1 A bill to be entitled 2 An act relating to public records; amending ss. 499.831 and 499.98, F.S.; providing exemptions from 3 4 public records requirements for trade secret 5 information submitted to the Department of Business 6 and Professional Regulation as part of a permit 7 application for a medical gas wholesale distributor, 8 medical gas manufacturer, or medical oxygen retail 9 establishment or obtained by the department during the 10 medical gas permittee inspection process; providing 11 for future legislative review and repeal of the 12 exemptions; providing a statement of public necessity; 13 providing a contingent effective date. 14 15 Be It Enacted by the Legislature of the State of Florida: 16 17 Section 1. Subsections (6) through (11) of section 499.831, Florida Statutes, as created by HB 687, 2014 Regular 18 19 Session, are renumbered as subsections (7) through (12), 20 respectively, and a new subsection (6) is added to that section, 21 to read: 22 499.831 Permits.-23 (6) (a) Information that contains a trade secret, as defined in s. 812.081, which is submitted to the department 24 under this section as part of a permit application and which is 25 26 identified as a trade secret, is confidential and exempt from s. Page 1 of 4

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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30	repealed on October 2, 2019, unless reviewed and saved from														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															
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44	repealed on October 2, 2019, unless reviewed and saved from														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														
	Page 2 of 4														

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 would create an unfair competitive advantage for persons receiving such information, which would adversely impact the medical gas wholesale distributor, medical gas manufacturer, or medical oxygen retail establishment who owns the trade secret. If such confidential and exempt information regarding trade secrets were released pursuant to a public records request, others would be allowed to take the benefit of the trade secrets without compensation or reimbursement to the owner of the trade secret. (2) The Legislature finds that it is a public necessity that trade secret information obtained by the department during the medical gas permittee inspection process be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Trade secrets must be held confidential and exempt from public records requirements because the disclosure of such information would create an unfair competitive advantage for persons receiving such information, which would adversely impact the medical gas permittee who owns the trade secret. such confidential and exempt information regarding trade secrets were released pursuant to a public records request, others would be allowed to take the benefit of the trade secret. Section 4. This act shall take effect on the same date that HB 687 or similar legislation takes effect, if such legislation is adopt at the same legislative session or an 	53	records requirements because the disclosure of such information
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79 extension thereof and becomes law.

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