



624532

LEGISLATIVE ACTION

Senate

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House

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The Committee on Banking and Insurance (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (oo) is added to subsection (6) of  
section 627.351, Florida Statutes, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(oo) For commercial residential and commercial  
nonresidential risks, if an approved surplus lines clearinghouse



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11 insurer offers coverage under s. 627.3518(5)(c)2. and the total  
12 cost of such coverage is not more than 20 percent greater than  
13 the total cost of insurance coverage from the corporation, the  
14 corporation may not issue or renew coverage unless it imposes a  
15 premium equalization adjustment on such policy equal to the  
16 amount by which the total cost of insurance coverage offered by  
17 the approved surplus lines clearinghouse insurer exceeds the  
18 total cost of insurance coverage from the corporation. If the  
19 total cost of insurance from the approved surplus lines  
20 clearinghouse insurer does not exceed the total cost of  
21 corporation coverage, the corporation may not impose the premium  
22 equalization adjustment. If more than one approved surplus lines  
23 clearinghouse insurer offers coverage under s. 627.3518(5)(c)2.,  
24 the lowest offered total cost of insurance coverage applies for  
25 purposes of this paragraph. The total cost of insurance coverage  
26 includes, but is not limited to, the premium, fees, surcharges,  
27 and applicable taxes. A premium equalization adjustment applied  
28 pursuant to this paragraph expires at the end of the policy  
29 term.

30 Section 2. Section 627.3518, Florida Statutes, is amended  
31 to read:

32 627.3518 Citizens Property Insurance Corporation  
33 policyholder eligibility clearinghouse program.—The purpose of  
34 this section is to provide a framework for the corporation to  
35 implement a clearinghouse program ~~by January 1, 2014.~~

36 (1) As used in this section, the term:

37 (a) “Approved surplus lines clearinghouse insurer” means an  
38 eligible surplus lines insurer that has a financial strength  
39 rating of “A-” or higher and a financial size category of A-VII



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40 or higher from A.M. Best Company which the clearinghouse  
41 administrator recommends for participation in the program and  
42 which the office verifies meets the requirements for  
43 participation in the program within 5 business days after the  
44 commercial lines clearinghouse administrator's recommendation.

45 (b) "Commercial lines clearinghouse administrator" means  
46 the individual or entity employed or otherwise contracted by the  
47 corporation to provide administrative or professional services  
48 to implement the commercial lines clearinghouse required  
49 pursuant to subparagraph (2)(b)1. within the corporation as set  
50 forth in paragraph (3)(b).

51 (c) "Corporation" means Citizens Property Insurance  
52 Corporation.

53 (d) ~~(b)~~ "Exclusive agent" means any licensed insurance agent  
54 that has, by contract, agreed to act exclusively for one company  
55 or group of affiliated insurance companies and is disallowed by  
56 the provisions of that contract to directly write for any other  
57 unaffiliated insurer absent express consent from the company or  
58 group of affiliated insurance companies.

59 (e) ~~(e)~~ "Independent agent" means any licensed insurance  
60 agent not described in paragraph (d) ~~(b)~~.

61 (f) "Primary residence" has the same meaning as in s.  
62 627.351(6)(c)2.a.

63 (g) ~~(d)~~ "Program" means the clearinghouse created under this  
64 section, consisting of the personal lines clearinghouse and the  
65 commercial lines clearinghouse.

66 (h) "Surplus lines agent" means an insurance agent licensed  
67 pursuant to s. 626.927 or s. 626.9272.

68 (2)(a) The corporation shall establish a personal lines



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69 ~~clearinghouse in order~~ to confirm an applicant's eligibility  
70 with the corporation, ~~and~~ to enhance access of new applicants  
71 for personal lines coverage and existing personal lines  
72 policyholders of the corporation to offers of coverage from  
73 authorized insurers, ~~and the corporation shall establish a~~  
74 ~~program for personal residential risks in order~~ to facilitate  
75 the diversion of ineligible applicants and existing  
76 policyholders from the corporation into the voluntary insurance  
77 market.

