



565296

LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

04/24/2013 11:40 AM

Senator Simmons moved the following:

Senate Amendment (with directory and title amendments)

Delete lines 20 - 51

and insert:

(10) Proprietary business information provided to the corporation's clearinghouse by insurers with respect to identifying and selecting risks for an offer of coverage is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(a) As used in this subsection, the term "proprietary business information" means information, regardless of form or characteristics, which is owned or controlled by an insurer and:

1. Is identified by the insurer as proprietary business



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14 information and is intended to be and is treated by the insurer
15 as private in that the disclosure of the information would cause
16 harm to the insurer, an individual, or the company's business
17 operations and has not been disclosed unless disclosed pursuant
18 to a statutory requirement, an order of a court or
19 administrative body, or a private agreement that provides that
20 the information will not be released to the public;

21 2. Is not otherwise readily ascertainable or publicly
22 available by proper means by other persons from another source
23 in the same configuration as provided to the clearinghouse; and

24 3. Includes, but is not limited to:

25 a. Trade secrets.

26 b. Information relating to competitive interests, the
27 disclosure of which would impair the competitive business of the
28 provider of the information.

29
30 Proprietary business information may be found in underwriting
31 criteria or instructions which are used to identify and select
32 risks through the program for an offer of coverage and are
33 shared with the clearinghouse to facilitate the shopping of
34 risks with the insurer.

35 (b) The clearinghouse may disclose confidential and exempt
36 proprietary business information:

37 1. If the insurer to which it pertains gives prior written
38 consent;

39 2. Pursuant to a court order; or

40 3. To another state agency in this or another state or to a
41 federal agency if the recipient agrees in writing to maintain
42 the confidential and exempt status of the document, material, or



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43 other information and has verified in writing its legal
44 authority to maintain such confidentiality.

45 (c) This subsection is subject to the Open Government
46 Sunset Review Act in accordance with s. 119.15 and shall stand
47 repealed on October 2, 2018, unless reviewed and saved from
48 repeal through reenactment by the Legislature.

49 Section 2. The Legislature finds that it is a public
50 necessity that all proprietary business information provided by
51 an insurer to Citizens Property Insurance Corporation's
52 clearinghouse which is used to identify and select risks from
53 the clearinghouse be made confidential and exempt from s.
54 119.07(1), Florida Statutes, and s. 24(a), Article I of the
55 State Constitution. The diversion program will facilitate
56 obtaining offers of coverage from authorized insurers for new
57 applicants for insurance coverage with the corporation and for
58 policyholders seeking to renew existing insurance coverage with
59 the corporation. Obtaining offers of coverage from authorized
60 insurers through the clearinghouse will provide more choices for
61 consumers and reduce the corporation's exposure and potential
62 for imposing assessments on its policyholders and policyholders
63 in the private market. In order for the program to efficiently
64 determine whether there are authorized insurers interested in
65 making an offer of coverage for a particular risk, a substantial
66 amount of detailed data from participating insurers must be
67 provided to the program. Public disclosure of the detailed data
68 could result in a substantial chilling effect on insurer
69 participation in the program and thereby undermine the program's
70 success. Therefore, the Legislature declares that it is a public
71 necessity that all proprietary business information provided by



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72 an insurer to Citizens Property Insurance Corporation's
73 clearinghouse which is used to identify and select risks from
74 the clearinghouse be made confidential and exempt from public
75 record requirements.

76
77 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

78 And the directory clause is amended as follows:

79 Delete line 15

80 and insert:

81 Section 1. Subsection (10) is added to section 627.3518,

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete lines 4 - 9

86 and insert:

87 records requirements for all proprietary business
88 information submitted by an insurer to the Citizens
89 Property Insurance Corporation's clearinghouse;
90 providing a definition; providing exemption; providing
91 for future