the public-records law information that
information held by the Department of Financial Serv and which pertains to the multiple hurricane deducti reimbursement program. Provides for the name of the policyholder and the amount reimbursed to be disclos after reimbursement is made. Provides for the future	identifies policyholders which is contained in records or information held by the Department of Financial Services
	reimbursement program. Provides for the name of the
	after reimbursement is made. Provides for the future
25	repeal and review of the exemption under the Open Government Sunset Review Act.
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