

By Senator Smith

31-01465-14

20141522__

1 A bill to be entitled
2 An act relating to public records; amending s.
3 403.7032, F.S.; exempting trade secret information in
4 annual recycling reports submitted by private
5 businesses to a county from public records
6 requirements; providing for future repeal and
7 legislative review of the exemption under the Open
8 Government Sunset Review Act; providing a statement of
9 public necessity; providing an effective date.

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

12
13 Section 1. Subsection (3) of section 403.7032, Florida
14 Statutes, is amended to read:

15 403.7032 Recycling.—

16 (3) (a) Each state agency, public institution of higher
17 learning, community college, and state university, including all
18 buildings that are occupied by municipal, county, or state
19 employees and entities occupying buildings managed by the
20 Department of Management Services, must, at a minimum, ~~annually~~
21 report annually all recycled materials to the county using the
22 department's designated reporting format.

23 (b) Private businesses, other than certified recovered
24 materials dealers, which ~~that~~ recycle paper, metals, glass,
25 plastics, textiles, rubber materials, and mulch, are encouraged
26 to report annually the amount of materials they recycle to the
27 county ~~annually beginning January 1, 2011,~~ using the
28 department's designated reporting format.

29 1. Using the information provided, the department shall

31-01465-14

20141522__

30 recognize those private businesses that demonstrate outstanding
31 recycling efforts.

32 2. Notwithstanding any other ~~provision of~~ state or county
33 law, private businesses, other than certified recovered
34 materials dealers, may ~~shall~~ not be required to report recycling
35 rates.

36 3. Information reported under this paragraph which, if
37 disclosed, would reveal a trade secret, as defined in s.
38 812.081, is confidential and exempt from s. 119.07(1) and s.
39 24(a), Art. I of the State Constitution. This subparagraph is
40 subject to the Open Government Sunset Review Act in accordance
41 with s. 119.15 and shall stand repealed on October 2, 2019,
42 unless reviewed and saved from repeal through enactment by the
43 Legislature.

44 (c) Municipalities ~~Cities~~ with ~~less than~~ a population of
45 less than 2,500 and per capita taxable value less than \$48,000
46 and municipalities ~~cities~~ with a per capita taxable value less
47 than \$30,000 are exempt from the reporting requirement specified
48 in this subsection.

49 Section 2. The Legislature finds that it is a public
50 necessity that information reported by a private business which,
51 if disclosed, would reveal a trade secret be confidential and
52 exempt from public records requirements. This exemption is
53 necessary to encourage businesses to report information relating
54 to their recycling practices, so they can be recognized for
55 their outstanding recycling efforts. Public disclosure of
56 proprietary information could result in a chilling effect on
57 business participation in the program. Therefore, the
58 Legislature declares that it is a public necessity that the

31-01465-14

20141522__

59 information reported by private businesses which, if disclosed,
60 would reveal a trade secret be made confidential and exempt from
61 public records requirements.

62 Section 3. This act shall take effect October 1, 2014.