

By the Committee on Banking and Insurance; and Senator Miller

311-2630-03

1                                   A bill to be entitled  
2           An act relating to a public-records exemption;  
3           creating s. 627.9742, F.S.; creating a  
4           public-records exemption for credit scoring  
5           methodologies and related data and information  
6           that are trade secrets filed with the Office of  
7           Insurance Regulation; providing for future  
8           legislative review and repeal; providing a  
9           statement of public necessity; providing a  
10          contingent 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 627.9742, Florida Statutes, is  
15 created to read:

16           627.9742 Public-records exemption for the Office of  
17 Insurance Regulation.--Credit scoring methodologies and  
18 related data and information that are trade secrets as defined  
19 in s. 688.002 and that are filed with the Office of Insurance  
20 Regulation pursuant to a rate filing or other filing required  
21 by law are confidential and exempt from the provisions of s.  
22 119.07(1) and s. 24(a), Art. I of the State Constitution.

23           Section 2. Section 627.9742, Florida Statutes, is  
24 subject to the Open Government Sunset Review Act of 1995 in  
25 accordance with section 119.15, Florida Statutes, and shall  
26 stand repealed on October 2, 2008, unless reviewed and saved  
27 from repeal through reenactment by the Legislature.

28           Section 3. The Legislature finds that it is a public  
29 necessity that credit scoring methodologies and related data  
30 and information that are trade secrets, filed with the Office  
31 of Insurance Regulation pursuant to a rate filing or other

1 filing required by law, be made confidential and exempt from  
2 public-records requirements. Such information could harm the  
3 business of an insurance company, as it contains proprietary  
4 confidential business information that has economic value  
5 derived from not being disclosed to competitors. The  
6 Legislature further finds that it is a public necessity to  
7 make such information confidential and exempt from public  
8 disclosure because release of such information would likely  
9 result in an insurer's not providing the Office of Insurance  
10 Regulation with adequate information on which to base a  
11 determination as to whether a filing meets the requirements of  
12 law, resulting in increased administrative and legal disputes  
13 with regard to the filing.

14 Section 4. This act shall take effect January 1, 2004,  
15 if SB 40-A or similar legislation is adopted in the same  
16 legislative session, or an extension thereof, and becomes law.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
19 COMMITTEE SUBSTITUTE FOR  
20 Senate Bill 42-A

21 The committee substitute specifies that the bill will take  
22 effect subject to SB 40-A being adopted in the same session,  
23 or an extension thereof, and becomes law.  
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