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1  
2 An act relating to public records; amending s.  
3 627.3518, F.S.; providing an exemption from public  
4 records requirements for all proprietary business  
5 information submitted by an insurer to the Citizens  
6 Property Insurance Corporation's clearinghouse;  
7 providing a definition; providing exemption; providing  
8 for future review and repeal; providing a statement of  
9 public necessity; providing a contingent effective  
10 date.

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12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (10) is added to section 627.3518,  
15 Florida Statutes, as created by SB 1770 or similar legislation,  
16 2013 Regular Session, to read:

17 627.3518 Citizens Property Insurance Corporation  
18 clearinghouse.-

19 (10) 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. The Legislature finds that it is a public  
64 necessity that all proprietary business information provided by  
65 an insurer to Citizens Property Insurance Corporation's  
66 clearinghouse which is used to identify and select risks from  
67 the clearinghouse be made confidential and exempt from s.  
68 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
69 State Constitution. The diversion program will facilitate  
70 obtaining offers of coverage from authorized insurers for new  
71 applicants for insurance coverage with the corporation and for  
72 policyholders seeking to renew existing insurance coverage with  
73 the corporation. Obtaining offers of coverage from authorized  
74 insurers through the clearinghouse will provide more choices for  
75 consumers and reduce the corporation's exposure and potential  
76 for imposing assessments on its policyholders and policyholders  
77 in the private market. In order for the program to efficiently  
78 determine whether there are authorized insurers interested in  
79 making an offer of coverage for a particular risk, a substantial  
80 amount of detailed data from participating insurers must be  
81 provided to the program. Public disclosure of the detailed data  
82 could result in a substantial chilling effect on insurer  
83 participation in the program and thereby undermine the program's  
84 success. Therefore, the Legislature declares that it is a public  
85 necessity that all proprietary business information provided by  
86 an insurer to Citizens Property Insurance Corporation's  
87 clearinghouse which is used to identify and select risks from

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88 the clearinghouse be made confidential and exempt from public  
89 record requirements.

90 Section 3. This act shall take effect on the same date that  
91 SB 1770 or similar legislation creating s. 627.3518, Florida  
92 Statutes, the Citizen's Property Insurance Corporation  
93 clearinghouse, takes effect, if such legislation is adopted in  
94 the same legislative session or an extension thereof and becomes  
95 law.