

1 1. Identifies the trade secret and the specific
2 location of that trade secret within the record submitted to
3 the agency;

4 2. Certifies that the identified information is a
5 trade secret as defined in section 688.002 or section 812.081,
6 Florida Statutes;

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

12 4. Certifies that the identified information is the
13 subject of efforts of the proprietor to maintain its secrecy;
14 and

15 5. Certifies that the identified information is not
16 otherwise readily ascertainable or publicly available from any
17 other source;

18 (b) The identified information is not readily
19 ascertainable or publicly available by proper means by other
20 persons from any other source; and

21 (c) The identified information is not a price, cost or
22 calculation submitted by a vendor in a response to a
23 competitive solicitation, request for quote, or other
24 procurement method.

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26 This exemption applies to all trade secrets held by an agency
27 before, on, or after October 1, 2005, if the requirements of
28 this subsection are met.

29 (2) That portion of a meeting at which a trade secret
30 that is confidential and exempt pursuant to subsection (1) is
31 reviewed or discussed is exempt from section 286.011, Florida

1 Statutes, and Section 24(b), Article I of the State
2 Constitution.

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5 Florida Statutes, and shall stand repealed on October 2, 2010,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

8 Section 2. The Legislature finds that it is a public
9 necessity that a trade secret, as defined in section 688.002
10 or section 812.081, Florida Statutes, held by an agency as
11 defined in section 119.011, Florida Statutes, be made
12 confidential and exempt from public-records requirements. A
13 trade secret derives independent economic value, actual or
14 potential, from not being generally known to, and not being
15 readily ascertainable by proper means by, other persons who
16 can obtain economic value from its disclosure or use. An
17 agency, in performing its lawful duties and responsibilities,
18 may need to obtain from the proprietor information that is a
19 trade secret. Without an exemption from public-records
20 requirements for a trade secret held by an agency, that trade
21 secret becomes a public record when received by the agency and
22 must be divulged upon request. Divulgence of any trade secret
23 under public-records or public-meetings laws would destroy the
24 value of that property to the proprietor, causing a financial
25 loss not only to the proprietor but also to state or local
26 governments due to loss of tax revenue and employment
27 opportunities for residents. Release of that information would
28 give business competitors an unfair advantage and weaken the
29 position of the proprietor of the trade secret in the
30 marketplace. In addition, without protecting information
31 concerning a trade secret during meetings at which the

1 information is discussed, competitors and other persons may
2 attend those meetings and discover the trade secret. Thus, the
3 Legislature finds that it is a public necessity that a trade
4 secret held by an agency be made exempt from public-meetings
5 requirements and confidential and exempt from public-records
6 requirements.

7 Section 3. Section 815.045, Florida Statutes, is
8 repealed.

9 Section 4. This act shall take effect October 1, 2005.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 CS/SB 1142

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14 Requires the proprietor to identify the location of the trade
15 secret information in the record submitted to the agency.

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16 Expands the types of competitive solicitations that are
17 excepted from the exemption.

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