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A bill to be entitled  
 An act relating to public records and public meetings;  
 creating s. 627.06292, F.S.; creating an exemption from  
 public records requirements for reports of hurricane loss  
 data and associated exposure data that are specific to a  
 particular insurance company; providing for review and  
 repeal; providing a statement of public necessity;  
 amending s. 627.0628, F.S.; creating an exemption from  
 public records requirements for trade secrets used in  
 designing and constructing hurricane loss models; creating  
 an exemption from public meetings requirements for that  
 portion of a meeting of the Florida Commission on  
 Hurricane Loss Projection Methodology or of a rate  
 proceeding wherein confidential and exempt trade secrets  
 are discussed; providing for review and repeal; providing  
 a statement of public necessity; providing a contingent  
 effective date.

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

Section 1. Section 627.06292, Florida Statutes, is created  
 to read:

627.06292 Reports of hurricane loss data and associated  
 exposure data; public records exemption.--

(1) Reports of hurricane loss data and associated exposure  
 data that are specific to a particular insurance company, as  
 reported by an insurer or a licensed rating organization to the  
 office or to a type I center at a state university pursuant to

29 s. 627.06281, are exempt from s. 119.07(1) and s. 24(a), Art. I  
30 of the State Constitution.

31 (2) This section is subject to the Open Government Sunset  
32 Review Act of 1995 in accordance with s. 119.15, and shall stand  
33 repealed on October 2, 2010, unless reviewed and saved from  
34 repeal through reenactment by the Legislature.

35 Section 2. The Legislature finds that it is a public  
36 necessity that reports of hurricane loss data and associated  
37 exposure data that are specific to a particular insurance  
38 company be made exempt from public records requirements. The  
39 Legislature finds that revealing such information could  
40 substantially harm insurers in the insurance market and give  
41 competitor insurers an unfair economic advantage. Hurricane loss  
42 data and associated exposure data of an insurer include the type  
43 and location of properties insured by an insurer, the amount of  
44 damage incurred by an insured, the amount a property is insured  
45 for, and the reserves an insurer has for future losses. This  
46 information is of value to an insurer and would provide a  
47 competitive advantage if disclosed to another insurer.  
48 Information concerning the hurricane losses that are paid by an  
49 insurer for specific types and locations of homes is proprietary  
50 in nature. Such information could be used by a competitor to  
51 solicit business by offering lower prices based on the  
52 information gathered. As such, the Legislature finds that the  
53 exemption for reports of hurricane loss data and associated  
54 exposure data is a public necessity.

55 Section 3. Paragraph (e) is added to subsection (3) of  
56 section 627.0628, Florida Statutes, to read:

57 |           627.0628 Florida Commission on Hurricane Loss Projection  
 58 | Methodology; public records exemption; public meetings  
 59 | exemption.--

60 |           (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.--

61 |           (e)1. A trade secret, as defined in s. 812.081, that is  
 62 | used in designing and constructing a hurricane loss model and  
 63 | that is provided pursuant to this section, by a private company,  
 64 | to the commission, office, or consumer advocate appointed  
 65 | pursuant to s. 627.0613, is confidential and exempt from s.  
 66 | 119.07(1) and s. 24(a), Art. I of the State Constitution.

67 |           2. That portion of a meeting of the commission or of a  
 68 | rate proceeding on an insurer's rate filing at which a trade  
 69 | secret made confidential and exempt by this paragraph is  
 70 | discussed is exempt from s. 286.011 and s. 24(b), Art. I of the  
 71 | State Constitution.

72 |           3. This paragraph is subject to the Open Government Sunset  
 73 | Review Act of 1995 in accordance with s. 119.15, and shall stand  
 74 | repealed on October 2, 2010, unless reviewed and saved from  
 75 | repeal through reenactment by the Legislature.

76 |           Section 4. The Legislature finds that it is a public  
 77 | necessity that a trade secret, as defined in s. 812.081, Florida  
 78 | Statutes, that is used in designing and constructing a hurricane  
 79 | loss model and that is provided pursuant to law, by a private  
 80 | company, to the Florida Commission on Hurricane Loss Projection  
 81 | Methodology, the Office of Insurance Regulation, or an appointed  
 82 | consumer advocate be made confidential and exempt from public  
 83 | records requirements and be made exempt from public meetings  
 84 | requirements. Disclosing trade secrets would negatively impact

85 the business interests of a private company that has invested  
 86 substantial economic resources in developing the model, and  
 87 competitor companies would gain an unfair competitive advantage  
 88 if provided access to such information. Reliable projections of  
 89 hurricane losses are necessary in order to ensure that rates for  
 90 residential property insurance meet the statutory requirement  
 91 that rates be neither excessive nor inadequate. This goal is  
 92 served by enabling the Florida Commission on Hurricane Loss  
 93 Projection Methodology, the Office of Insurance Regulation, and  
 94 the consumer advocate appointed pursuant to s. 627.0613, Florida  
 95 Statutes, to have access to all aspects of hurricane loss  
 96 models, and encouraging private companies to submit such models  
 97 to the commission, office, and consumer advocate for review  
 98 without concern that trade secrets will be disclosed. In  
 99 addition, the Legislature finds that it is a public necessity to  
 100 protect trade secrets discussed during meetings or rate  
 101 proceedings, because release of such information via a public  
 102 meeting or proceeding would defeat the purpose of the public  
 103 records exemption and would allow competitors and other persons  
 104 to attend those meetings and discover the protected trade  
 105 secrets.

106 Section 5. This act shall take effect on the same date  
 107 that HB 1937 or substantially similar legislation takes effect,  
 108 if such legislation is adopted in the same legislative session  
 109 or an extension thereof and becomes a law.