

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Nelson offered the following:

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3 **Amendment (with directory and title amendments)**

4 Remove lines 22-28 and insert:

5 (11) (a) Proprietary business information provided to the
6 corporation's policyholder eligibility clearinghouse program by
7 insurers with respect to identifying and selecting risks for an
8 offer of coverage is confidential and exempt from s. 119.07(1)
9 and s. 24(a), Art. I of the State Constitution.

10 (b) As used in this section, the term "proprietary
11 business information" means information, regardless of form or
12 characteristics, which is owned or controlled by an insurer, and
13 which:

14 1. Is identified by the insurer as proprietary business
15 information and is intended to be and is treated by the insurer
16 as private in that the disclosure of the information would cause

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17 harm to the insurer, the person, or the company's business
18 operations and has not been disclosed unless disclosed pursuant
19 to a statutory requirement, an order of a court or
20 administrative body, or a private agreement that provides that
21 the information will not be released to the public;

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

25 3. Includes, but is not limited to:

26 a. Trade secrets.

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

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

36 4. The clearinghouse may disclose confidential and exempt
37 proprietary business information:

38 a. If the insurer to which it pertains gives prior written
39 consent;

40 b. Pursuant to a court order; or

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

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

46 (c) This subsection is subject to the Open Government
47 Sunset Review

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49 Remove line 63 and insert:
50 that CS/HB 7093 or similar legislation creating s. 627.3518,

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D I R E C T O R Y A M E N D M E N T

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54 Remove lines 17-18 and insert:
55 Section 1. Subsection (11) is added to section 627.3518,
56 Florida Statutes, as created by the Committee Substitute for
57 House Bill 7093, 2013 Regular Session,

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T I T L E A M E N D M E N T

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61 Remove lines 4-9 and insert:
62 records requirements for proprietary business
63 information provided to the corporation's policyholder
64 eligibility clearinghouse program by insurers with
65 respect to identifying and selecting risks for an
66 offer of coverage; defining the term "proprietary
67 business information"; authorizing disclosure under
68 specified conditions; providing for future