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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.

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

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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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financial transactions of any kind;

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

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

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

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

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

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

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

(c)(d) Consumer claim files.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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