

CHAPTER 2010-89

House Bill No. 7119

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.—

(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paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, ~~2015~~ 2010, unless reviewed and saved from repeal through reenactment by the Legislature.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 which took place during the closed meeting and would negate the public meetings exemption. Further, current law already provides a public records exemption for trade secrets. As such, release of the recording generated during those closed portions of meetings would compromise the current protections already afforded trade secrets.

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

Approved by the Governor May 15, 2010.

Filed in Office Secretary of State May 15, 2010.