

FOR CONSIDERATION By the Committee on Banking and Insurance

597-00997-18

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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.

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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.

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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.