

1 2. Certifies that the identified information is a
2 trade secret as defined by section 688.002 or section 812.081,
3 Florida Statutes;

4 3. Certifies that the identified information derives
5 independent economic value, actual or potential, from not
6 being generally known to, and not being readily ascertainable
7 by proper means by, other persons who can obtain economic
8 value from its disclosure or use;

9 4. Certifies that the identified information is the
10 subject of efforts of the proprietor to maintain its secrecy;
11 and

12 5. Certifies that the identified information is not
13 otherwise readily ascertainable or publicly available from any
14 other source; and

15 (b) The information is not readily ascertainable or
16 publicly available by proper means by other persons from any
17 other source.

18 (2) That portion of a meeting at which a trade secret
19 that is exempt from public disclosure pursuant to subsection
20 (1) is reviewed or discussed is exempt from section 286.011,
21 Florida Statutes, and Section 24(b), Article I of the State
22 Constitution.

23 (3) The exemptions provided in this section apply to
24 all trade secrets held by a state agency before, on, or after
25 October 1, 2005.

26 (4) This section is subject to the Open Government
27 Sunset Review Act of 1995 in accordance with section 119.15,
28 Florida Statutes, and shall stand repealed on October 2, 2010,
29 unless reviewed and saved from repeal through reenactment by
30 the Legislature.

31

1 Section 2. The Legislature finds that it is a public
2 necessity that a trade secret, as defined by section 688.002
3 or section 821.081, Florida Statutes, which is held by a state
4 agency as provided in section 1 be made exempt from public
5 disclosure. A trade secret derives independent economic value,
6 actual or potential, from not being generally known to, and
7 not being readily ascertainable by proper means by, other
8 persons who can obtain economic value from its disclosure or
9 use. A state agency, in performing its lawful responsibilities
10 and duties, including obtaining bids for agency purchases or
11 regulating businesses, may need to obtain information that is
12 a trade secret from the proprietor. Without an exemption from
13 public-records requirements for a trade secret held by a state
14 agency, that trade secret becomes a public record when
15 received by the agency and must be divulged upon request.
16 Divulgence of any trade secret under public-records or
17 public-meetings laws would destroy the value of that property
18 to the proprietor, causing a financial loss not only to the
19 proprietor but also to the state due to loss of tax revenue
20 and employment opportunities for state residents. Release of
21 that information would give business competitors an unfair
22 advantage and weaken the position of the proprietor of the
23 trade secret in the marketplace. In addition, without
24 protecting information concerning a trade secret during
25 meetings at which the information is discussed, competitors
26 and other persons may attend those meetings and discover the
27 trade secret. Thus, the Legislature finds that it is a public
28 necessity that a trade secret held by a state agency be made
29 exempt from the public-records and public-meetings
30 requirements of this state.

31 Section 3. This act shall take effect October 1, 2005.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Provides that a trade secret held by a state agency is exempt from disclosure under the public-records law if the proprietor of the trade secret verifies in a written declaration to the agency that the information is a trade secret. Provides that any portion of a meeting at which information concerning a trade secret is discussed is exempt from public-meetings requirements. Provides for future repeal and legislative review of the exemptions under the Open Government Sunset Review Act of 1995.