

HB 7119

2010

1                                   A bill to be entitled  
 2           An act relating to a review under the Open Government  
 3           Sunset Review Act; amending s. 627.0628, F.S.; clarifying  
 4           the public records exemption for a trade secret used in  
 5           designing and constructing a hurricane loss model and  
 6           provided by a private company to the Florida Commission on  
 7           Hurricane Loss Projection Methodology, the Office of  
 8           Insurance Regulation, or an appointed consumer advocate to  
 9           specify that the exemption applies to trade secrets as  
 10          defined in the Uniform Trade Secrets Act; requiring a  
 11          recording of a closed meeting of the commission or of a  
 12          rate proceeding on an insurer's rate filing at which  
 13          confidential and exempt trade secrets are discussed;  
 14          creating a public records exemption for the recording of  
 15          the closed meeting; providing for future legislative  
 16          review and repeal of the exemption; providing a statement  
 17          of public necessity; providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

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 21           Section 1. Paragraph (f) of subsection (3) of section  
 22           627.0628, Florida Statutes, is amended to read:

23           627.0628 Florida Commission on Hurricane Loss Projection  
 24           Methodology; public records exemption; public meetings  
 25           exemption.—

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

27           (f)1. A trade secret, as defined in s. 688.002 ~~812.081~~,  
 28           that is used in designing and constructing a hurricane loss

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29 | model and that is provided pursuant to this section, by a  
30 | private company, to the commission, office, or consumer advocate  
31 | appointed pursuant to s. 627.0613, is confidential and exempt  
32 | from s. 119.07(1) and s. 24(a), Art. I of the State  
33 | Constitution.

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

40 |       b. The recording of a closed portion of a meeting is  
41 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
42 | Constitution.

43 |       ~~c.3.~~ This ~~subparagraph~~ ~~paragraph~~ is subject to the Open  
44 | Government Sunset Review Act in accordance with s. 119.15~~7~~ and  
45 | shall stand repealed on October 2, 2015 ~~2010~~, unless reviewed  
46 | and saved from repeal through reenactment by the Legislature.

47 |       Section 2. The Legislature finds that it is a public  
48 | necessity to make exempt from public records requirements the  
49 | recording generated during those portions of a meeting of the  
50 | Florida Commission on Hurricane Loss Projection Methodology or  
51 | of a rate proceeding on an insurer's rate filing at which  
52 | confidential and exempt trade secrets are discussed. Release of  
53 | such recordings would compromise the discussions which took  
54 | place during the closed meeting and would negate the public  
55 | meetings exemption. Further, current law already provides a  
56 | public records exemption for trade secrets. As such, release of

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57 | the recording generated during those closed portions of meetings  
58 | would compromise the current protections already afforded trade  
59 | secrets.

60 | Section 3. This act shall take effect October 1, 2010.