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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.

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

2014366er

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36 repealed on October 2, 2019, unless reviewed and saved from  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.

2014366er

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.