

A bill to be entitled

An act relating to public records; amending ss. 499.831 and 499.98, F.S.; providing exemptions from public records requirements for trade secret information submitted to the Department of Business and Professional Regulation as part of a permit application for a medical gas wholesale distributor, medical gas manufacturer, or medical oxygen retail establishment or obtained by the department during the medical gas permittee inspection process; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Subsections (6) through (11) of section 499.831, Florida Statutes, as created by HB 687, 2014 Regular Session, are renumbered as subsections (7) through (12), respectively, and a new subsection (6) is added to that section, to read:

499.831 Permits.—

(6) (a) Information that contains a trade secret, as defined in s. 812.081, which is submitted to the department under this section as part of a permit application and which is identified as a trade secret, is confidential and exempt from s.

27 119.07(1) and s. 24(a), Art. I of the State Constitution.

28 (b) This subsection is subject to the Open Government  
 29 Sunset Review Act in accordance with s. 119.15 and shall stand  
 30 repealed on October 2, 2019, unless reviewed and saved from  
 31 repeal through reenactment by the Legislature.

32 Section 2. Subsections (4) through (6) of section 499.98,  
 33 Florida Statutes, as created by HB 687, 2014 Regular Session,  
 34 are renumbered as subsections (5) through (7), respectively, and  
 35 a new subsection (4) is added to that section, to read:

36 499.98 Inspections.—

37 (4)(a) Information that contains a trade secret, as  
 38 defined in s. 812.081, which is obtained by the department  
 39 during the inspection process and which is identified as a trade  
 40 secret, is confidential and exempt from s. 119.07(1) and s.  
 41 24(a), Art. I of the State Constitution.

42 (b) This subsection is subject to the Open Government  
 43 Sunset Review Act in accordance with s. 119.15 and shall stand  
 44 repealed on October 2, 2019, unless reviewed and saved from  
 45 repeal through reenactment by the Legislature.

46 Section 3. (1) The Legislature finds that it is a public  
 47 necessity that trade secret information submitted to the  
 48 department by a medical gas wholesale distributor, medical gas  
 49 manufacturer, or medical oxygen retail establishment as part of  
 50 a permit application be made exempt from s. 119.07(1), Florida  
 51 Statutes, and s. 24(a), Article I of the State Constitution.  
 52 Trade secrets must be held confidential and exempt from public

53 records requirements because the disclosure of such information  
54 would create an unfair competitive advantage for persons  
55 receiving such information, which would adversely impact the  
56 medical gas wholesale distributor, medical gas manufacturer, or  
57 medical oxygen retail establishment who owns the trade secret.  
58 If such confidential and exempt information regarding trade  
59 secrets were released pursuant to a public records request,  
60 others would be allowed to take the benefit of the trade secrets  
61 without compensation or reimbursement to the owner of the trade  
62 secret.

63 (2) The Legislature finds that it is a public necessity  
64 that trade secret information obtained by the department during  
65 the medical gas permittee inspection process be made exempt from  
66 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
67 State Constitution. Trade secrets must be held confidential and  
68 exempt from public records requirements because the disclosure  
69 of such information would create an unfair competitive advantage  
70 for persons receiving such information, which would adversely  
71 impact the medical gas permittee who owns the trade secret. If  
72 such confidential and exempt information regarding trade secrets  
73 were released pursuant to a public records request, others would  
74 be allowed to take the benefit of the trade secrets without  
75 compensation or reimbursement to the owner of the trade secret.

76 Section 4. This act shall take effect on the same date  
77 that HB 687 or similar legislation takes effect, if such  
78 legislation is adopt at the same legislative session or an

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79 | extension thereof and becomes law.