

20141262er

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2 An act relating to public records and meetings;
3 amending s. 627.0628, F.S.; providing an exemption
4 from public records and public meetings requirements
5 for trade secrets used to design an insurance flood
6 loss model held in records or discussed in meetings of
7 the Florida Commission on Hurricane Loss Projection
8 Methodology, the Office of Insurance Regulation, or
9 the appointed consumer advocate; providing for
10 legislative review and repeal of the exemption under
11 the Open Government Sunset Review Act; providing a
12 statement of public necessity; providing a contingent
13 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. Paragraph (f) of subsection (3) of section
18 627.0628, Florida Statutes, is amended to read:

19 627.0628 Florida Commission on Hurricane Loss Projection
20 Methodology; public records exemption; public meetings
21 exemption.—

22 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

23 (f)1. A trade secret, as defined in s. 688.002, which ~~that~~
24 is used in designing and constructing a hurricane or flood loss
25 model and which ~~that~~ is provided pursuant to this section, by a
26 private company, to the commission, office, or consumer advocate
27 appointed pursuant to s. 627.0613~~7~~ is confidential and exempt
28 from s. 119.07(1) and s. 24(a), Art. I of the State
29 Constitution.

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30 2.a. That portion of a meeting of the commission or of a
31 rate proceeding on an insurer's rate filing at which a trade
32 secret made confidential and exempt by this paragraph is
33 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the
34 State Constitution. The closed meeting must be recorded, and no
35 portion of the closed meeting may be off the record.

36 b. The recording of a closed portion of a meeting is exempt
37 from s. 119.07(1) and s. 24(a), Art. I of the State
38 Constitution.

39 c. This ~~paragraph~~ ~~subparagraph~~ is subject to the Open
40 Government Sunset Review Act in accordance with s. 119.15 and
41 shall stand repealed on October 2, 2019 ~~2015~~, unless reviewed
42 and saved from repeal through reenactment by the Legislature.

43 Section 2. The Legislature finds that it is a public
44 necessity that a trade secret, as defined in s. 688.002, Florida
45 Statutes, which is used in designing and constructing a flood
46 loss model and which is provided by a private company to the
47 Florida Commission on Hurricane Loss Projection Methodology, the
48 Office of Insurance Regulation, or a consumer advocate appointed
49 pursuant to s. 627.0613, Florida Statutes, be made confidential
50 and exempt from public records requirements and from public
51 meetings requirements.

52 (1) Disclosing trade secrets would negatively impact the
53 business interests of a private company that has invested
54 substantial economic resources in developing such model, and
55 competitor companies would gain an unfair competitive advantage
56 if provided access to such information. Reliable projections of
57 flood losses are necessary in order to ensure that rates for
58 flood insurance meet the statutory requirement that rates be

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59 neither excessive nor inadequate. This goal is served by
60 enabling the commission, the office, and the consumer advocate
61 to have access to all aspects of flood loss models and by
62 encouraging private companies to submit such models to the
63 commission, office, and consumer advocate for review without
64 concern that trade secrets will be disclosed through a public
65 records request.

66 (2) In addition, the Legislature finds that it is a public
67 necessity to protect trade secrets relating to such model which
68 are discussed during a meeting of the commission or during a
69 rate proceeding on an insurer's rate filing held by the office,
70 because the release of such information via a public meeting or
71 proceeding would allow competitors and other persons to attend
72 those meetings and discover the protected trade secrets and
73 would defeat the purpose of the public records exemption. The
74 Legislature also finds that it is a public necessity to exempt
75 from public records requirements the recordings generated during
76 those portions of a commission meeting or a rate proceeding at
77 which confidential and exempt trade secrets are discussed.
78 Release of such recordings would compromise the discussions that
79 take place during the closed meeting or proceeding and would
80 negate the public meetings exemption. Current law provides a
81 public records exemption for trade secrets. As such, release of
82 the recordings generated during those closed portions of a
83 meeting or proceeding on trade secrets would compromise the
84 current protections already afforded to trade secrets.

85 Section 3. This act shall take effect upon becoming a law
86 if SB 542 or similar legislation is adopted in the same
87 legislative session or an extension thereof and becomes a law.