

HB 1903

2005
CS

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records; creating s. 551.1078,
7 F.S.; creating an exemption from public records
8 requirements for trade secrets held by the Division of
9 Slot Machines in the Department of Business and
10 Professional Regulation; providing for future legislative
11 review and repeal; providing a statement of public
12 necessity; providing a contingent effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Section 551.1078, Florida Statutes, is created
17 to read:

18 551.1078 Public records exemption.--

19 (1) A trade secret as defined in s. 688.002, held by the
20 Division of Slot Machines in the Department of Business and
21 Professional Regulation, is confidential and exempt from s.
22 119.07(1) and s. 24(a), Art. I of the State Constitution.

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23 (2) This section is subject to the Open Government Sunset
24 Review Act of 1995 in accordance with s. 119.15 and shall stand
25 repealed on October 2, 2010, unless reviewed and saved from
26 repeal through reenactment by the Legislature.

27 Section 2. The Legislature finds that it is a public
28 necessity that a trade secret, as defined in s. 688.002, Florida
29 Statutes, held by the Division of Slot Machines in the Department
30 of Business and Professional Regulation be made confidential and
31 exempt from public records requirements. A trade secret derives
32 independent economic value, actual or potential, from not being
33 generally known to, and not being readily ascertainable by
34 proper means by, other persons who can obtain economic value
35 from its disclosure or use. The division, in performing its
36 lawful duties and responsibilities, may need to obtain from an
37 applicant for a slot machine license, or a licensee, a trade
38 secret. Without an exemption from public records requirements
39 for a trade secret held by the division, that trade secret
40 becomes a public record when received and must be divulged upon
41 request. Divulgence of any trade secret under public records
42 laws would destroy the value of that property to the applicant
43 or licensee causing a financial loss not only to the applicant
44 or licensee but also to state or local governments due to loss
45 of tax revenue and employment opportunities for residents.
46 Release of that information would give business competitors an
47 unfair advantage and weaken the position of the applicant or
48 licensee supplying the trade secret in the marketplace. Thus,
49 the Legislature finds that it is a public necessity that a trade
50 secret held by the Division of Slot Machines in the Department

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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51 | of Business and Professional Regulation be made confidential and
52 | exempt from public records requirements.

53 | Section 3. This act shall take effect on the same date
54 | that HB 1901 or similar legislation takes effect, if such
55 | legislation is adopted in the same legislative session or an
56 | extension thereof and becomes law.