

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

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1 Committee/Subcommittee hearing bill: Government Accountability  
2 Committee

3 Representative Massullo offered the following:

4

5 **Amendment (with title amendment)**

6 Remove lines 1655-2154 and insert:

7 Section 63. Section 601.76, Florida Statutes, is amended  
8 to read:

9 601.76 Manufacturer to furnish formula and other  
10 information.—Any formula required to be filed with the  
11 Department of Agriculture ~~shall be deemed a trade secret as~~  
12 ~~defined in s. 812.081,~~ is confidential and exempt from s.  
13 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
14 may be divulged only to the Department of Agriculture or to its  
15 duly authorized representatives or upon court order when  
16 necessary in the enforcement of this law. A person who receives

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17 such a formula from the Department of Agriculture under this  
18 section shall maintain the confidentiality of the formula. ~~This~~  
19 ~~section is subject to the Open Government Sunset Review Act in~~  
20 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~  
21 ~~2021, unless reviewed and saved from repeal through reenactment~~  
22 ~~by the Legislature.~~

23 Section 64. Subsection (6) of section 607.0505, Florida  
24 Statutes, is amended to read:

25 607.0505 Registered agent; duties.—

26 (6) Information provided to, and records and  
27 transcriptions of testimony obtained by, the Department of Legal  
28 Affairs pursuant to this section are confidential and exempt  
29 from the provisions of s. 119.07(1) while the investigation is  
30 active. For purposes of this section, an investigation shall be  
31 considered "active" while such investigation is being conducted  
32 with a reasonable, good faith belief that it may lead to the  
33 filing of an administrative, civil, or criminal proceeding. An  
34 investigation does not cease to be active so long as the  
35 department is proceeding with reasonable dispatch and there is a  
36 good faith belief that action may be initiated by the department  
37 or other administrative or law enforcement agency. Except for  
38 active criminal intelligence or criminal investigative  
39 information, as defined in s. 119.011, and information which, if  
40 disclosed, ~~would reveal a trade secret, as defined in s.~~  
41 ~~688.002, or~~ would jeopardize the safety of an individual, all

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42 information, records, and transcriptions become public record  
43 when the investigation is completed or ceases to be active. The  
44 department shall not disclose confidential information, records,  
45 or transcriptions of testimony except pursuant to the  
46 authorization by the Attorney General in any of the following  
47 circumstances:

48 (a) To a law enforcement agency participating in or  
49 conducting a civil investigation under chapter 895, or  
50 participating in or conducting a criminal investigation.

51 (b) In the course of filing, participating in, or  
52 conducting a judicial proceeding instituted pursuant to this  
53 section or chapter 895.

54 (c) In the course of filing, participating in, or  
55 conducting a judicial proceeding to enforce an order or judgment  
56 entered pursuant to this section or chapter 895.

57 (d) In the course of a criminal or civil proceeding.

58  
59 A person or law enforcement agency which receives any  
60 information, record, or transcription of testimony that has been  
61 made confidential by this subsection shall maintain the  
62 confidentiality of such material and shall not disclose such  
63 information, record, or transcription of testimony except as  
64 provided for herein. Any person who willfully discloses any  
65 information, record, or transcription of testimony that has been  
66 made confidential by this subsection, except as provided for

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67 herein, is guilty of a misdemeanor of the first degree,  
68 punishable as provided in s. 775.082 or s. 775.083. If any  
69 information, record, or testimony obtained pursuant to  
70 subsection (2) is offered in evidence in any judicial  
71 proceeding, the court may, in its discretion, seal that portion  
72 of the record to further the policies of confidentiality set  
73 forth herein.

