

1 A bill to be entitled
2 An act relating to the Citizens Property Insurance
3 Corporation; amending s. 627.351, F.S.; prohibiting
4 the corporation from issuing or renewing coverage for
5 commercial residential and commercial nonresidential
6 risks under certain circumstances; prohibiting the
7 corporation from imposing a premium equalization
8 adjustment under certain circumstances; providing
9 applicability; specifying the components of the total
10 cost of insurance coverage; specifying that certain
11 adjustments expire at a specified time; amending s.
12 627.3518, F.S.; deleting an obsolete provision;
13 defining terms; revising the definition of the term
14 "program"; requiring the corporation to establish a
15 personal lines clearinghouse for specified purposes;
16 requiring, on or before a specified date, the
17 corporation to implement a commercial lines
18 clearinghouse for a specified purpose; authorizing the
19 corporation to develop and implement a separate
20 commercial lines clearinghouse for specified purposes;
21 deleting obsolete provisions; revising the program's
22 rights and responsibilities; revising the rights and
23 responsibilities the corporation has in establishing
24 the program; authorizing approved surplus lines
25 clearinghouse insurers to participate in the

26 commercial lines clearinghouse; prohibiting such
27 insurers from participating in the personal lines
28 clearinghouse; specifying that participation in the
29 program is not mandatory for such insurers; revising
30 prohibitions and requirements for insurers making
31 offers of coverage to new applicants or renewal
32 policyholders through the program; providing
33 construction; defining the term "effective commission
34 percentage"; specifying that applicants for new
35 commercial lines residential coverage are not eligible
36 for coverage from the corporation under certain
37 circumstances; specifying the circumstances under
38 which policyholders of the corporation are not
39 eligible for new commercial lines residential coverage
40 from the corporation; authorizing applicants or
41 insureds to elect to accept coverage with authorized
42 insurers or elect to accept or continue coverage with
43 the corporation under certain circumstances;
44 authorizing insureds to elect to accept coverage with
45 specified insurers or elect to accept or continue
46 coverage with the corporation under certain
47 circumstances; providing applicability; specifying
48 that certain applicants and policyholders remain
49 eligible for coverage from the corporation;
50 authorizing such applicants and policyholders to elect

51 to accept coverage from clearinghouse insurers or
52 elect to accept or continue coverage with the
53 corporation; authorizing certain applicants and
54 policyholders of the corporation to elect to accept
55 coverage from clearinghouse insurers or elect to
56 accept or continue coverage with the corporation;
57 requiring such applicants or policyholders to pay a
58 specified total cost of insurance for corporation
59 coverage; providing applicability; revising the rights
60 and authorizations for certain independent insurance
61 agents; deleting a prohibition relating to commercial
62 nonresidential policies; providing a directive to the
63 Division of Law Revision; providing an effective date.

64
65 Be It Enacted by the Legislature of the State of Florida:

66
67 **Section 1. Paragraph (oo) is added to subsection (6) of**
68 **section 627.351, Florida Statutes, to read:**

69 627.351 Insurance risk apportionment plans.—

70 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

71 (oo) For commercial residential and commercial
72 nonresidential risks, if an approved surplus lines clearinghouse
73 insurer offers coverage under s. 627.3518(5)(c)2. and the total
74 cost of such coverage is not more than 20 percent greater than
75 the total cost of insurance coverage from the corporation, the

76 corporation may not issue or renew coverage unless it imposes a
77 premium equalization adjustment on such policy equal to the
78 amount by which the total cost of insurance coverage offered by
79 the approved surplus lines clearinghouse insurer exceeds the
80 total cost of insurance coverage from the corporation. If the
81 total cost of insurance from the approved surplus lines
82 clearinghouse insurer does not exceed the total cost of
83 corporation coverage, the corporation may not impose the premium
84 equalization adjustment. If more than one approved surplus lines
85 clearinghouse insurer offers coverage under s. 627.3518(5)(c)2.,
86 the lowest offered total cost of insurance coverage applies for
87 purposes of this paragraph. The total cost of insurance coverage
88 includes, but is not limited to, the premium, fees, surcharges,
89 and applicable taxes. A premium equalization adjustment applied
90 pursuant to this paragraph expires at the end of the policy
91 term.

