

ENROLLED
HB 1239

2012 Legislature

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2 An act relating to public records; amending s. 601.10,
3 F.S.; providing an exemption from public records
4 requirements for nonpublished reports or data related
5 to certain studies or research related to citrus
6 fruit, citrus fruit juices, and the products and
7 byproducts thereof that is conducted, caused to be
8 conducted, or funded by the Department of Citrus;
9 providing for future legislative review and repeal of
10 the exemption under the Open Government Sunset Review
11 Act; providing a statement of public necessity;
12 providing a contingent effective date.

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

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16 Section 1. Subsection (8) of section 601.10, Florida
17 Statutes, is amended to read:

18 601.10 Powers of the Department of Citrus.—The Department
19 of Citrus shall have and shall exercise such general and
20 specific powers as are delegated to it by this chapter and other
21 statutes of the state, which powers shall include, but shall not
22 be confined to, the following:

23 (8) (a) To prepare and disseminate information of
24 importance to citrus growers, handlers, shippers, processors,
25 and industry-related and interested persons and organizations,
26 relating to department ~~of Citrus~~ activities and the production,
27 handling, shipping, processing, and marketing of citrus fruit
28 and processed citrus products. Any information that constitutes

ENROLLED

HB 1239

2012 Legislature

29 ~~which consists of~~ a trade secret as defined in s. 812.081(1)(c)
30 is confidential and exempt from ~~the provisions of~~ s. 119.07(1),
31 and shall not be disclosed. For referendum and other notice and
32 informational purposes, the department ~~of Citrus~~ may prepare and
33 maintain, from the best available sources, a citrus grower
34 mailing list. Such list shall be a public record available as
35 other public records, but it shall not be subject to the purging
36 provisions of s. 283.55.

37 (b) Any nonpublished reports or data related to studies or
38 research conducted, caused to be conducted, or funded by the
39 department under s. 601.13 is confidential and exempt from s.
40 119.07(1) and s. 24(a), Art. I of the State Constitution. This
41 paragraph is subject to the Open Government Sunset Review Act in
42 accordance with s. 119.15 and shall stand repealed on October 2,
43 2017, unless reviewed and saved from repeal through reenactment
44 by the Legislature.

45 Section 2. The Legislature finds that it is a public
46 necessity that any nonpublished reports or data related to
47 studies or research conducted under s. 601.13, Florida Statutes,
48 be made confidential and exempt from the requirements of s.
49 119.07(1), Florida Statutes, and s. 24(a), Article I of the
50 State Constitution. In order to conduct or cause to be conducted
51 studies or research related to citrus fruit, citrus fruit
52 juices, and the products and byproducts thereof, the Department
53 of Citrus must achieve the cooperation of the citrus industry in
54 the state to obtain access to samples of such citrus fruit,
55 citrus fruit juices, and the products and byproducts thereof,
56 trade secrets, and proprietary business information. Unless the

ENROLLED
HB 1239

2012 Legislature

57 Department of Citrus can assure the citrus industry that any
58 nonpublished reports or data related to such studies or research
59 will not be disclosed until the analysis of such data and until
60 the reports of such studies or research are complete and
61 approved for publication, a chilling effect will arise that
62 reduces access by the Department of Citrus to the necessary
63 samples and information provided by the citrus industry, thereby
64 undermining the validity and value of such studies and research.
65 Thus, the Legislature declares that it is a public necessity
66 that any nonpublished reports or data related to studies or
67 research conducted under s. 601.13, Florida Statutes, be made
68 confidential and exempt from the requirements of s. 119.07(1),
69 Florida Statutes, and s. 24(a), Article I of the State
70 Constitution.

71 Section 3. This act shall take effect on the same date
72 that HB 1237 or similar legislation takes effect, if such
73 legislation is adopted in the same legislative session or an
74 extension thereof and becomes law.