74 Section 65. Subsection (6) of section 617.0503, Florida  
75 Statutes, is amended to read:

76 617.0503 Registered agent; duties; confidentiality of  
77 investigation records.-

78 (6) Information provided to, and records and  
79 transcriptions of testimony obtained by, the Department of Legal  
80 Affairs pursuant to this section are confidential and exempt  
81 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
82 State Constitution while the investigation is active. For  
83 purposes of this section, an investigation shall be considered  
84 "active" while such investigation is being conducted with a  
85 reasonable, good faith belief that it may lead to the filing of  
86 an administrative, civil, or criminal proceeding. An  
87 investigation does not cease to be active so long as the  
88 department is proceeding with reasonable dispatch and there is a  
89 good faith belief that action may be initiated by the department  
90 or other administrative or law enforcement agency. Except for  
91 active criminal intelligence or criminal investigative

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92 information, as defined in s. 119.011, and information which, if  
93 disclosed, ~~would reveal a trade secret, as defined in s.~~  
94 ~~688.002, or~~ would jeopardize the safety of an individual, all  
95 information, records, and transcriptions become available to the  
96 public when the investigation is completed or ceases to be  
97 active. The department shall not disclose confidential  
98 information, records, or transcriptions of testimony except  
99 pursuant to authorization by the Attorney General in any of the  
100 following circumstances:

101 (a) To a law enforcement agency participating in or  
102 conducting a civil investigation under chapter 895, or  
103 participating in or conducting a criminal investigation.

104 (b) In the course of filing, participating in, or  
105 conducting a judicial proceeding instituted pursuant to this  
106 section or chapter 895.

107 (c) In the course of filing, participating in, or  
108 conducting a judicial proceeding to enforce an order or judgment  
109 entered pursuant to this section or chapter 895.

110 (d) In the course of a criminal proceeding.

111  
112 A person or law enforcement agency that receives any  
113 information, record, or transcription of testimony that has been  
114 made confidential by this subsection shall maintain the  
115 confidentiality of such material and shall not disclose such  
116 information, record, or transcription of testimony except as

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117 provided for herein. Any person who willfully discloses any  
118 information, record, or transcription of testimony that has been  
119 made confidential by this subsection, except as provided for in  
120 this subsection, commits a misdemeanor of the first degree,  
121 punishable as provided in s. 775.082 or s. 775.083. If any  
122 information, record, or testimony obtained pursuant to  
123 subsection (2) is offered in evidence in any judicial  
124 proceeding, the court may, in its discretion, seal that portion  
125 of the record to further the policies of confidentiality set  
126 forth in this subsection.

127 Section 66. Subsection (4) of section 624.307, Florida  
128 Statutes, is amended to read:

129 624.307 General powers; duties.—

130 (4) The department and office may each collect, propose,  
131 publish, and disseminate information relating to the subject  
132 matter of any duties imposed upon it by law. Notwithstanding any  
133 other provision of law, information reported to and collected by  
134 the office may be made available on an aggregate basis. The  
135 office may report, publish, or otherwise make available such  
136 information from all insurers on an aggregate basis by line of  
137 business and by county, even if marked trade secret pursuant to  
138 s. 688.01, but shall otherwise maintain trade secret  
139 confidentiality in accordance with s. 688.01.

140 Section 67. Subsection (4) is added to section 624.315,  
141 Florida Statutes, to read:

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142 624.315 Department; annual report.—

143 (4) Notwithstanding any other provision of law, the office  
144 may make the information in subsection (2) available on an  
145 aggregate basis. The office may include such statistical  
146 information from all insurers on an aggregate basis by line of  
147 business and by county, even if marked trade secret pursuant to  
148 s. 688.01, but shall otherwise maintain trade secret  
149 confidentiality in accordance with s. 688.01.

150 Section 68. Paragraph (c) of subsection (1) and subsection  
151 (5) of section 624.4212, Florida Statutes, are amended to read:

152 624.4212 Confidentiality of proprietary business and other  
153 information.—

154 (1) As used in this section, the term "proprietary  
155 business information" means information, regardless of form or  
156 characteristics, which is owned or controlled by an insurer, or  
157 a person or an affiliated person who seeks acquisition of  
158 controlling stock in a domestic stock insurer or controlling  
159 company, and which:

160 (c) Includes:

161 ~~1. Trade secrets as defined in s. 688.002 which comply~~  
162 ~~with s. 624.4213.~~

163 ~~1.2.~~ Information relating to competitive interests, the  
164 disclosure of which would impair the competitive business of the  
165 provider of the information.

