

ENROLLED
 HB 7119

2010 Legislature

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

18
 19 Be It Enacted by the Legislature of the State of Florida:

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 21 Section 1. Paragraph (f) of subsection (3) of section
 22 627.0628, Florida Statutes, is amended to read:

23 627.0628 Florida Commission on Hurricane Loss Projection
 24 Methodology; public records exemption; public meetings
 25 exemption.—

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

27 (f)1. A trade secret, as defined in s. 688.002 ~~812.081~~,
 28 that is used in designing and constructing a hurricane loss

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29 | model and that is provided pursuant to this section, by a
 30 | private company, to the commission, office, or consumer advocate
 31 | appointed pursuant to s. 627.0613, is confidential and exempt
 32 | from s. 119.07(1) and s. 24(a), Art. I of the State
 33 | Constitution.

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

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

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

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

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57 | the recording generated during those closed portions of meetings
58 | would compromise the current protections already afforded trade
59 | secrets.

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