78 (b)1. The corporation shall implement on or before January  
79 1, 2027, a commercial lines clearinghouse in order to enhance  
80 access to offers of coverage from approved surplus lines  
81 clearinghouse insurers for new applicants for commercial  
82 residential coverage and commercial nonresidential coverage and  
83 existing commercial residential and commercial nonresidential  
84 policyholders of the corporation.

85 2. To facilitate the diversion of ineligible applicants and  
86 existing policyholders from the corporation to authorized  
87 insurers, the corporation may shall also develop and implement a  
88 separate commercial lines clearinghouse to confirm eligibility  
89 with the corporation and to enhance access to offers of such  
90 coverage from authorized insurers for new applicants for  
91 commercial residential or commercial nonresidential coverage and  
92 existing commercial residential and commercial nonresidential  
93 policyholders of the corporation ~~appropriate procedures for~~  
94 ~~facilitating the diversion of ineligible applicants and existing~~  
95 ~~policyholders for commercial residential coverage into the~~  
96 ~~private insurance market and shall report such procedures to the~~  
97 ~~President of the Senate and the Speaker of the House of~~



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98 ~~Representatives by January 1, 2014.~~

99       (3) The corporation board shall establish the ~~clearinghouse~~  
100 program as an organizational unit within the corporation. The  
101 program shall have all the rights and responsibilities in  
102 carrying out its duties as a licensed general lines agent and a  
103 surplus lines agent, but may not be required to employ or engage  
104 a licensed general lines agent or a surplus lines agent, or to  
105 maintain an insurance agency license to carry out its activities  
106 in the solicitation and placement of insurance coverage. In  
107 establishing the program, the corporation has all of the  
108 following rights and responsibilities ~~may~~:

109       (a) May require all new applications for personal lines  
110 coverage, and all personal lines policies due for renewal, to be  
111 submitted for coverage to the program in order to facilitate  
112 obtaining an offer of coverage from an authorized insurer or, if  
113 the risk is a commercial risk, shall require all new  
114 applications for commercial lines coverage, and all commercial  
115 lines policies due for renewal, to be initially submitted for  
116 coverage through the commercial clearinghouse as a single point  
117 of intake for both the corporation and the program in order to  
118 facilitate obtaining an offer of coverage from an approved  
119 surplus lines clearinghouse insurer, before binding or renewing  
120 coverage by the corporation.

121       (b) Shall establish and maintain the operational systems  
122 and procedures necessary to implement the program.

123       (c) May employ or otherwise contract with individuals or  
124 other entities for appropriate administrative or professional  
125 services to effectuate the plan within the corporation in  
126 accordance with the applicable purchasing requirements under s.



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127 627.351 and, for purposes of implementing the commercial lines  
128 clearinghouse and providing offers of coverage from approved  
129 surplus lines clearinghouse insurers on or before January 1,  
130 2027, contract with such individuals or entities in accordance  
131 with s. 287.057(3)(c).

132 (d)(e) May enter into contracts with any authorized insurer  
133 and any approved surplus lines clearinghouse insurer to  
134 participate in the program and accept an appointment by such  
135 insurer.

136 (e)(d) May provide funds to operate the program. Insurers  
137 and agents participating in the program are not required to pay  
138 a fee to offset or partially offset the cost of the program or  
139 use the program for renewal of policies initially written  
140 through the clearinghouse. Notwithstanding this paragraph, any  
141 commercial lines clearinghouse administrator may charge approved  
142 surplus lines clearinghouse insurers and surplus lines agents  
143 participating in the program reasonable transaction, technology,  
144 administration, and other similar fees.

145 (f)(e) May develop an enhanced application that includes  
146 information to assist private insurers in determining whether to  
147 make an offer of coverage through the program.

148 (g)(f) For personal lines residential risks, may require  
149 that, before approving all new applications for coverage by the  
150 corporation, ~~that~~ every application be subject to a period of 2  
151 business days when any insurer participating in the program may  
152 select the application for coverage. For commercial lines  
153 residential and commercial lines nonresidential risks, the  
154 corporation may require, before approving all new applications  
155 for commercial lines coverage by the corporation, that every



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156 application be subject to a period of 5 business days when any  
157 insurer participating in the program may select the application  
158 for coverage. The insurer may issue a binder on any policy  
159 selected for coverage for a period of at least 30 days but not  
160 more than 60 days.