166 ~~2.3.~~ The source, nature, and amount of the consideration

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167 used or to be used in carrying out a merger or other acquisition  
168 of control in the ordinary course of business, including the  
169 identity of the lender, if the person filing a statement  
170 regarding consideration so requests.

171 ~~3.4.~~ Information relating to bids or other contractual  
172 data, the disclosure of which would impair the efforts of the  
173 insurer or its affiliates to contract for goods or services on  
174 favorable terms.

175 ~~4.5.~~ Internal auditing controls and reports of internal  
176 auditors.

177 (5) The office may disclose information made confidential  
178 and exempt under this section or s. 688.01:

179 (a) If the insurer to which it pertains gives prior  
180 written consent;

181 (b) Pursuant to a court order;

182 (c) To the Actuarial Board for Counseling and Discipline  
183 upon a request stating that the information is for the purpose  
184 of professional disciplinary proceedings and specifying  
185 procedures satisfactory to the office for preserving the  
186 confidentiality of the information;

187 (d) To other states, federal and international agencies,  
188 the National Association of Insurance Commissioners and its  
189 affiliates and subsidiaries, and state, federal, and  
190 international law enforcement authorities, including members of  
191 a supervisory college described in s. 628.805 if the recipient



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192 | agrees in writing to maintain the confidential and exempt status  
193 | of the document, material, or other information and has  
194 | certified in writing its legal authority to maintain such  
195 | confidentiality; or

196 | (e) For the purpose of aggregating information on an  
197 | industrywide basis and disclosing the information to the public  
198 | only if the specific identities of the insurers, or persons or  
199 | affiliated persons, are not revealed.

200 | Section 69. Section 624.4213, Florida Statutes, is  
201 | repealed.

202 | Section 70. Subsection (10) of section 624.424, Florida  
203 | Statutes, is amended to read:

204 | 624.424 Annual statement and other information.-

205 | (10) Each insurer or insurer group doing business in this  
206 | state shall file on a quarterly basis in conjunction with  
207 | financial reports required by paragraph (1)(a) a supplemental  
208 | report on an individual and group basis on a form prescribed by  
209 | the commission with information on personal lines and commercial  
210 | lines residential property insurance policies in this state. The  
211 | supplemental report shall include separate information for  
212 | personal lines property policies and for commercial lines  
213 | property policies and totals for each item specified, including  
214 | premiums written for each of the property lines of business as  
215 | described in ss. 215.555(2)(c) and 627.351(6)(a). The report

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216 shall include the following information for each county on a  
217 monthly basis:

218 (a) Total number of policies in force at the end of each  
219 month.

220 (b) Total number of policies canceled.

221 (c) Total number of policies nonrenewed.

222 (d) Number of policies canceled due to hurricane risk.

223 (e) Number of policies nonrenewed due to hurricane risk.

224 (f) Number of new policies written.

225 (g) Total dollar value of structure exposure under  
226 policies that include wind coverage.

227 (h) Number of policies that exclude wind coverage.

228  
229 Notwithstanding any other provision of law, a supplemental  
230 report is a public record and is not confidential or exempt from  
231 s. 119.07(1) or s. 24(a), Art. I of the State Constitution. The  
232 office shall not treat a supplemental report as a trade secret,  
233 even if marked trade secret pursuant to s. 688.01.

234 Section 71. Paragraph (d) of subsection (1) of section  
235 626.84195, Florida Statutes, is amended to read:

236 626.84195 Confidentiality of information supplied by title  
237 insurance agencies and insurers.—

238 (1) As used in this section, the term "proprietary  
239 business information" means information that:

240 (d) Concerns:

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- 241 1. Business plans;
- 242 2. Internal auditing controls and reports of internal
- 243 auditors;
- 244 3. Reports of external auditors for privately held
- 245 companies;
- 246 ~~4. Trade secrets, as defined in s. 688.002; or~~
- 247 4.5. Financial information, including revenue data, loss
- 248 expense data, gross receipts, taxes paid, capital investment,
- 249 and employee wages.