92 **Section 2. Section 627.3518, Florida Statutes, is amended**
93 **to read:**

94 627.3518 Citizens Property Insurance Corporation
95 policyholder eligibility clearinghouse program.—The purpose of
96 this section is to provide a framework for the corporation to
97 implement a clearinghouse program ~~by January 1, 2014.~~

98 (1) As used in this section, the term:

99 (a) "Approved surplus lines clearinghouse insurer" means
100 an eligible surplus lines insurer that has a financial strength

rating of "A-" or higher and a financial size category of A-VII
or higher from A.M. Best Company which the clearinghouse
administrator recommends for participation in the program and
which the office verifies meets the requirements for
participation in the program within 5 business days after the
commercial lines clearinghouse administrator's recommendation.

(b) "Commercial lines clearinghouse administrator" means
the individual or entity employed or otherwise contracted by the
corporation to provide administrative or professional services
to implement the commercial lines clearinghouse required
pursuant to subparagraph (2) (b)1. within the corporation as set
forth in paragraph (3) (b).

(c)~~(a)~~ "Corporation" means Citizens Property Insurance
 Corporation.

(d)~~(b)~~ "Exclusive agent" means any licensed insurance
 agent that has, by contract, agreed to act exclusively for one
 company or group of affiliated insurance companies and is
 disallowed by the provisions of that contract to directly write
 for any other unaffiliated insurer absent express consent from
 the company or group of affiliated insurance companies.

(e)~~(e)~~ "Independent agent" means any licensed insurance
 agent not described in paragraph (d) ~~(b)~~.

(f) "Primary residence" has the same meaning as in s.
627.351 (6) (c) 2.a.

(g)~~(d)~~ "Program" means the clearinghouse created under

126 | this section, consisting of the personal lines clearinghouse and
127 | the commercial lines clearinghouse.

128 | (h) "Surplus lines agent" means an insurance agent
129 | licensed pursuant to s. 626.927 or s. 626.9272.

130 | (2)(a) The corporation shall establish a personal lines
131 | clearinghouse ~~in order to confirm an applicant's eligibility~~
132 | ~~with the corporation, and to enhance access of new applicants~~
133 | ~~for personal lines coverage and existing personal lines~~
134 | ~~policyholders of the corporation to offers of coverage from~~
135 | ~~authorized insurers, and the corporation shall establish a~~
136 | ~~program for personal residential risks in order to facilitate~~
137 | ~~the diversion of ineligible applicants and existing~~
138 | ~~policyholders from the corporation into the voluntary insurance~~
139 | ~~market.~~

140 | (b)1. The corporation shall implement on or before January
141 | 1, 2027, a commercial lines clearinghouse in order to enhance
142 | access to offers of coverage from approved surplus lines
143 | clearinghouse insurers for new applicants for commercial
144 | residential coverage and commercial nonresidential coverage and
145 | existing commercial residential and commercial nonresidential
146 | policyholders of the corporation.

147 | 2. To facilitate the diversion of ineligible applicants
148 | and existing policyholders from the corporation to authorized
149 | insurers, the corporation shall also develop and implement a
150 | separate commercial lines clearinghouse on or before January 1,

151 2028, to confirm eligibility with the corporation and to enhance
152 access to offers of such coverage from authorized insurers for
153 new applicants for commercial residential or commercial
154 nonresidential coverage and existing commercial residential and
155 commercial nonresidential policyholders of the corporation
156 ~~appropriate procedures for facilitating the diversion of~~
157 ~~ineligible applicants and existing policyholders for commercial~~
158 ~~residential coverage into the private insurance market and shall~~
159 ~~report such procedures to the President of the Senate and the~~
160 ~~Speaker of the House of Representatives by January 1, 2014.~~

161 (3) The corporation board shall establish the
162 ~~clearinghouse~~ program as an organizational unit within the
163 corporation. The program shall have all the rights and
164 responsibilities in carrying out its duties as a licensed
165 general lines agent and a surplus lines agent, but may not be
166 required to employ or engage a licensed general lines agent or a
167 surplus lines agent, or to maintain an insurance agency license
168 to carry out its activities in the solicitation and placement of
169 insurance coverage. In establishing the program, the corporation
170 has all of the following rights and responsibilities ~~may~~:

171 (a) May require all new applications for personal lines
172 coverage, and all personal lines policies due for renewal, to be
173 submitted for coverage to the program in order to facilitate
174 obtaining an offer of coverage from an authorized insurer or, if
175 the risk is a commercial risk, shall require all new

176 applications for commercial lines coverage, and all commercial
177 lines policies due for renewal, to be initially submitted for
178 coverage through the commercial clearinghouse as a single point
179 of intake for both the corporation and the program in order to
180 facilitate obtaining an offer of coverage from an approved
181 surplus lines clearinghouse insurer, before binding or renewing
182 coverage by the corporation.

