

ENROLLED

HB 7097

2018 Legislature

1
 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.

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

12
 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

ENROLLED

HB 7097

2018 Legislature

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:

ENROLLED

HB 7097

2018 Legislature

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.