

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.

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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
29 authorization discloses or takes data, programs, or supporting
30 documentation which is a trade secret as defined in s. 812.081
31 or is confidential as provided by law residing or existing
32 internal or external to a computer, computer system, or computer
33 network 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36 repealed on October 2, 2019, unless reviewed and saved from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 trade secrets and intellectual property be
40 protected from disclosure by persons gaining unauthorized access
41 into computer networks and electronic devices. Trade secrets and
42 intellectual property are already afforded public records
43 exemptions because of the immense importance of this type of
44 proprietary information to the economic competition between this
45 state and other states and nations. As technology continues to
46 evolve, it is important that the existing public records
47 exemption for trade secrets and intellectual property expand
48 accordingly to encompass new technology used in association with
49 sensitive trade secrets and intellectual property. Thus the
50 Legislature declares that it is a public necessity that data,
51 programs, and supporting documentation that are trade secrets
52 which are held by an agency and which reside or exist internal

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53 or external to a computer, computer system, computer network, or
54 electronic device be confidential and exempt from the
55 requirements of s. 119.07(1), Florida Statutes, and s. 24(a),
56 Article I of the State Constitution.

57 Section 3. This act shall take effect on the same date
58 that HB 641 or similar legislation takes effect, if such
59 legislation is adopted in the same legislative session or an
60 extension thereof and becomes a law.