161 (h) Shall, in creating the commercial lines clearinghouse,  
162 establish criteria to determine the capabilities necessary for  
163 the commercial lines clearinghouse administrator. For  
164 facilitating offers of surplus lines coverage, such criteria  
165 must include confirmed expertise in the surplus lines market, at  
166 least 5 years of publicly available audited financial  
167 statements, the ability to facilitate all approved surplus lines  
168 clearinghouse insurers to participate in the commercial lines  
169 clearinghouse on terms established by the corporation, and other  
170 criteria that the corporation determines necessary to  
171 effectively establish, administer, and manage offers of surplus  
172 lines coverage through the commercial lines clearinghouse.

173 (i) Shall select a commercial lines clearinghouse  
174 administrator within 90 days after the effective date of this  
175 act.

176 (j) May allow the commercial lines clearinghouse  
177 administrator to establish procedures and account clearance  
178 requirements the commercial lines clearinghouse administrator  
179 deems necessary to ensure an orderly process for offers of  
180 coverage to be provided by approved surplus lines clearinghouse  
181 insurers participating in the commercial lines clearinghouse and  
182 to avoid multiple offers of coverage from the same insurer for  
183 the same risk.

184 (k) Must submit to the commercial lines clearinghouse



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185 administrator its coverage terms and conditions, deductible  
186 structures, and its unalterable indicated total cost of  
187 insurance coverage, which must include, but is not limited to,  
188 the premium, fees, surcharges, and applicable taxes for the  
189 subject risk before any approved surplus lines clearinghouse  
190 insurer is provided a submission for coverage pursuant to the  
191 program by any applicant for new coverage from the corporation  
192 or any policyholder of the corporation. The commercial lines  
193 clearinghouse administrator shall provide the corporation's  
194 unalterable indicated coverage terms and conditions and  
195 deductible structures, but may not provide the indicated total  
196 cost of corporation insurance coverage, to the approved surplus  
197 lines clearinghouse insurers participating in the program. The  
198 commercial lines clearinghouse administrator shall then use the  
199 corporation's unalterable indication to determine whether any  
200 offers of coverage from approved surplus lines clearinghouse  
201 insurers satisfy the requirements set forth in s. 627.351(6)(oo)  
202 and subparagraph (5)(c)2. The corporation may not bind or  
203 otherwise communicate, indicate, or make an offer of coverage to  
204 an applicant or policyholder, or its agent, or otherwise accept  
205 coverage until 5 business days have elapsed from the date that  
206 it provided its unalterable indication to the commercial lines  
207 clearinghouse administrator unless the time limit is waived in  
208 writing. Any change to the corporation's coverage terms and  
209 conditions, deductible structures, or indicated total cost of  
210 insurance coverage constitutes a new submission by the  
211 corporation under this paragraph. The validation period  
212 described in this paragraph applies regardless of any proposed  
213 effective date, renewal date, or expiration date of the policy



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214 and may not be shortened or bypassed based on timing  
215 considerations relating to binding or renewal.

216 (4) Any authorized insurer may participate in the program;  
217 however, participation is not mandatory for any insurer.

218 Approved surplus lines clearinghouse insurers may participate in  
219 the commercial lines clearinghouse but may not participate in  
220 the personal lines clearinghouse; however, participation in the  
221 program is not mandatory for any surplus lines insurer. Insurers  
222 making offers of coverage to new applicants or renewal  
223 policyholders through the program:

224 (a) May not be required to individually appoint any agent  
225 whose customer is underwritten and bound through the program.  
226 Notwithstanding s. 626.112, insurers are not required to appoint  
227 any agent on a policy underwritten through the program for as  
228 long as that policy remains with the insurer. Insurers may, at  
229 their election, appoint any agent or surplus lines agent whose  
230 direct or indirect customer is initially underwritten and bound  
231 through the program. In the event an insurer accepts a policy  
232 from an agent who is not appointed pursuant to this paragraph,  
233 and thereafter elects to accept a policy from such agent, the  
234 provisions of s. 626.112 requiring appointment apply to the  
235 agent.

