

By Senator Geller

29-1494-02

See HB 107

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A bill to be entitled

An act relating to public records; providing an exemption from public records requirements for certain computer modeling data, calculations, assumptions, and methodologies used for certain purposes; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Any computer modeling data, calculations, assumptions, and methodologies developed for purposes of any rate filing under part I of chapter 627, Florida Statutes, are confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24(a), Art. I of the State Constitution, for purposes of use by the Department of Insurance in setting rates under part I of chapter 627, Florida Statutes. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that the exemption from public disclosure of computer modeling data, calculations, assumptions, and methodologies developed for purposes of any rate filing under part I of chapter 627, Florida Statutes, is necessary for the Department of Insurance to effectively and efficiently review rate filings made by insurance companies, determine that insurance rates are not excessive, inadequate, or unfairly discriminatory as required

1 by law, and set rates in compliance with applicable provisions
2 of law in regulating insurance companies in this state.
3 Disclosure of such data, calculations, assumptions, and
4 methodologies could thwart the state's interest in ensuring
5 the integrity of the regulatory process and could harm the
6 business of an insurance company.

7 Section 3. The Legislature finds that it is a public
8 necessity that computer modeling data, calculations,
9 assumptions, and methodologies developed for purposes of rate
10 filings under part I of chapter 627, Florida Statutes, be held
11 confidential and exempt. It is a public necessity that
12 insurance rates not be excessive, inadequate, or unfairly
13 discriminatory as required by law and that the Department of
14 Insurance be able to review and analyze the computer modeling
15 data, assumptions, calculations, and methodologies upon which
16 a rate filing is based to determine whether a rate filing
17 complies with the appropriate provisions, restrictions, and
18 limitations of law. It is a public necessity that computer
19 modeling data, assumptions, calculations, and methodologies
20 upon which rate filings are based be held confidential and
21 exempt because such computer modeling contains proprietary
22 confidential business information and disclosure of such
23 computer modeling information could be harmful to the
24 insurance company making the rate filing.

25 Section 4. This act shall take effect upon becoming a
26 law.

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LEGISLATIVE SUMMARY

Provides for confidentiality and an exemption from public records requirements for any computer modeling data, calculations, assumptions, and methodologies developed for property and casualty insurance rate purposes and for purposes of use by the Department of Insurance in setting property and casualty insurance rates. (See bill for details.)