250 Section 72. Subsection (2) of section 626.884, Florida

251 Statutes, is amended to read:

252 626.884 Maintenance of records by administrator; access;

253 confidentiality.-

254 (2) The office shall have access to books and records

255 maintained by the administrator for the purpose of examination,

256 audit, and inspection. ~~Information contained in such books and~~

257 ~~records is confidential and exempt from the provisions of s.~~

258 ~~119.07(1) if the disclosure of such information would reveal a~~

259 ~~trade secret as defined in s. 688.002. However,~~ The office may

260 use such information in any proceeding instituted against the

261 administrator.

262 Section 73. Paragraph (a) of subsection (1) of section

263 626.9936, Florida Statutes, is amended to read:

264 626.9936 Access to records.-

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 459 (2018)

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265 (1) Notwithstanding subsections (1) and (2) of Article  
266 VIII, subsection (2) of Article X, and subsection (6) of Article  
267 XII of the Interstate Insurance Product Regulation Compact, a  
268 request by a resident of this state for public inspection and  
269 copying of information, data, or official records that includes:

270 (a) An insurer's trade secrets shall be referred to the  
271 commissioner who shall respond to the request, with the  
272 cooperation and assistance of the commission, in accordance with  
273 s. 688.01 ~~624.4213~~; or

274 Section 74. Paragraph (g) of subsection (3) of section  
275 627.0628, Florida Statutes, is amended to read:

276 627.0628 Florida Commission on Hurricane Loss Projection  
277 Methodology; public records exemption; public meetings  
278 exemption.-

279 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.-

280 (g) ~~1. A trade secret, as defined in s. 688.002, which is  
281 used in designing and constructing a hurricane or flood loss  
282 model and which is provided pursuant to this section, by a  
283 private company, to the commission, office, or consumer advocate  
284 appointed pursuant to s. 627.0613 is confidential and exempt  
285 from s. 119.07(1) and s. 24(a), Art. I of the State  
286 Constitution.~~

287 1.2.a. That portion of a meeting of the commission or of a  
288 rate proceeding on an insurer's rate filing at which a trade  
289 secret made confidential and exempt pursuant to s. 688.01 by

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290 ~~this paragraph~~ is discussed is exempt from s. 286.011 and s.  
291 24(b), Art. I of the State Constitution. The closed meeting must  
292 be recorded, and no portion of the closed meeting may be off the  
293 record.

294 ~~2.b.~~ The recording of a closed portion of a meeting is  
295 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
296 Constitution.

297 ~~e. This paragraph is subject to the Open Government Sunset~~  
298 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~  
299 ~~on October 2, 2019, unless reviewed and saved from repeal~~  
300 ~~through reenactment by the Legislature.~~

301 Section 75. Paragraphs (a) and (c) of subsection (11) of  
302 section 627.3518, Florida Statutes, are amended to read:

303 627.3518 Citizens Property Insurance Corporation  
304 policyholder eligibility clearinghouse program.—The purpose of  
305 this section is to provide a framework for the corporation to  
306 implement a clearinghouse program by January 1, 2014.

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

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

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315 1. Is identified by the insurer as proprietary business  
316 information and is intended to be and is treated by the insurer  
317 as private in that the disclosure of the information would cause  
318 harm to the insurer, an individual, or the company's business  
319 operations and has not been disclosed unless disclosed pursuant  
320 to a statutory requirement, an order of a court or  
321 administrative body, or a private agreement that provides that  
322 the information will not be released to the public;

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

326 3. Includes, ~~but is not limited to:~~

327 ~~a. Trade secrets.~~

328 ~~b.~~ information relating to competitive interests, the  
329 disclosure of which would impair the competitive business of the  
330 provider of the information.

331  
332 Proprietary business information may be found in underwriting  
333 criteria or instructions which are used to identify and select  
334 risks through the program for an offer of coverage and are  
335 shared with the clearinghouse to facilitate the shopping of  
336 risks with the insurer.

