



875110

585-04484-10

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government
Sunset Review Act; amending s. 627.0628, F.S.;
clarifying the public-records exemption for a trade
secret used in designing and constructing a hurricane
loss model and provided by a private company to the
Florida Commission on Hurricane Loss Projection
Methodology, the Office of Insurance Regulation, or an
appointed consumer advocate to specify that the
exemption applies to trade secrets as defined in the
Uniform Trade Secrets Act; requiring a recording of a
closed meeting of the commission or of a rate
proceeding on an insurer's rate filing at which
confidential and exempt trade secrets are discussed;
creating a public-records exemption for the recording
of the closed meeting; providing for future
legislative review and repeal of the exemption;
providing a statement of public necessity; providing
an effective date.

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

Section 1. Paragraph (f) of subsection (3) of section
627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection
Methodology; public records exemption; public meetings
exemption.—



875110

585-04484-10

(3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

(f)1. A trade secret, as defined in s. 688.002 ~~812.081~~, that is used in designing and constructing a hurricane loss model and that is provided pursuant to this section, by a private company, to the commission, office, or consumer advocate appointed pursuant to s. 627.0613, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

2.a. That portion of a meeting of the commission or of a rate proceeding on an insurer's rate filing at which a trade secret made confidential and exempt by this paragraph is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed meeting must be recorded and no portion of the closed meeting may be off the record.

b. The recording of a closed portion of a meeting is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~c.3.~~ This subparagraph ~~paragraph~~ is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2015 ~~2010~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make exempt from public-records requirements the recording generated during those portions of a meeting of the Florida Commission on Hurricane Loss Projection Methodology or of a rate proceeding on an insurer's rate filing at which confidential and exempt trade secrets are discussed. Release of such recordings would compromise the discussions that took place during the closed meeting and would negate the public-meetings



875110

585-04484-10

57 exemption. Further, current law already provides a public-
58 records exemption for trade secrets. As such, release of the
59 recording generated during those closed portions of meetings
60 would compromise the current protections already afforded trade
61 secrets.

62 Section 3. This act shall take effect October 1, 2010.