

By the Committees on Governmental Oversight and Accountability;
and Banking and Insurance

585-04922-10

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 440.3851, F.S.,
4 relating to an exemption from public records and
5 public meetings requirements for the Florida Self-
6 Insurers Guaranty Association, Inc.; removing the
7 scheduled repeal of certain exemptions; providing an
8 effective date.

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

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12 Section 1. Section 440.3851, Florida Statutes, is amended
13 to read:

14 440.3851 Public records and public meetings exemptions.—

15 (1) The following records of the Florida Self-Insurers
16 Guaranty Association, Incorporated, are confidential and exempt
17 from s. 119.07(1) and s. 24(a), Art. I of the State
18 Constitution:

19 (a) Claims files, until termination of all litigation and
20 settlement of all claims arising out of the same accident.

21 (b) Medical records that are part of a claims file and
22 other information relating to the medical condition or medical
23 status of a claimant.

24 (c) Minutes of exempt portions of meetings, as provided in
25 subsection (3), until termination of all litigation and
26 settlement of all claims with regard to that claim.

27 (2) Records or portions of records made confidential and
28 exempt by this section may be released, upon written request, to
29 another agency in the performance of that agency's official

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30 duties and responsibilities. The receiving agency shall maintain
31 the confidential and exempt status of such record or portion of
32 a record.

33 (3) (a) That portion of a meeting of the association's board
34 of directors or any subcommittee of the association's board at
35 which records made confidential and exempt by this section are
36 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the
37 State Constitution.

38 (b) All exempt portions of meetings shall be recorded and
39 transcribed. The board shall record the times of commencement
40 and termination of the meeting, all discussion and proceedings,
41 the names of all persons present at any time, and the names of
42 all persons speaking. An exempt portion of any meeting may not
43 be off the record.

44 (c) Subject to this section and s. 119.021(2), the court
45 reporter's notes of any exempt portion of a meeting shall be
46 retained by the association for a minimum of 5 years.

47 (d) A copy of the transcript of any exempt portion of a
48 meeting in which claims files are discussed shall become public
49 as to individual claims after settlement of the claim with any
50 confidential and exempt information redacted.

51 ~~(4) This section is subject to the Open Government Sunset~~
52 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
53 ~~on October 2, 2010, unless reviewed and saved from repeal~~
54 ~~through reenactment by the Legislature.~~

55 Section 2. This act shall take effect October 1, 2010.