236 (b) Must enter into a limited agency agreement with each  
237 agent or surplus lines agent that is not appointed in accordance  
238 with paragraph (a) and whose direct or indirect customer is  
239 underwritten and bound through the program. In addition, a  
240 surplus lines agent that enters into a limited agency or broker  
241 agreement with an approved surplus lines clearinghouse insurer  
242 making an offer of coverage through the program must also enter



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243 into a limited agency or broker agreement with each producing  
244 agent whose customer is underwritten and bound through the  
245 program.

246 (c) Must enter into its standard agency agreement with each  
247 agent or surplus lines agent whose direct or indirect customer  
248 is underwritten and bound through the program when that agent or  
249 surplus lines agent has been appointed by the insurer pursuant  
250 to s. 626.112. In addition, a surplus lines agent that enters  
251 into a limited agency or broker agreement with an approved  
252 surplus lines clearinghouse insurer making an offer of coverage  
253 through the program must also enter into a limited agency or  
254 broker agreement with each producing agent whose customer is  
255 underwritten and bound through the program.

256 (d) Must comply with s. 627.4133(2) or, if the insurer is  
257 an approved surplus lines clearinghouse insurer, s. 626.9201.

258 (e) May participate through their single-designated  
259 managing general agent or broker or surplus lines agent;  
260 however, the provisions of paragraph (6) (a) regarding ownership,  
261 control, and use of the expirations continue to apply.

262 (f) For authorized insurers, must pay to the producing  
263 agent a commission equal to that paid by the corporation or the  
264 usual and customary commission paid by the insurer for that line  
265 of business, whichever is greater.

266 (g) For approved surplus lines clearinghouse insurers, when  
267 coverage is placed through the clearinghouse with an approved  
268 surplus lines clearinghouse insurer, must pay a total commission  
269 or equivalent compensation on gross written premium, exclusive  
270 of fees, surcharges, and taxes, to the surplus lines agent,  
271 managing general agent, or managing general underwriter placing



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272 the risk. The surplus lines agent, managing general agent, or  
273 managing general underwriter must pay the producing agent a  
274 commission that results in an effective commission percentage at  
275 least equal to the commission percentage published by the  
276 corporation and in effect on January 1, 2026, calculated in the  
277 same manner and on the same basis used by the corporation, and  
278 shall retain the remainder of the total commission or equivalent  
279 compensation. This paragraph does not prohibit an agent from  
280 voluntarily accepting a lower commission at the agent's sole  
281 discretion. As used in this paragraph, the term "effective  
282 commission percentage" means the commission expressed as a  
283 percentage of premium, exclusive of all fees, assessments,  
284 surcharges, and taxes.

285 (5)(a) Notwithstanding s. 627.3517, any applicant for new  
286 personal lines coverage from the corporation is not eligible for  
287 coverage from the corporation if provided an offer of comparable  
288 coverage from an authorized insurer through the program at a  
289 premium that is at or below the eligibility threshold for  
290 applicants for new coverage of a primary residence established  
291 in s. 627.351(6)(c)5.a., or for applicants for new coverage of a  
292 risk that is not a primary residence established in s.  
293 627.351(6)(c)5.b. Whenever an offer of comparable coverage for a  
294 personal lines risk is received for a policyholder of the  
295 corporation at renewal from an authorized insurer through the  
296 program which is at or below the eligibility threshold for  
297 primary residences of policyholders of the corporation  
298 established in s. 627.351(6)(c)5.a., or the eligibility  
299 threshold for risks that are not primary residences of  
300 policyholders of the corporation established in s.



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301 627.351(6)(c)5.b., the risk is not eligible for coverage with  
302 the corporation. In the event an offer of coverage for a new  
303 applicant is received from an authorized insurer through the  
304 program, and the premium offered exceeds the eligibility  
305 threshold for applicants for new coverage of a primary residence  
306 established in s. 627.351(6)(c)5.a., or the eligibility  
307 threshold for applicants for new coverage on a risk that is not  
308 a primary residence established in s. 627.351(6)(c)5.b., the  
309 applicant or insured may elect to accept such coverage, or may  
310 elect to accept or continue coverage with the corporation. In  
311 the event an offer of coverage for a personal lines risk is  
312 received from an authorized insurer at renewal through the  
313 program, and the premium offered exceeds the eligibility  
314 threshold for primary residences of policyholders of the  
315 corporation established in s. 627.351(6)(c)5.a., or exceeds the  
316 eligibility threshold for risks that are not primary residences  
317 of policyholders of the corporation established in s.

