

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Government Operations  
2 Subcommittee

3 Representative Rodrigues, R. offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (4) of section 377.45, Florida  
8 Statutes, as created by HB 743, 2013 Regular Session, is  
9 renumbered as subsection (5), and a new subsection (4) is added  
10 to that section, to read:

11 377.45 Hydraulic fracturing chemical registry.-

12 (4) (a) Trade secrets, as defined in s. 812.081(1)(c),  
13 relating to hydraulic fracturing treatments held by the  
14 department in connection with the online hydraulic fracturing  
15 chemical registry, are confidential and exempt from s. 119.07(1)  
16 and s. 24(a), Art. I of the State Constitution if the person  
17 submitting such trade secret to the department:

18 1. Requests that the trade secret be kept confidential and  
19 exempt;

Amendment No.

20 2. Informs the department of the basis for the claim of  
21 trade secret; and

22 3. Clearly marks each page of a document or specific  
23 portion of a document containing information claimed to be a  
24 trade secret as "trade secret."

25 (b) If the department receives a public records request  
26 for a document that is marked trade secret under this section,  
27 the department must promptly notify the person who submitted the  
28 information as a trade secret. The notice must inform such  
29 person that the person has 30 days following receipt of such  
30 notice to file an action in circuit court seeking a  
31 determination whether the document in question contains trade  
32 secrets and an order barring public disclosure of the document.  
33 If the person files an action within 30 days after receipt of  
34 notice of the public records request, the department may not  
35 release the documents pending the outcome of the legal action.  
36 The failure to file an action within 30 days constitutes a  
37 waiver of any claim of confidentiality, and the department shall  
38 release the document as requested.

39 (c) Confidential and exempt trade secrets may be  
40 disclosed:

41 1. To another governmental entity in order for such entity  
42 to properly perform its statutory duties and responsibilities;  
43 or

44 2. When relevant in any proceeding under this part. Those  
45 involved in any proceeding under this section, including, but  
46 not limited to, an administrative law judge, a hearing officer,

Amendment No.

47 or a judge or justice, must maintain the confidentiality of any  
48 trade secret revealed at such proceeding.

49 (d) This subsection is subject to the Open Government  
50 Sunset Review Act in accordance with s. 119.15 and shall stand  
51 repealed on October 2, 2018, unless reviewed and saved from  
52 repeal through reenactment by the Legislature.

53 Section 2. The Legislature finds that it is a public  
54 necessity that trade secrets, as defined in s. 812.081(1)(c),  
55 Florida Statutes, relating to hydraulic fracturing treatments  
56 held by the Department of Environmental Protection in connection  
57 with the online hydraulic fracturing chemical registry be made  
58 confidential and exempt from s. 119.07(1), Florida Statutes, and  
59 s. 24(a), Art. I of the State Constitution. Trade secrets must  
60 be held confidential and exempt from public records requirements  
61 because the disclosure of such information would create an  
62 unfair competitive advantage for persons receiving such  
63 information, which would adversely impact the service company,  
64 chemical supplier, or well owner or operator that provides  
65 chemical ingredients for a well or wells on which hydraulic  
66 fracturing treatments are performed. If such confidential and  
67 exempt information regarding trade secrets were released  
68 pursuant to a public records request, others would be allowed to  
69 take the benefit of the trade secrets without compensation or  
70 reimbursement to the service company or chemical supplier or  
71 well owner or operator.

72 Section 3. This act shall take effect on the same date  
73 that HB 743 or similar legislation takes effect, if such

Amendment No.

74 legislation is adopted in the same legislative session or an  
75 extension thereof and becomes law.

76  
77  
78 -----

79 **T I T L E A M E N D M E N T**

80 Remove everything before the enacting clause and insert:

81 An act relating to public records; amending s. 377.45, F.S.;  
82 providing an exemption from public records requirements for  
83 trade secrets relating to hydraulic fracturing treatments held  
84 by the Department of Environmental Protection in connection with  
85 the department's online hydraulic fracturing chemical registry;  
86 providing procedures and requirements with respect to  
87 maintaining the confidentiality of trade secrets; providing for  
88 disclosure under specified circumstances; providing for future  
89 legislative review and repeal of the exemption under the Open  
90 Government Sunset Review Act; providing a statement of public  
91 necessity; providing a contingent effective date.