183 (b) Shall establish and maintain the operational systems
184 and procedures necessary to implement the program.

185 (c) ~~(b)~~ May employ or otherwise contract with individuals
186 or other entities for appropriate administrative or professional
187 services to effectuate the plan within the corporation in
188 accordance with the applicable purchasing requirements under s.
189 627.351 and, for purposes of implementing the commercial lines
190 clearinghouse and providing offers of coverage from approved
191 surplus lines clearinghouse insurers on or before January 1,
192 2027, contract with such individuals or entities in accordance
193 with s. 287.057(3) (c).

194 (d) ~~(e)~~ May enter into contracts with any authorized
195 insurer and any approved surplus lines clearinghouse insurer to
196 participate in the program and accept an appointment by such
197 insurer.

198 (e) ~~(d)~~ May provide funds to operate the program. Insurers
199 and agents participating in the program are not required to pay
200 a fee to offset or partially offset the cost of the program or

201 use the program for renewal of policies initially written
202 through the clearinghouse. Notwithstanding this paragraph, any
203 commercial lines clearinghouse administrator may charge approved
204 surplus lines clearinghouse insurers participating in the
205 program reasonable transaction, technology, administration, and
206 other similar fees.

207 (f)(e) May develop an enhanced application that includes
208 information to assist private insurers in determining whether to
209 make an offer of coverage through the program.

210 (g)(f) For personal lines residential risks, may require
211 that, before approving all new applications for coverage by the
212 corporation, ~~that~~ every application be subject to a period of 2
213 business days when any insurer participating in the program may
214 select the application for coverage. For commercial lines
215 residential and commercial lines nonresidential risks, the
216 corporation may require, before approving all new applications
217 for commercial lines coverage by the corporation, that every
218 application be subject to a period of 5 business days when any
219 insurer participating in the program may select the application
220 for coverage. The insurer may issue a binder on any policy
221 selected for coverage for a period of at least 30 days but not
222 more than 60 days.

223 (h) Shall, in creating the commercial lines clearinghouse,
224 establish criteria to determine the capabilities necessary for
225 the commercial lines clearinghouse administrator. For

226 facilitating offers of surplus lines coverage, such criteria
227 must include confirmed expertise in the surplus lines market, at
228 least 5 years of publicly available audited financial
229 statements, the ability to facilitate all approved surplus lines
230 clearinghouse insurers to participate in the commercial lines
231 clearinghouse on terms established by the corporation, and other
232 criteria that the corporation determines necessary to
233 effectively establish, administer, and manage offers of surplus
234 lines coverage through the commercial lines clearinghouse.

235 (i) Shall select a commercial lines clearinghouse
236 administrator within 90 days after the effective date of this
237 act.

238 (j) May allow the commercial lines clearinghouse
239 administrator to establish procedures and account clearance
240 requirements the commercial lines clearinghouse administrator
241 deems necessary to ensure an orderly process for offers of
242 coverage to be provided by approved surplus lines clearinghouse
243 insurers participating in the commercial lines clearinghouse and
244 to avoid multiple offers of coverage from the same insurer for
245 the same risk.

246 (k) Must submit to the commercial lines clearinghouse
247 administrator its coverage terms and conditions, deductible
248 structures, and its unalterable indicated total cost of
249 insurance coverage, which must include, but is not limited to,
250 the premium, fees, surcharges, and applicable taxes for the

251 subject risk before any approved surplus lines clearinghouse
252 insurer is provided a submission for coverage pursuant to the
253 program by any applicant for new coverage from the corporation
254 or any policyholder of the corporation. The commercial lines
255 clearinghouse administrator shall provide the corporation's
256 unalterable indicated coverage terms and conditions and
257 deductible structures, but may not provide the indicated total
258 cost of corporation insurance coverage, to the approved surplus
259 lines clearinghouse insurers participating in the program. The
260 commercial lines clearinghouse administrator shall then use the
261 corporation's unalterable indication to determine whether any
262 offers of coverage from approved surplus lines clearinghouse
263 insurers satisfy the requirements set forth in s. 627.351(6)(oo)
264 and subparagraph (5)(c)2. The corporation may not bind or
265 otherwise communicate, indicate, or make an offer of coverage to
266 an applicant or policyholder, or its agent, or otherwise accept
267 coverage until 5 business days have elapsed from the date that
268 it provided its unalterable indication to the commercial lines
269 clearinghouse administrator unless the time limit is waived in
270 writing. Any change to the corporation's coverage terms and
271 conditions, deductible structures, or indicated total cost of
272 insurance coverage constitutes a new submission by the
273 corporation under this paragraph. The validation period
274 described in this paragraph applies regardless of any proposed
275 effective date, renewal date, or expiration date of the policy

