

1 A bill to be entitled
 2 An act relating to public records; creating s. 551.1078,
 3 F.S.; creating an exemption from public records
 4 requirements for trade secrets held by the Division of
 5 Slot Machines in the Department of Business and
 6 Professional Regulation; providing for future legislative
 7 review and repeal; providing a statement of public
 8 necessity; providing a contingent effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Section 551.1078, Florida Statutes, is created
 13 to read:

14 551.1078 Public records exemption.--

15 (1) A trade secret as defined in s. 688.002, held by the
 16 Division of Slot Machines in the Department of Business and
 17 Professional Regulation, is confidential and exempt from s.
 18 119.07(1) and s. 24(a), Art. I of the State Constitution.

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 21 repealed on October 2, 2010, unless reviewed and saved from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

23 Section 2. The Legislature finds that it is a public
 24 necessity that a trade secret, as defined in s. 688.002, Florida
 25 Statues, held by the Division of Slot Machines in the Department
 26 of Business and Professional Regulation be made confidential and
 27 exempt from public records requirements. A trade secret derives
 28 independent economic value, actual or potential, from not being

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

49 Section 3. This act shall take effect on the same date
50 that HB 1901 or similar legislation takes effect, if such
51 legislation is adopted in the same legislative session or an
52 extension thereof and becomes law.