

By the Committee on Banking and Insurance

597-01997-18

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1                                   A bill to be entitled  
 2       An act relating to a review under the Open Government  
 3       Sunset Review Act; amending s. 627.3518, F.S.,  
 4       relating to an exemption from public records  
 5       requirements for certain proprietary business  
 6       information provided by insurers to the Citizens  
 7       Property Insurance Corporation policyholder  
 8       eligibility clearinghouse; removing the scheduled  
 9       repeal of the exemption; providing an effective date.

10  
 11 Be It Enacted by the Legislature of the State of Florida:

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 13       Section 1. Subsection (11) of section 627.3518, Florida  
 14       Statutes, is amended to read:

15       627.3518 Citizens Property Insurance Corporation  
 16       policyholder eligibility clearinghouse program.—The purpose of  
 17       this section is to provide a framework for the corporation to  
 18       implement a clearinghouse program by January 1, 2014.

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

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

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

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30 harm to the insurer, an individual, or the company's business  
31 operations and has not been disclosed unless disclosed pursuant  
32 to a statutory requirement, an order of a court or  
33 administrative body, or a private agreement that provides that  
34 the information will not be released to the public;

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

38 3. Includes, but is not limited to:

39 a. Trade secrets.

40 b. Information relating to competitive interests, the  
41 disclosure of which would impair the competitive business of the  
42 provider of the information.

43

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

49 (b) The clearinghouse may disclose confidential and exempt  
50 proprietary business information:

51 1. If the insurer to which it pertains gives prior written  
52 consent;

53 2. Pursuant to a court order; or

54 3. To another state agency in this or another state or to a  
55 federal agency if the recipient agrees in writing to maintain  
56 the confidential and exempt status of the document, material, or  
57 other information and has verified in writing its legal  
58 authority to maintain such confidentiality.

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

63       Section 2. This act shall take effect October 1, 2018.