276 and may not be shortened or bypassed based on timing
277 considerations relating to binding or renewal.

278 (4) Any authorized insurer may participate in the program;
279 however, participation is not mandatory for any insurer.

280 Approved surplus lines clearinghouse insurers may participate in
281 the commercial lines clearinghouse but may not participate in
282 the personal lines clearinghouse; however, participation in the
283 program is not mandatory for any surplus lines insurer. Insurers
284 making offers of coverage to new applicants or renewal
285 policyholders through the program:

286 (a) May not be required to individually appoint any agent
287 whose customer is underwritten and bound through the program.
288 Notwithstanding s. 626.112, insurers are not required to appoint
289 any agent on a policy underwritten through the program for as
290 long as that policy remains with the insurer. Insurers may, at
291 their election, appoint any agent or surplus lines agent whose
292 direct or indirect customer is initially underwritten and bound
293 through the program. In the event an insurer accepts a policy
294 from an agent who is not appointed pursuant to this paragraph,
295 and thereafter elects to accept a policy from such agent, the
296 provisions of s. 626.112 requiring appointment apply to the
297 agent.

298 (b) Must enter into a limited agency agreement with each
299 agent or surplus lines agent that is not appointed in accordance
300 with paragraph (a) and whose direct or indirect customer is

underwritten and bound through the program. In addition, a surplus lines agent that enters into a limited agency or broker agreement with an approved surplus lines clearinghouse insurer making an offer of coverage through the program must also enter into a limited agency or broker agreement with each producing agent whose customer is underwritten and bound through the program.

(c) Must enter into its standard agency agreement with each agent or surplus lines agent whose direct or indirect customer is underwritten and bound through the program when that agent or surplus lines agent has been appointed by the insurer pursuant to s. 626.112. In addition, a surplus lines agent that enters into a limited agency or broker agreement with an approved surplus lines clearinghouse insurer making an offer of coverage through the program must also enter into a standard agency or broker agreement with each producing agent whose customer is underwritten and bound through the program.

(d) Must comply with s. 627.4133(2) or, if the insurer is an approved surplus lines clearinghouse insurer, s. 626.9201.

(e) May participate through their single-designated managing general agent or broker or surplus lines agent; however, the provisions of paragraph (6) (a) regarding ownership, control, and use of the expirations continue to apply.

(f) For authorized insurers, must pay to the producing agent a commission equal to that paid by the corporation or the

326 usual and customary commission paid by the insurer for that line
327 of business, whichever is greater.

328 (g) For approved surplus lines clearinghouse insurers,
329 when coverage is placed through the clearinghouse with an
330 approved surplus lines clearinghouse insurer, must pay a total
331 commission or equivalent compensation on gross written premium,
332 exclusive of fees, surcharges, and taxes, to the surplus lines
333 agent, managing general agent, or managing general underwriter
334 placing the risk. The surplus lines agent, managing general
335 agent, or managing general underwriter must pay the producing
336 agent a commission that results in an effective commission
337 percentage at least equal to the commission percentage published
338 by the corporation and in effect on January 1, 2026, calculated
339 in the same manner and on the same basis used by the
340 corporation, and shall retain the remainder of the total
341 commission or equivalent compensation. This paragraph does not
342 prohibit an agent from voluntarily accepting a lower commission
343 at the agent's sole discretion. As used in this paragraph, the
344 term "effective commission percentage" means the commission
345 expressed as a percentage of premium, exclusive of all fees,
346 assessments, surcharges, and taxes.

