

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., which  
 4           provides an exemption from public records requirements  
 5           for certain proprietary business information provided  
 6           by insurers to the Citizens Property Insurance  
 7           Corporation policyholder eligibility clearinghouse;  
 8           conforming a cross-reference; 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  
 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, as defined in s. 688.002.

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  
55 a 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.

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.