337 ~~(c) This subsection is subject to the Open Government~~  
338 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~

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339 ~~repealed on October 2, 2018, unless reviewed and saved from~~  
340 ~~repeal through reenactment by the Legislature.~~

341 Section 76. Subsections (4), (5), (14), and (15) of  
342 section 655.057, Florida Statutes, are amended to read:

343 655.057 Records; limited restrictions upon public access.—

344 ~~(4) Except as otherwise provided in this section and~~  
345 ~~except for those portions that are otherwise public record,~~  
346 ~~trade secrets as defined in s. 688.002 which comply with s.~~  
347 ~~655.0591 and which are held by the office in accordance with its~~  
348 ~~statutory duties with respect to the financial institutions~~  
349 ~~codes are confidential and exempt from s. 119.07(1) and s.~~  
350 ~~24(a), Art. I of the State Constitution.~~

351 (4)(5) Neither this section nor s. 688.01 prevents ~~does~~  
352 ~~not prevent~~ or restricts ~~restrict~~:

353 (a) Publishing reports that are required to be submitted  
354 to the office pursuant to s. 655.045(2) or required by  
355 applicable federal statutes or regulations to be published.

356 (b) Furnishing records or information to any other state,  
357 federal, or foreign agency responsible for the regulation or  
358 supervision of financial institutions.

359 (c) Disclosing or publishing summaries of the condition  
360 of financial institutions and general economic and similar  
361 statistics and data, provided that the identity of a particular  
362 financial institution is not disclosed.

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363 (d) Reporting any suspected criminal activity, with  
364 supporting documents and information, to appropriate law  
365 enforcement and prosecutorial agencies.

366 (e) Furnishing information upon request to the Chief  
367 Financial Officer or the Division of Treasury of the Department  
368 of Financial Services regarding the financial condition of any  
369 financial institution that is, or has applied to be, designated  
370 as a qualified public depository pursuant to chapter 280.

371 (f) Furnishing information to Federal Home Loan Banks  
372 regarding its member institutions pursuant to an information  
373 sharing agreement between the Federal Home Loan Banks and the  
374 office.

375  
376 Any confidential information or records obtained from the office  
377 pursuant to this subsection shall be maintained as confidential  
378 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
379 Constitution.

380 (14) This section is ~~Subsections (3) and (4) are subject~~  
381 ~~to the Open Government Sunset Review Act in accordance with s.~~  
382 ~~119.15 and is are repealed on October 2, 2019, unless reviewed~~  
383 ~~and saved from repeal through reenactment by the Legislature.~~

384 ~~(15) Subsections (1), (2), (5), and (9) are subject to the~~  
385 ~~Open Government Sunset Review Act in accordance with s. 119.15~~  
386 ~~and is are repealed on October 2, 2022, unless reviewed and~~  
387 ~~saved from repeal through reenactment by the Legislature.~~



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388 Section 77. Section 655.0591, Florida Statutes, is  
389 repealed.

390 Section 78. Subsection (11) of section 663.533, Florida  
391 Statutes, is amended to read:

392 663.533 Applicability of the financial institutions  
393 codes.—A qualified limited service affiliate is subject to the  
394 financial institutions codes. Without limiting the foregoing,  
395 the following provisions are applicable to a qualified limited  
396 service affiliate:

397 (11) Section 688.01 ~~655.0591~~, relating to trade secret  
398 documents.

399

400 This section does not prohibit the office from investigating or  
401 examining an entity to ensure that it is not in violation of  
402 this chapter or applicable provisions of the financial  
403 institutions codes.

404 Section 79. Section 721.071, Florida Statutes, is  
405 repealed.

406 Section 80. Subsections (3) and (4) of section 815.04,  
407 Florida Statutes, are amended to read:

408 815.04 Offenses against intellectual property; ~~public~~  
409 ~~records exemption.~~—

410 ~~(3) Data, programs, or supporting documentation that is a~~  
411 ~~trade secret as defined in s. 812.081, that is held by an agency~~  
412 ~~as defined in chapter 119, and that resides or exists internal~~

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413 ~~or external to a computer, computer system, computer network, or~~  
414 ~~electronic device is confidential and exempt from the provisions~~  
415 ~~of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~  
416 ~~This subsection is subject to the Open Government Sunset Review~~  
417 ~~Act in accordance with s. 119.15 and shall stand repealed on~~  
418 ~~October 2, 2021, unless reviewed and saved from repeal through~~  
419 ~~reenactment by the Legislature.~~

420 (3)~~(4)~~ A person who willfully, knowingly, and without  
421 authorization discloses or takes data, programs, or supporting  
422 documentation that is a trade secret as defined in s. 812.081 ~~or~~  
423 ~~is confidential as provided by law~~ residing or existing internal  
424 or external to a computer, computer system, computer network, or  
425 electronic device commits an offense against intellectual  
426 property.