318 627.351(6)(c)5.b., the insured may elect to accept such  
319 coverage, or may elect to accept or continue coverage with the  
320 corporation. Section 627.351(6)(c)5.a.(I) and b.(I) does not  
321 apply to an offer of coverage from an authorized insurer  
322 obtained through the program. ~~As used in this subsection, the~~  
323 ~~term "primary residence" has the same meaning as in s.~~  
324 ~~627.351(6)(c)2.a.~~

325 (b) Any applicant for new commercial lines residential  
326 coverage from the corporation is not eligible for coverage from  
327 the corporation if provided an offer of comparable coverage from  
328 an authorized insurer through the program at a premium that is  
329 at or below the eligibility threshold for applicants for new



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330 coverage established in s. 627.351(6)(c)5.c. Whenever an offer  
331 of comparable coverage for a commercial lines residential risk  
332 is received for a policyholder of the corporation at renewal  
333 from an authorized insurer through the program which is at or  
334 below the eligibility threshold in s. 627.351(6)(c)5.c., the  
335 risk is not eligible for coverage from the corporation. In the  
336 event that an offer of coverage for a new applicant is received  
337 from an authorized insurer through the program, and the premium  
338 offered exceeds the eligibility threshold established in s.  
339 627.351(6)(c)5.c., the applicant or insured may elect to accept  
340 such coverage or may elect to accept or continue coverage with  
341 the corporation. In the event that an offer of coverage for a  
342 commercial lines residential risk is received from an authorized  
343 insurer at renewal through the program, and the premium offered  
344 exceeds the eligibility threshold for policyholders of the  
345 corporation established in s. 627.351(6)(c)5.c., the insured may  
346 elect to accept such coverage or may elect to accept or continue  
347 coverage with the corporation. Section 627.351(6)(c)5.c.(I) does  
348 not apply to an offer of coverage from an authorized insurer  
349 obtained through the program.

350 (c)1. Except as provided in subparagraph 2., any applicant  
351 for new commercial lines residential coverage or commercial  
352 lines nonresidential coverage from the corporation and any  
353 policyholder of the corporation, when such applicant or  
354 corporation policyholder is offered commercial lines residential  
355 or commercial lines nonresidential coverage pursuant to the  
356 program by an approved surplus lines clearinghouse insurer,  
357 remains eligible for coverage from the corporation. The  
358 applicant or policyholder receiving an offer from an approved



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359 surplus lines clearinghouse insurer may elect to accept such  
360 coverage or may elect to accept or continue coverage with the  
361 corporation.

362 2. Any applicant for new commercial lines residential  
363 coverage or commercial lines nonresidential coverage from the  
364 corporation and any policyholder of the corporation, when such  
365 applicant or corporation policyholder is offered commercial  
366 lines residential or commercial lines nonresidential coverage by  
367 an approved surplus lines insurer pursuant to the program and  
368 such offered coverage has material terms and conditions that are  
369 substantially equivalent to or better than coverage from the  
370 corporation as to all aspects of such coverage, as determined by  
371 the corporation through the clearinghouse process and applicable  
372 program standards, and the total cost of such insurance coverage  
373 is not more than 20 percent greater than the total cost of  
374 insurance coverage from the corporation, may elect to accept  
375 such coverage from the approved surplus lines clearinghouse  
376 insurer or may elect to accept or continue coverage with the  
377 corporation, but, if electing corporation coverage, such  
378 applicant or policyholder must pay a premium for corporation  
379 coverage that is subject to s. 627.351(6) (oo).

380 3. Section 627.351(6) (c) 5.c. (I) does not apply to an offer  
381 of coverage from an approved surplus lines clearinghouse insurer  
382 obtained through the program.

