



INFORMATIONAL MEMORANDUM

OIR-14-02M

ISSUED

May 2, 2014

Florida Office of Insurance Regulation

Kevin M. McCarty, Commissioner

To All Insurers and Entities Regulated by the Florida Office of Insurance Regulation
The purpose of this memorandum is to notify all Insurers and Entities regulated by the Florida Office of Insurance Regulation of the changes to the I-File System and to remind all users of the requirements of Section 624.4213, Florida Statutes, regarding the filing of Trade Secret documents.

Effective Friday, May 2, 2014, companies submitting Trade Secret documents via I-File will notice several changes in the user interface. Among these changes is a new Trade Secret Supplementary Information component. Attached to this Memorandum are instructions for the use of this new component.

Section 812.081, Florida Statutes, defines "Trade Secret" as the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it.

Pursuant to Section 624.4213, Florida Statutes, each document containing "trade secret" information must be submitted with an affidavit certifying, under oath to the truth of statements required by Section 624.4213(c). Along with the affidavit, each printable page must be clearly marked as "trade secret."

Section 624.4213, Florida Statutes, provides that failure to file the affidavit or mark each page constitutes a waiver of the claim that the document is a "trade secret."

This statute applies to any trade secret documentation required to be submitted pursuant to the Insurance Code or by rule or order of the office, department, or commission; not only to those uploaded into the I-File system.

NOTE: Knowingly making a false claim of trade secret, like knowingly making any false filing, may violate Sections 626.9541 and 817.2341, Florida Statutes, which could subject the insurer or the filer to penalties.

If you have questions regarding the submission of Trade Secret documents via the I-File System, please contact the Market Research and Technology Unit, Florida Office of Insurance Regulation at Research@flor.com or at (850) 413-3147.

Trade Secret Filings under the new Supplementary Component

1. All component lists containing the Supplementary Information have been modified to include an additional component called Trade Secret Supplementary Information.
2. Currently, the Supplementary Information component operates as follows:
When a trade secret document type is selected, the Contains "Trade Secret" Information checkbox appears.

Work Unit Number: W13-1257596
Name:
Purpose: Rates Only
Product: PPA / Private Passenger Types (Autos Only)

Select the file you wish to include with this filing component. To choose a file, click Browse. Navigate to the location of the file on your computer, and click Open. After you have selected the file you wish to upload, click Upload. If you do not wish to upload any files, click Cancel.


Files must be less than 10 Megabytes (10,000 Kilobytes) in size.

Please select the file you wish to upload as your Supplementary Information:

Title

Document Type

File to upload

Contains "Trade Secret" Information 

When checked, the following appears:

Contains "Trade Secret" Information

NOTE: A claim of "trade secret" must comply with the provisions of Section 624.4213, Florida Statutes. Documents containing "trade secret" information must be submitted with an affidavit certifying, under oath to the truth of statements required by Section 624.4213(c). Along with the affidavit, each printable page must be clearly marked as "trade secret." Please include the affidavit as a separate file below. Failure to comply with the requirements of Section 624.4213 will constitute a waiver of the claim that information being submitted is a "trade secret."

Please select the file you wish to upload as your "trade secret" affidavit document:

File to upload:

NOTE: The filer is still required to upload a separate affidavit/justification document.

3. Once deployed the new Trade Secret Supplementary Information component will appear in the component list as follows:

Reinsurance Expense Support Personal Property	4/24/2014 10:47	Incomplete
OIR-B1-1790	4/24/2014 10:47	Incomplete
Trade Secret Supplementary Information (Optional) Supplementary documentation that contains trade secret information. An affidavit must be included in each uploaded document.	4/24/2014 10:47	-----
Supplementary Information (Optional) Supplementary Documentation	4/24/2014 10:47	-----

4. When the new Trade Secret Supplementary Information component is selected, the Contains "Trade Secret" Information checkbox will be checked and disabled and the trade secret information and affidavit upload control will appear for every document type selected:

Please select the file you wish to upload as your Trade Secret Supplementary Information:

Title

Document Type

File to upload:

Contains "Trade Secret" Information

NOTE: A claim of "trade secret" must comply with the provisions of Section 624.4213, Florida Statutes. Documents containing "trade secret" information must be submitted with an affidavit certifying, under oath to the truth of statements required by Section 624.4213(c). Along with the affidavit, each printable page must be clearly marked as "trade secret." Please include the affidavit as a separate file below. Section 624.4213, Florida Statutes, provides that failure to include the affidavit or mark each page "trade secret" constitutes a waiver of the claim of trade secret.

Please select the file you wish to upload as your "trade secret" affidavit document:

File to upload:

5. When the new Supplementary Information component is selected, no Contains Trade Secret checkbox will appear. See below:

Please select the file you wish to upload as your Supplementary Information:

Title

Document Type

File to upload

6. For the other components that may have materials that qualify as trade secret, specifically the following:

- Catastrophe Model
- Catastrophe Model – Personal
- Reinsurance Expense Support
- Reinsurance Expense Support – Personal,

the *Contains "Trade Secret" Information* checkbox appears and when checked, will display the following:

Please select the file you wish to upload as your Reinsurance Expense Support Personal Property:

Title

File to upload:

Contains "Trade Secret" Information

NOTE: A claim of "trade secret" must comply with the provisions of Section 624.4213, Florida Statutes. Documents containing "trade secret" information must be submitted with an affidavit certifying, under oath to the truth of statements required by Section 624.4213(c). Along with the affidavit, each printable page must be clearly marked as "trade secret." Please include the affidavit as a separate file below. Section 624.4213, Florida Statutes, provides that failure to include the affidavit or mark each page "trade secret" constitutes a waiver of the claim of trade secret.

Please select the file you wish to upload as your "trade secret" affidavit document:

File to upload: