



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 proprietary business
 5 information provided to the corporation's policyholder
 6 eligibility clearinghouse program by insurers with
 7 respect to identifying and selecting risks for an
 8 offer of coverage; defining the term "proprietary
 9 business information"; authorizing disclosure under
 10 specified conditions; providing for future review and
 11 repeal of the exemption under the Open Government
 12 Sunset Review Act; providing a statement of public
 13 necessity; providing a contingent effective date.

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

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 17 Section 1. Subsection (11) is added to section 627.3518,
 18 Florida Statutes, as created by the Committee Substitute for
 19 House Bill 7093, 2013 Regular Session, to read:

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

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

27 (b) As used in this section, the term "proprietary
 28 business information" means information, regardless of form or



29 characteristics, which is owned or controlled by an insurer, and
30 which:

31 1. Is identified by the insurer as proprietary business
32 information and is intended to be and is treated by the insurer
33 as private in that the disclosure of the information would cause
34 harm to the insurer, the person, or the company's business
35 operations and has not been disclosed unless disclosed pursuant
36 to a statutory requirement, an order of a court or
37 administrative body, or a private agreement that provides that
38 the information will not be released to the public;

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

42 3. Includes, but is not limited to:

43 a. Trade secrets.

44 b. Information relating to competitive interests, the
45 disclosure of which would impair the competitive business of the
46 provider of the information.

47
48 Proprietary business information may be found in underwriting
49 criteria or instructions which are used to identify and select
50 risks through the program for an offer of coverage and are
51 shared with the clearinghouse to facilitate the shopping of
52 risks with the insurer.

53 4. The clearinghouse may disclose confidential and exempt
54 proprietary business information:

55 a. If the insurer to which it pertains gives prior written
56 consent;



HB 7095, Engrossed 1

2013

57 b. Pursuant to a court order; or

58 c. To another state agency in this or another state or to
59 a federal agency if the recipient agrees in writing to maintain
60 the confidential and exempt status of the document, material, or
61 other information and has verified in writing its legal
62 authority to maintain such confidentiality.

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

67 Section 2. The Legislature finds that it is public
68 necessity that all proprietary business information provided by
69 an insurer to the Citizens Property Insurance Corporation's
70 policyholder eligibility clearinghouse program which is used to
71 identify and select risks from the program be made confidential
72 and exempt from the requirements of s. 119.07(1), Florida
73 Statutes, and s. 24(a), Article I of the State Constitution. The
74 program will facilitate obtaining offers of coverage from
75 insurers for applicants for insurance coverage with Citizens
76 Property Insurance Corporation and for policyholders with
77 existing insurance coverage with Citizens Property Insurance
78 Corporation. Obtaining offers of coverage from insurers through
79 the program will provide more choices for consumers and reduce
80 Citizens Property Insurance Corporation's exposure and potential
81 for assessments on its policyholders and policyholders in the
82 private market. In order for the program to efficiently
83 determine whether there are insurers interested in making an
84 offer of coverage for a particular risk, a substantial amount of



HB 7095, Engrossed 1

2013

85 detailed data from participating insurers must be provided to
86 the program. Public disclosure of the detailed data could result
87 in a substantial chilling effect on insurer participation in the
88 program, thereby undermining the program's success. Therefore,
89 the Legislature declares that it is a public necessity that all
90 proprietary business information provided by an insurer to the
91 Citizens Property Insurance Corporation's policyholder
92 eligibility clearinghouse program which is used to identify and
93 select risks from the program be made confidential and exempt
94 from public records requirements.

95 Section 3. This act shall take effect on the same date
96 that CS/HB 7093 or similar legislation creating s. 627.3518,
97 Florida Statutes, the Citizen's Property Insurance Corporation
98 policyholder eligibility clearinghouse program, takes effect, if
99 such legislation is adopted in the same legislative session or
100 an extension thereof and becomes law.