

By Senator Richter

23-01410-13

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 627.3518, F.S.; providing an exemption from public
4 records requirements for all underwriting guidelines,
5 manuals, rating information, and other underwriting
6 criteria or instructions submitted by an insurer to
7 the corporation's policyholder eligibility
8 clearinghouse program which are used to identify and
9 select risks from the program; providing for future
10 review and repeal of the exemption under the Open
11 Government Sunset Review Act; providing a statement of
12 public necessity; providing a contingent effective
13 date.

14
15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (10) is added to section 627.3518,
18 Florida Statutes, as created by SB ____, 2013 Regular Session,
19 to read:

20 627.3518 Citizens Property Insurance Corporation
21 policyholder eligibility clearinghouse program.-

22 (10) All underwriting guidelines, manuals, rating
23 information, and other underwriting criteria or instructions
24 submitted by an insurer to the corporation's policyholder
25 eligibility clearinghouse program which are used to identify and
26 select risks from the program are confidential and exempt from
27 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
28 This subsection is subject to the Open Government Sunset Review
29 Act in accordance with s. 119.15 and shall stand repealed on

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30 October 2, 2018, unless reviewed and saved from repeal through
31 reenactment by the Legislature.

32 Section 2. The Legislature finds that it is public
33 necessity that all underwriting guidelines, manuals, rating
34 information, and other underwriting criteria or instructions
35 submitted by an insurer to the Citizens Property Insurance
36 Corporation's policyholder eligibility clearinghouse program
37 which are used to identify and select risks from the program be
38 made confidential and exempt from the requirements of s.
39 119.07(1), Florida Statutes, and s. 24(a), Article I of the
40 State Constitution. The program will facilitate obtaining offers
41 of coverage from authorized insurers for applicants for
42 insurance coverage with Citizens Property Insurance Corporation
43 and for policyholders with existing insurance coverage with
44 Citizens Property Insurance Corporation. Obtaining offers of
45 coverage from authorized insurers through the program will
46 provide more choices for consumers and reduce Citizens Property
47 Insurance Corporation's exposure and potential for assessments
48 on its policyholders and policyholders in the private market. In
49 order for the program to efficiently determine whether there are
50 authorized insurers interested in making an offer of coverage
51 for a particular risk, a substantial amount of detailed data
52 from participating authorized insurers must be provided to the
53 program. Public disclosure of the detailed data could result in
54 a substantial chilling effect on insurer participation in the
55 program, thereby undermining the program's success. Therefore,
56 the Legislature declares that it is a public necessity that all
57 underwriting guidelines, manuals, rating information, and other
58 underwriting criteria or instructions submitted by an insurer to

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59 the Citizens Property Insurance Corporations policyholder
60 eligibility clearinghouse program which are used to identify and
61 select risks from the program be made confidential and exempt
62 from public records requirements.

63 Section 3. This act shall take effect on the same date that
64 SB ____ or similar legislation creating s. 627.3518, Florida
65 Statutes, the Citizen's Property Insurance Corporation
66 policyholder eligibility clearinghouse program, takes effect, if
67 such legislation is adopted in the same legislative session or
68 an extension thereof and becomes law.