427 Section 81. Section 815.045, Florida Statutes, is  
428 repealed.

429 Section 82. Subsection (2) of section 1004.22, Florida  
430 Statutes, is amended to read:

431 1004.22 Divisions of sponsored research at state  
432 universities.—

433 (2) The university shall set such policies to regulate the  
434 activities of the divisions of sponsored research as it may  
435 consider necessary to administer the research programs in a  
436 manner which assures efficiency and effectiveness, producing the  
437 maximum benefit for the educational programs and maximum service

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438 to the state. To this end, materials that relate to methods of  
439 manufacture or production, ~~potential trade secrets~~, potentially  
440 patentable material, ~~actual~~ trade secrets, as defined in s.  
441 688.01, business transactions, or proprietary information  
442 received, generated, ascertained, or discovered during the  
443 course of research conducted within the state universities shall  
444 be confidential and exempt from the provisions of s. 119.07(1),  
445 except that a division of sponsored research shall make  
446 available upon request the title and description of a research  
447 project, the name of the researcher, and the amount and source  
448 of funding provided for such project.

449 Section 83. Paragraph (c) of subsection (2) and  
450 subsections (3), (4), and (7) of section 1004.30, Florida  
451 Statutes, are amended to read:

452 1004.30 University health services support organization;  
453 confidentiality of information.—

454 (2) The following university health services support  
455 organization's records and information are confidential and  
456 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I  
457 of the State Constitution:

458 ~~(c) Trade secrets, as defined in s. 688.002, including~~  
459 ~~reimbursement methodologies and rates.~~

460 (3) Any portion of a governing board or peer review panel  
461 or committee meeting during which a confidential and exempt  
462 contract, document, record, or marketing plan, ~~or trade secret,~~

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463 as provided for in subsection (2), or a confidential and exempt  
464 trade secret, as provided for in s. 688.01, is discussed is  
465 exempt from the provisions of s. 286.011 and s. 24(b), Art. I of  
466 the State Constitution.

467 (4) Those portions of any public record, such as a tape  
468 recording, minutes, and notes, generated during that portion of  
469 a governing board or peer review panel or committee meeting  
470 which is closed to the public pursuant to this section, ~~which~~  
471 ~~contain information relating to contracts, documents, records,~~  
472 ~~marketing plans, or trade secrets which are made confidential~~  
473 ~~and exempt by this section,~~ are confidential and exempt from the  
474 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
475 Constitution.

476 (7) Those portions of any public record, such as a tape  
477 recording, minutes, or notes, generated during that portion of a  
478 governing board meeting at which negotiations for contracts for  
479 managed-care arrangements occur, are reported on, or are acted  
480 on by the governing board, which record is made confidential and  
481 exempt by subsection (4), shall become public records 2 years  
482 after the termination or completion of the term of the contract  
483 to which such negotiations relate or, if no contract was  
484 executed, 2 years after the termination of the negotiations.  
485 Notwithstanding paragraph (2)(a) and subsection (4), a  
486 university health services support organization must make  
487 available, upon request, the title and general description of a

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488 contract for managed-care arrangements, the names of the  
489 contracting parties, and the duration of the contract term. All  
490 contracts for managed-care arrangements which are made  
491 confidential and exempt by paragraph (2) (a), except those  
492 portions of any contract containing trade secrets which are made  
493 confidential and exempt by s. 688.01 ~~paragraph (2) (c)~~, shall  
494 become public 2 years after the termination or completion of the  
495 term of the contract.