347 (5)(a) Notwithstanding s. 627.3517, any applicant for new
348 personal lines coverage from the corporation is not eligible for
349 coverage from the corporation if provided an offer of comparable
350 coverage from an authorized insurer through the program at a

351 premium that is at or below the eligibility threshold for
352 applicants for new coverage of a primary residence established
353 in s. 627.351(6)(c)5.a., or for applicants for new coverage of a
354 risk that is not a primary residence established in s.
355 627.351(6)(c)5.b. Whenever an offer of comparable coverage for a
356 personal lines risk is received for a policyholder of the
357 corporation at renewal from an authorized insurer through the
358 program which is at or below the eligibility threshold for
359 primary residences of policyholders of the corporation
360 established in s. 627.351(6)(c)5.a., or the eligibility
361 threshold for risks that are not primary residences of
362 policyholders of the corporation established in s.
363 627.351(6)(c)5.b., the risk is not eligible for coverage with
364 the corporation. In the event an offer of coverage for a new
365 applicant is received from an authorized insurer through the
366 program, and the premium offered exceeds the eligibility
367 threshold for applicants for new coverage of a primary residence
368 established in s. 627.351(6)(c)5.a., or the eligibility
369 threshold for applicants for new coverage on a risk that is not
370 a primary residence established in s. 627.351(6)(c)5.b., the
371 applicant or insured may elect to accept such coverage, or may
372 elect to accept or continue coverage with the corporation. In
373 the event an offer of coverage for a personal lines risk is
374 received from an authorized insurer at renewal through the
375 program, and the premium offered exceeds the eligibility

threshold for primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.a., or exceeds the eligibility threshold for risks that are not primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.b., the insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. Section 627.351(6)(c)5.a.(I) and b.(I) does not apply to an offer of coverage from an authorized insurer obtained through the program. ~~As used in this subsection, the term "primary residence" has the same meaning as in s. 627.351(6)(c)2.a.~~

(b) Any applicant for new commercial lines residential coverage from the corporation is not eligible for coverage from the corporation if provided an offer of comparable coverage from an authorized insurer through the program at a premium that is at or below the eligibility threshold for applicants for new coverage established in s. 627.351(6)(c)5.c. Whenever an offer of comparable coverage for a commercial lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer through the program which is at or below the eligibility threshold in s. 627.351(6)(c)5.c., the risk is not eligible for coverage from the corporation. In the event that an offer of coverage for a new applicant is received from an authorized insurer through the program, and the premium offered exceeds the eligibility threshold established in s.

401 627.351(6)(c)5.c., the applicant or insured may elect to accept
402 such coverage or may elect to accept or continue coverage with
403 the corporation. In the event that an offer of coverage for a
404 commercial lines residential risk is received from an authorized
405 insurer at renewal through the program, and the premium offered
406 exceeds the eligibility threshold for policyholders of the
407 corporation established in s. 627.351(6)(c)5.c., the insured may
408 elect to accept such coverage or may elect to accept or continue
409 coverage with the corporation. Section 627.351(6)(c)5.c.(I) does
410 not apply to an offer of coverage from an authorized insurer
411 obtained through the program.

412 (c)1. Except as provided in subparagraph 2., any applicant
413 for new commercial lines residential coverage or commercial
414 lines nonresidential coverage from the corporation and any
415 policyholder of the corporation, when such applicant or
416 corporation policyholder is offered commercial lines residential
417 or commercial lines nonresidential coverage pursuant to the
418 program by an approved surplus lines clearinghouse insurer,
419 remains eligible for coverage from the corporation. The
420 applicant or policyholder receiving an offer from an approved
421 surplus lines clearinghouse insurer may elect to accept such
422 coverage or may elect to accept or continue coverage with the
423 corporation.

424 2. Any applicant for new commercial lines residential
425 coverage or commercial lines nonresidential coverage from the

426 corporation and any policyholder of the corporation, when such
427 applicant or corporation policyholder is offered commercial
428 lines residential or commercial lines nonresidential coverage by
429 an approved surplus lines insurer pursuant to the program and
430 such offered coverage has material terms and conditions that are
431 substantially equivalent to or better than coverage from the
432 corporation as to all aspects of such coverage, as determined by
433 the corporation through the clearinghouse process and applicable
434 program standards, and the total cost of such insurance coverage
435 is not more than 20 percent greater than the total cost of
436 insurance coverage from the corporation, may elect to accept
437 such coverage from the approved surplus lines clearinghouse
438 insurer or may elect to accept or continue coverage with the
439 corporation, but, if electing corporation coverage, such
440 applicant or policyholder must pay a premium for corporation
441 coverage that is subject to s. 627.351(6)(oo).

