

ENROLLED
HB 7119

2010 Legislature

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

ENROLLED
HB 7119

2010 Legislature

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.