

By Senator Brandes

22-00259A-14

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1 A bill to be entitled
2 An act relating to public records; amending s. 815.04,
3 F.S.; amending an exemption from public records
4 requirements for data, programs, and supporting
5 documentation that are trade secrets residing or
6 existing internal or external to a computer, computer
7 system, or computer network; expanding the exemption
8 to include such trade secret information residing or
9 existing internal or external to an electronic device;
10 providing for legislative review and repeal of the
11 exemption; providing a statement of public necessity;
12 providing a contingent effective date.

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

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16 Section 1. Subsection (3) of section 815.04, Florida
17 Statutes, is amended to read:

18 815.04 Offenses against intellectual property; public
19 records exemption.—

20 (3) (a) Data, programs, or supporting documentation that
21 ~~which~~ is a trade secret as defined in s. 812.081, that is held
22 by an agency as defined in chapter 119, and that ~~which~~ resides
23 or exists internal or external to a computer, computer system,
24 or computer network, or electronic device ~~which is held by an~~
25 ~~agency as defined in chapter 119~~ is confidential and exempt from
26 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution.

28 (b) A person who ~~Whoever~~ willfully, knowingly, and without
29 authorization discloses or takes data, programs, or supporting

22-00259A-14

2014366__

30 documentation ~~that~~ ~~which~~ is a trade secret as defined in s.
31 812.081 or is confidential as provided by law residing or
32 existing internal or external to a computer, computer system, ~~or~~
33 computer network, or electronic device commits an offense
34 against intellectual property.

35 (c) This subsection is subject to the Open Government
36 Sunset Review Act in accordance with s. 119.15, and shall stand
37 repealed on October 2, 2019, unless reviewed and saved from
38 repeal through reenactment by the Legislature.

39 Section 2. The Legislature finds that it is a public
40 necessity that trade secrets and intellectual property be
41 protected from disclosure by persons gaining unauthorized access
42 into computer networks and electronic devices. Trade secrets and
43 intellectual property are already afforded public records
44 exemptions because of the immense importance of this type of
45 proprietary information to the economic competition between this
46 state and other states and nations. As technology continues to
47 evolve, it is important that the existing public records
48 exemption for trade secrets and intellectual property expand
49 accordingly to encompass new technology used in association with
50 sensitive trade secrets and intellectual property. Thus the
51 Legislature declares that it is a public necessity that data,
52 programs, and supporting documentation that are trade secrets
53 which are held by an agency and which reside or exist internal
54 or external to a computer, computer system, computer network, or
55 electronic device be confidential and exempt from the
56 requirements of s. 119.07(1), Florida Statutes, and s. 24(a),
57 Article I of the State Constitution.

58 Section 3. This act shall take effect on the same date that

22-00259A-14

2014366__

59 SB _____ or similar legislation takes effect, if such
60 legislation is adopted in the same legislative session or an
61 extension thereof and becomes a law.