442 3. Section 627.351(6)(c)5.c.(I) does not apply to an offer
443 of coverage from an approved surplus lines clearinghouse insurer
444 obtained through the program.

445 4. Any policyholder seeking coverage from the personal
446 lines clearinghouse shall be offered coverage that has material
447 terms and conditions that are substantially equivalent to or
448 better than coverage from the corporation as to all aspects of
449 such coverage.

450 (6) Independent insurance agents submitting new

applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Are granted and must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(5)(a), s. 627.351(6)(c)5.a.(I)(B) and (II)(B), or s.

627.351(6)(c)5.b.(I)(B) and (II)(B). Such ownership is granted for as long as the insured remains with the agency or until sold or surrendered in writing by the agent. Contracts with the corporation or required by the corporation or with any insurer or surplus lines agent may ~~must~~ not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) May accept an appointment from any insurer participating in the program.

(d) May enter into either a standard or limited agency agreement with the insurer, at the insurer's option, and may enter into agreements with a surplus lines agent.

476
477 Applicants ineligible for coverage in accordance with subsection
478 (5) remain ineligible if their independent agent is unwilling or
479 unable to enter into a standard or limited agency agreement with
480 an insurer participating in the program.

481 (7) Exclusive agents submitting new applications for
482 coverage or that are the agent of record on a renewal policy
483 submitted to the program:

484 (a) Must maintain ownership and the exclusive use of
485 expirations, records, or other written or electronic information
486 directly related to such applications or renewals written
487 through the corporation or through an insurer participating in
488 the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and
489 (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Contracts
490 with the corporation or required by the corporation must not
491 amend, modify, interfere with, or limit such rights of
492 ownership. Such expirations, records, or other written or
493 electronic information may be used to review an application,
494 issue a policy, or for any other purpose necessary for placing
495 such business through the program.

496 (b) May not be required to be appointed by any insurer
497 participating in the program for policies written solely through
498 the program, notwithstanding the provisions of s. 626.112.

499 (c) Must only facilitate the placement of an offer of
500 coverage from an insurer whose limited servicing agreement is

501 approved by that exclusive agent's exclusive insurer.

502 (d) May enter into a limited servicing agreement with the
503 insurer making an offer of coverage, and only after the
504 exclusive agent's insurer has approved the limited servicing
505 agreement terms. The exclusive agent's insurer must approve a
506 limited service agreement for the program for any insurer for
507 which it has approved a service agreement for other purposes.

508
509 Applicants ineligible for coverage in accordance with subsection
510 (5) remain ineligible if their exclusive agent is unwilling or
511 unable to enter into a standard or limited agency agreement with
512 an insurer making an offer of coverage to that applicant.

513 (8) Submission of an application for coverage by the
514 corporation to the program does not constitute the binding of
515 coverage by the corporation, and failure of the program to
516 obtain an offer of coverage by an insurer may not be considered
517 acceptance of coverage of the risk by the corporation.

518 (9) The 45-day notice of nonrenewal requirement set forth
519 in s. 627.4133(2)(b)5. applies when a policy is nonrenewed by
520 the corporation because the risk has received an offer of
521 coverage pursuant to this section which renders the risk
522 ineligible for coverage by the corporation.

523 ~~(10) The program may not include commercial nonresidential~~
524 ~~policies.~~

525 (10) ~~(11)~~ Proprietary business information provided to the

corporation's clearinghouse by insurers with respect to identifying and selecting risks for an offer of coverage is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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

3. Includes:

a. Trade secrets, as defined in s. 688.002.

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

Proprietary business information may be found in underwriting

551 criteria or instructions which are used to identify and select
552 risks through the program for an offer of coverage and are
553 shared with the clearinghouse to facilitate the shopping of
554 risks with the insurer.

555 (b) The clearinghouse may disclose confidential and exempt
556 proprietary business information:

557 1. If the insurer to which it pertains gives prior written
558 consent;

559 2. Pursuant to a court order; or

560 3. To another state agency in this or another state or to
561 a federal agency if the recipient agrees in writing to maintain
562 the confidential and exempt status of the document, material, or
563 other information and has verified in writing its legal
564 authority to maintain such confidentiality.

565 **Section 3.** The Division of Law Revision is directed to
566 replace the phrase "the effective date of this act" wherever it
567 occurs in this act with the date this act becomes a law.

568 **Section 4.** This act shall take effect upon becoming a law.