383 (6) Independent insurance agents submitting new  
384 applications for coverage or that are the agent of record on a  
385 renewal policy submitted to the program:

386 (a) Are granted and must maintain ownership and the  
387 exclusive use of expirations, records, or other written or



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388 electronic information directly related to such applications or  
389 renewals written through the corporation or through an insurer  
390 participating in the program, notwithstanding s. 627.351(5)(a),  
391 s. 627.351(6)(c)5.a.(I)(B) and (II)(B), or s.  
392 627.351(6)(c)5.b.(I)(B) and (II)(B). Such ownership is granted  
393 for as long as the insured remains with the agency or until sold  
394 or surrendered in writing by the agent. Contracts with the  
395 corporation or required by the corporation or with any insurer  
396 or surplus lines agent may ~~must~~ not amend, modify, interfere  
397 with, or limit such rights of ownership. Such expirations,  
398 records, or other written or electronic information may be used  
399 to review an application, issue a policy, or for any other  
400 purpose necessary for placing such business through the program.

401 (b) May not be required to be appointed by any insurer  
402 participating in the program for policies written solely through  
403 the program, notwithstanding the provisions of s. 626.112.

404 (c) May accept an appointment from any insurer  
405 participating in the program.

406 (d) May enter into either a standard or limited agency  
407 agreement with the insurer, at the insurer's option, and may  
408 enter into agreements with a surplus lines agent.

409  
410 Applicants ineligible for coverage in accordance with subsection  
411 (5) remain ineligible if their independent agent is unwilling or  
412 unable to enter into a standard or limited agency agreement with  
413 an insurer participating in the program.

414 (7) Exclusive agents submitting new applications for  
415 coverage or that are the agent of record on a renewal policy  
416 submitted to the program:



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417 (a) Must maintain ownership and the exclusive use of  
418 expirations, records, or other written or electronic information  
419 directly related to such applications or renewals written  
420 through the corporation or through an insurer participating in  
421 the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and  
422 (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Contracts  
423 with the corporation or required by the corporation must not  
424 amend, modify, interfere with, or limit such rights of  
425 ownership. Such expirations, records, or other written or  
426 electronic information may be used to review an application,  
427 issue a policy, or for any other purpose necessary for placing  
428 such business through the program.

429 (b) May not be required to be appointed by any insurer  
430 participating in the program for policies written solely through  
431 the program, notwithstanding the provisions of s. 626.112.

432 (c) Must only facilitate the placement of an offer of  
433 coverage from an insurer whose limited servicing agreement is  
434 approved by that exclusive agent's exclusive insurer.

435 (d) May enter into a limited servicing agreement with the  
436 insurer making an offer of coverage, and only after the  
437 exclusive agent's insurer has approved the limited servicing  
438 agreement terms. The exclusive agent's insurer must approve a  
439 limited service agreement for the program for any insurer for  
440 which it has approved a service agreement for other purposes.

441  
442 Applicants ineligible for coverage in accordance with subsection  
443 (5) remain ineligible if their exclusive agent is unwilling or  
444 unable to enter into a standard or limited agency agreement with  
445 an insurer making an offer of coverage to that applicant.



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446 (8) Submission of an application for coverage by the  
447 corporation to the program does not constitute the binding of  
448 coverage by the corporation, and failure of the program to  
449 obtain an offer of coverage by an insurer may not be considered  
450 acceptance of coverage of the risk by the corporation.

451 (9) The 45-day notice of nonrenewal requirement set forth  
452 in s. 627.4133(2)(b)5. applies when a policy is nonrenewed by  
453 the corporation because the risk has received an offer of  
454 coverage pursuant to this section which renders the risk  
455 ineligible for coverage by the corporation.

456 ~~(10) The program may not include commercial nonresidential~~  
457 ~~policies.~~

458 ~~(11)~~ Proprietary business information provided to the  
459 corporation's clearinghouse by insurers with respect to  
460 identifying and selecting risks for an offer of coverage is  
461 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
462 of the State Constitution.

463 (a) As used in this subsection, the term "proprietary  
464 business information" means information, regardless of form or  
465 characteristics, which is owned or controlled by an insurer and:

466 1. Is identified by the insurer as proprietary business  
467 information and is intended to be and is treated by the insurer  
468 as private in that the disclosure of the information would cause  
469 harm to the insurer, an individual, or the company's business  
470 operations and has not been disclosed unless disclosed pursuant  
471 to a statutory requirement, an order of a court or  
472 administrative body, or a private agreement that provides that  
473 the information will not be released to the public;

474 2. Is not otherwise readily ascertainable or publicly



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475 available by proper means by other persons from another source  
476 in the same configuration as provided to the clearinghouse; and

477 3. Includes:

478 a. Trade secrets, as defined in s. 688.002.

