

1                                   A bill to be entitled  
 2           An act relating to public records and meetings;  
 3           amending s. 627.0628, F.S.; providing an exemption  
 4           from public records and public meetings requirements  
 5           for trade secrets used to design an insurance flood  
 6           loss model held in records or discussed at meetings of  
 7           the Florida Commission on Hurricane Loss Projection  
 8           Methodology, the Office of Insurance Regulation, or an  
 9           appointed consumer advocate; providing for future  
 10          legislative review and repeal of the exemption;  
 11          providing a statement of public necessity; providing a  
 12          contingent effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Paragraph (f) of subsection (3) of section  
 17          627.0628, Florida Statutes, is amended to read:

18           627.0628 Florida Commission on Hurricane Loss Projection  
 19          Methodology; public records exemption; public meetings  
 20          exemption.—

21           (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

22           (f)1. A trade secret, as defined in s. 688.002, which ~~that~~  
 23          is used in designing and constructing a hurricane or flood loss  
 24          model and which ~~that~~ is provided pursuant to this section, by a  
 25          private company, to the commission, office, or consumer advocate  
 26          appointed pursuant to s. 627.0613~~7~~ is confidential and exempt

27 from s. 119.07(1) and s. 24(a), Art. I of the State  
 28 Constitution.

29 2.a. That portion of a meeting of the commission or of a  
 30 rate proceeding on an insurer's rate filing at which a trade  
 31 secret made confidential and exempt by this paragraph is  
 32 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the  
 33 State Constitution. The closed meeting must be recorded, and no  
 34 portion of the closed meeting may be off the record.

35 b. The recording of a closed portion of a meeting is  
 36 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 37 Constitution.

38 c. This paragraph ~~subparagraph~~ is subject to the Open  
 39 Government Sunset Review Act in accordance with s. 119.15 and  
 40 shall stand repealed on October 2, 2019 ~~2015~~, unless reviewed  
 41 and saved from repeal through reenactment by the Legislature.

42 Section 2. The Legislature finds that it is a public  
 43 necessity that a trade secret, as defined in s. 688.002, Florida  
 44 Statutes, which is used in designing and constructing a flood  
 45 loss model and which is provided by a private company to the  
 46 Florida Commission on Hurricane Loss Projection Methodology, the  
 47 Office of Insurance Regulation, or a consumer advocate appointed  
 48 pursuant to s. 627.0613, Florida Statutes, be made confidential  
 49 and exempt from public records and public meetings requirements.

50 (1) Disclosing trade secrets would negatively impact the  
 51 business interests of a private company that has invested  
 52 substantial economic resources in developing such model, and

53 competitor companies would gain an unfair competitive advantage  
54 if provided access to such information. Reliable projections of  
55 flood losses are necessary in order to ensure that rates for  
56 flood insurance meet the statutory requirement that rates must  
57 not be excessive, inadequate, or unfairly discriminatory. This  
58 goal is served by enabling the commission, the office, and the  
59 consumer advocate to have access to all aspects of flood loss  
60 models and by encouraging private companies to submit such  
61 models to the commission, the office, and the consumer advocate  
62 for review without concern that trade secrets will be disclosed  
63 through a public records request.

64 (2) In addition, the Legislature finds that it is a public  
65 necessity to protect trade secrets relating to such model which  
66 are discussed during a meeting of the commission or during a  
67 rate proceeding on an insurer's rate filing held by the office  
68 because the release of such information through a public meeting  
69 or proceeding would allow competitors and other persons to  
70 attend those meetings and discover the protected trade secrets  
71 and would defeat the purpose of the public records exemption.  
72 The Legislature also finds that it is a public necessity to  
73 exempt from public records requirements the recordings generated  
74 during those portions of a commission meeting or a rate  
75 proceeding at which confidential and exempt trade secrets are  
76 discussed. Release of such recordings would compromise the  
77 discussions that take place during the closed meeting or  
78 proceeding and would negate the public meetings exemption.

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79 Current law provides a public records exemption for trade  
80 secrets. As such, release of the recordings generated during  
81 those closed portions of a meeting or proceeding on trade  
82 secrets would compromise the current protections already  
83 afforded to trade secrets.

84 Section 3. This act shall take effect upon becoming a law,  
85 if HB 879 or similar legislation is adopted in the same  
86 legislative session or an extension thereof and becomes law.