

By the Committees on Governmental Oversight and Accountability;
and Banking and Insurance

585-04920-10

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 627.0628, F.S.;
4 clarifying the public-records exemption for a trade
5 secret used in designing and constructing a hurricane
6 loss model and provided by a private company to the
7 Florida Commission on Hurricane Loss Projection
8 Methodology, the Office of Insurance Regulation, or an
9 appointed consumer advocate to specify that the
10 exemption applies to trade secrets as defined in the
11 Uniform Trade Secrets Act; requiring a recording of a
12 closed meeting of the commission or of a rate
13 proceeding on an insurer's rate filing at which
14 confidential and exempt trade secrets are discussed;
15 creating a public-records exemption for the recording
16 of the closed meeting; providing for future
17 legislative review and repeal of the exemption;
18 providing a statement of public necessity; providing
19 an effective date.

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

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23 Section 1. Paragraph (f) of subsection (3) of section
24 627.0628, Florida Statutes, is amended to read:

25 627.0628 Florida Commission on Hurricane Loss Projection
26 Methodology; public records exemption; public meetings
27 exemption.—

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

29 (f)1. A trade secret, as defined in s. 688.002 ~~812.081~~,

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30 that is used in designing and constructing a hurricane loss
31 model and that is provided pursuant to this section~~7~~ by a
32 private company~~7~~ to the commission, office, or consumer advocate
33 appointed pursuant to s. 627.0613, is confidential and exempt
34 from s. 119.07(1) and s. 24(a), Art. I of the State
35 Constitution.

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

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

45 c.3. This subparagraph ~~paragraph~~ is subject to the Open
46 Government Sunset Review Act in accordance with s. 119.15~~7~~ and
47 shall stand repealed on October 2, 2015 ~~2010~~, unless reviewed
48 and saved from repeal through reenactment by the Legislature.

49 Section 2. The Legislature finds that it is a public
50 necessity to make exempt from public-records requirements the
51 recording generated during those portions of a meeting of the
52 Florida Commission on Hurricane Loss Projection Methodology or
53 of a rate proceeding on an insurer's rate filing at which
54 confidential and exempt trade secrets are discussed. Release of
55 such recordings would compromise the discussions that took place
56 during the closed meeting and would negate the public-meetings
57 exemption. Further, current law already provides a public-
58 records exemption for trade secrets. As such, release of the

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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.