496 Section 84. Paragraph (b) of subsection (8) of section  
497 1004.43, Florida Statutes, is amended to read:

498 1004.43 H. Lee Moffitt Cancer Center and Research  
499 Institute.—There is established the H. Lee Moffitt Cancer Center  
500 and Research Institute, a statewide resource for basic and  
501 clinical research and multidisciplinary approaches to patient  
502 care.

503 (8)

504 (b) Proprietary confidential business information is  
505 confidential and exempt from the provisions of s. 119.07(1) and  
506 s. 24(a), Art. I of the State Constitution. However, the Auditor  
507 General, the Office of Program Policy Analysis and Government  
508 Accountability, and the Board of Governors, pursuant to their  
509 oversight and auditing functions, must be given access to all  
510 proprietary confidential business information upon request and  
511 without subpoena and must maintain the confidentiality of  
512 information so received. As used in this paragraph, the term

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513 "proprietary confidential business information" means  
514 information, regardless of its form or characteristics, which is  
515 owned or controlled by the not-for-profit corporation or its  
516 subsidiaries; is intended to be and is treated by the not-for-  
517 profit corporation or its subsidiaries as private and the  
518 disclosure of which would harm the business operations of the  
519 not-for-profit corporation or its subsidiaries; has not been  
520 intentionally disclosed by the corporation or its subsidiaries  
521 unless pursuant to law, an order of a court or administrative  
522 body, a legislative proceeding pursuant to s. 5, Art. III of the  
523 State Constitution, or a private agreement that provides that  
524 the information may be released to the public; and which is  
525 information concerning:

- 526 1. Internal auditing controls and reports of internal  
527 auditors;
- 528 2. Matters reasonably encompassed in privileged attorney-  
529 client communications;
- 530 3. Contracts for managed-care arrangements, including  
531 preferred provider organization contracts, health maintenance  
532 organization contracts, and exclusive provider organization  
533 contracts, and any documents directly relating to the  
534 negotiation, performance, and implementation of any such  
535 contracts for managed-care arrangements;
- 536 4. Bids or other contractual data, banking records, and  
537 credit agreements the disclosure of which would impair the

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538 | efforts of the not-for-profit corporation or its subsidiaries to  
539 | contract for goods or services on favorable terms;

540 |         5. Information relating to private contractual data, the  
541 | disclosure of which would impair the competitive interest of the  
542 | provider of the information;

543 |         6. Corporate officer and employee personnel information;

544 |         7. Information relating to the proceedings and records of  
545 | credentialing panels and committees and of the governing board  
546 | of the not-for-profit corporation or its subsidiaries relating  
547 | to credentialing;

548 |         8. Minutes of meetings of the governing board of the not-  
549 | for-profit corporation and its subsidiaries, except minutes of  
550 | meetings open to the public pursuant to subsection (9);

551 |         9. Information that reveals plans for marketing services  
552 | that the corporation or its subsidiaries reasonably expect to be  
553 | provided by competitors;

554 |         10. Trade secrets as defined in s. 688.01 ~~688.002~~,  
555 | including:

556 |             a. Information relating to methods of manufacture or  
557 | production, ~~potential trade secrets~~, potentially patentable  
558 | materials, or proprietary information received, generated,  
559 | ascertained, or discovered during the course of research  
560 | conducted by the not-for-profit corporation or its subsidiaries;  
561 | and

562 |             b. Reimbursement methodologies or rates;

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563 11. The identity of donors or prospective donors of  
564 property who wish to remain anonymous or any information  
565 identifying such donors or prospective donors. The anonymity of  
566 these donors or prospective donors must be maintained in the  
567 auditor's report; or

568 12. Any information received by the not-for-profit  
569 corporation or its subsidiaries from an agency in this or  
570 another state or nation or the Federal Government which is  
571 otherwise exempt or confidential pursuant to the laws of this or  
572 another state or nation or pursuant to federal law.

573  
574 As used in this paragraph, the term "managed care" means systems  
575 or techniques generally used by third-party payors or their  
576 agents to affect access to and control payment for health care  
577 services. Managed-care techniques most often include one or more  
578 of the following: prior, concurrent, and retrospective review of  
579 the medical necessity and appropriateness of services or site of  
580 services; contracts with selected health care providers;  
581 financial incentives or disincentives related to the use of  
582 specific providers, services, or service sites; controlled  
583 access to and coordination of services by a case manager; and  
584 payor efforts to identify treatment alternatives and modify  
585 benefit restrictions for high-cost patient care.

