

By the Committee on Governmental Oversight and Accountability;
and Senator Brandes

585-02893-14

2014366c1

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:

15
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) Whoever willfully, knowingly, and without authorization
29 discloses or takes data, programs, or supporting documentation

585-02893-14

2014366c1

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

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36 repealed on October 2, 2019, unless reviewed and saved from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

38 Section 2. The Legislature finds that it is a public
39 necessity that data, programs, or supporting documentation that
40 is a trade secret as defined in s. 812.081, Florida Statutes,
41 that is held by an agency as defined in chapter 119, Florida
42 Statutes, and that resides or exists internal or external to an
43 electronic device be made confidential and exempt from s.
44 119.07(1), Florida Statutes, and s. 24(a), Article I of the
45 State Constitution. The public release of such data, programs,
46 and supporting documentation would negatively impact the
47 business interests of those providing an agency such trade
48 secrets by damaging the business in the marketplace. Without the
49 public records exemption, those entities and individuals
50 disclosing such trade secrets would hesitate to cooperate with
51 that agency, which would impair the effective and efficient
52 administration of governmental functions. Thus, the public and
53 private harm in disclosing data, programs, or supporting
54 documentation that is a trade secret, and that resides or exists
55 internal or external to an electronic device, significantly
56 outweighs any public benefit derived from disclosure, and the
57 public's ability to scrutinize and monitor agency action is not
58 diminished by the nondisclosure of such trade secrets.

585-02893-14

2014366c1

59 Section 3. This act shall take effect on the same date that
60 SB 364 or similar legislation takes effect, if such legislation
61 is adopted in the same legislative session or an extension
62 thereof and becomes a law.