479 b. Information relating to competitive interests, the  
480 disclosure of which would impair the competitive business of the  
481 provider of the information.

482

483 Proprietary business information may be found in underwriting  
484 criteria or instructions which are used to identify and select  
485 risks through the program for an offer of coverage and are  
486 shared with the clearinghouse to facilitate the shopping of  
487 risks with the insurer.

488 (b) The clearinghouse may disclose confidential and exempt  
489 proprietary business information:

490 1. If the insurer to which it pertains gives prior written  
491 consent;

492 2. Pursuant to a court order; or

493 3. To another state agency in this or another state or to a  
494 federal agency if the recipient agrees in writing to maintain  
495 the confidential and exempt status of the document, material, or  
496 other information and has verified in writing its legal  
497 authority to maintain such confidentiality.

498 Section 3. This act shall take effect upon becoming a law.

499

500 ===== T I T L E A M E N D M E N T =====

501 And the title is amended as follows:

502 Delete everything before the enacting clause  
503 and insert:



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504                                   A bill to be entitled  
505           An act relating to the Citizens Property Insurance  
506           Corporation; amending s. 627.351, F.S.; prohibiting  
507           the corporation from issuing or renewing coverage for  
508           commercial residential and commercial nonresidential  
509           risks under certain circumstances; prohibiting the  
510           corporation from imposing a premium equalization  
511           adjustment under certain circumstances; providing  
512           applicability; specifying the components of the total  
513           cost of insurance coverage; specifying that certain  
514           adjustments expire at a specified time; amending s.  
515           627.3518, F.S.; deleting an obsolete provision;  
516           defining terms; revising the definition of the term  
517           "program"; requiring the corporation to establish a  
518           personal lines clearinghouse for specified purposes;  
519           requiring, on or before a specified date, the  
520           corporation to implement a commercial lines  
521           clearinghouse for a specified purpose; authorizing the  
522           corporation to develop and implement a separate  
523           commercial lines clearinghouse for specified purposes;  
524           deleting obsolete provisions; revising the program's  
525           rights and responsibilities; revising the rights and  
526           responsibilities the corporation has in establishing  
527           the program; authorizing approved surplus lines  
528           clearinghouse insurers to participate in the  
529           commercial lines clearinghouse; prohibiting such  
530           insurers from participating in the personal lines  
531           clearinghouse; specifying that participation in the  
532           program is not mandatory for such insurers; revising



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533 prohibitions and requirements for insurers making  
534 offers of coverage to new applicants or renewal  
535 policyholders through the program; providing  
536 construction; defining the term "effective commission  
537 percentage"; specifying that applicants for new  
538 commercial lines residential coverage are not eligible  
539 for coverage from the corporation under certain  
540 circumstances; specifying the circumstances under  
541 which policyholders of the corporation are not  
542 eligible for new commercial lines residential coverage  
543 from the corporation; authorizing applicants or  
544 insureds to elect to accept coverage with authorized  
545 insurers or elect to accept or continue coverage with  
546 the corporation under certain circumstances;  
547 authorizing insureds to elect to accept coverage with  
548 specified insurers or elect to accept or continue  
549 coverage with the corporation under certain  
550 circumstances; providing applicability; specifying  
551 that certain applicants and policyholders remain  
552 eligible for coverage from the corporation;  
553 authorizing such applicants and policyholders to elect  
554 to accept coverage from clearinghouse insurers or  
555 elect to accept or continue coverage with the  
556 corporation; authorizing certain applicants and  
557 policyholders of the corporation to elect to accept  
558 coverage from clearinghouse insurers or elect to  
559 accept or continue coverage with the corporation;  
560 requiring such applicants or policyholders to pay a  
561 specified total cost of insurance for corporation



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562 coverage; providing applicability; revising the rights  
563 and authorizations for certain independent insurance  
564 agents; deleting a prohibition relating to commercial  
565 nonresidential policies; providing an effective date.