586 Section 85. Paragraph (a) of subsection (2) of section  
587 1004.4472, Florida Statutes, is amended to read:



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588 1004.4472 Florida Institute for Human and Machine  
 589 Cognition, Inc.; public records exemption; public meetings  
 590 exemption.-

591 (2) The following information held by the corporation or  
 592 its subsidiary is confidential and exempt from s. 119.07(1) and  
 593 s. 24(a), Art. I of the State Constitution:

594 (a) Material relating to methods of manufacture or  
 595 production, ~~potential trade secrets~~, patentable material, ~~actual~~  
 596 trade secrets as defined in s. 688.01 ~~688.002~~ or proprietary

597  
 598 -----

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

600 Remove lines 168-211 and insert:  
 601 Citrus; amending s. 601.76, F.S., deleting provisions  
 602 relating to a public records exemption for certain formulas  
 603 filed with the Department of Agriculture; amending ss.  
 604 607.0505 and 617.0503, F.S.; deleting provisions relating  
 605 to public records exemptions for certain information that  
 606 might reveal trade secrets held by the Department of Legal  
 607 Affairs; amending s. 624.307, F.S.; authorizing the Office  
 608 of Insurance Regulation to report certain information on an  
 609 aggregate basis; amending s. 624.315, F.S.; authorizing the  
 610 Office of Insurance Regulation to make certain information  
 611 available on an aggregate basis; amending s. 624.4212,  
 612 F.S.; deleting provisions relating to public records

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 459 (2018)

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613 exemptions for trade secrets held by the Office of  
614 Insurance Regulation; repealing s. 624.4213, F.S., relating  
615 to trade secret documents submitted to the Department of  
616 Financial Services or the Office of Insurance Regulation;  
617 amending s. 624.424, F.S.; providing that a supplemental  
618 report is a public record and not confidential or exempt;  
619 amending ss. 626.84195 and 626.884, F.S.; deleting  
620 provisions relating to public records exemptions for trade  
621 secrets held by the Office of Insurance Regulation;  
622 amending s. 626.9936, F.S.; revising provisions relating to  
623 a public records exemption for trade secrets held by the  
624 Office of Insurance Regulation; amending ss. 627.0628 and  
625 627.3518, F.S.; deleting provisions relating to public  
626 records exemptions for trade secrets held by the Department  
627 of Financial Services or the Office of Insurance  
628 Regulation; amending s. 655.057, F.S.; revising provisions  
629 relating to a public records exemption for trade secrets  
630 held by the Office of Financial Regulation; repealing s.  
631 655.0591, F.S., relating to trade secret documents held by  
632 the Office of Financial Regulation; amending s. 663.533,  
633 F.S.; revising a cross-reference; repealing s. 721.071,  
634 F.S., relating to trade secret material filed with the  
635 Division of Florida Condominiums, Timeshares, and Mobile  
636 Homes of the Department of Business and Professional  
637 Regulation; amending s. 815.04, F.S.; deleting a public

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 459 (2018)

Amendment No.

638 records exemption for certain trade secret information  
639 relating to offenses against intellectual property;  
640 repealing s. 815.045, F.S., relating to trade secret  
641 information; amending s. 1004.22, F.S.; revising provisions  
642 relating to public records exemptions for trade secrets and  
643 potential trade secrets received, generated, ascertained,  
644 or discovered during the course of research conducted  
645 within the state universities; amending s. 1004.30, F.S.;  
646 revising provisions relating to public records exemptions  
647 for trade secrets held by state university health support  
648 organizations; amending s. 1004.43, F.S.; revising  
649 provisions relating to public records exemptions for trade  
650 secrets and potential trade secrets held by the H. Lee  
651 Moffitt Cancer Center and Research Institute; amending s.  
652 1004.4472, F.S.; revising provisions relating to public  
653 records