

CHAPTER 2017-34

House Bill No. 7067

An act relating to a review under the Open Government Sunset Review Act; amending s. 626.84195, F.S.; revising the definition of the term “proprietary business information” as used in an exemption from public record requirements relating to information provided by title insurance agencies and insurers to the Office of Insurance Regulation; removing the scheduled repeal of an exemption; providing an effective date.

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

Section 1. Section 626.84195, Florida Statutes, is amended to read:

626.84195 Confidentiality of information supplied by title insurance agencies and insurers.—

(1) As used in this section, the term “proprietary business information” means information that:

(a) Is owned or controlled by a title insurance agency or insurer requesting confidentiality under this section;

(b) Is intended to be and is treated by the title insurance agency or insurer as private in that the disclosure of the information would cause harm to the business operations of the title insurance agency or insurer;

(c) Has not been publicly disclosed ~~unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement, providing that the information may be released to the public;~~ and

(d) Concerns:

1. Business plans;
2. Internal auditing controls and reports of internal auditors;
3. Reports of external auditors for privately held companies;
4. Trade secrets, as defined in s. 688.002; or
5. Financial information, including, ~~but not limited to,~~ revenue data, loss expense data, gross receipts, taxes paid, capital investment, ~~customer identification,~~ and employee wages.

(2) Proprietary business information provided to the office by a title insurance agency or insurer is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such information is otherwise publicly available or is no longer treated by the title insurance agency or

insurer as proprietary business information. However, information provided by multiple title insurance agencies and insurers may be aggregated on an industrywide basis and disclosed to the public as long as the specific identities of the agencies or insurers are not revealed.

~~(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. This act shall take effect October 1, 2017.

Approved by the Governor May 23, 2017.

Filed in Office Secretary of State May 23, 2017.