

By the Committees on Governmental Oversight and Accountability;
and Commerce and Tourism; and Senator Richter

585-03641-15

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1 A bill to be entitled
2 An act relating to trade secrets; amending s. 812.081,
3 F.S.; including financial information in provisions
4 prohibiting the theft, embezzlement, or unlawful
5 copying of trade secrets; providing criminal
6 penalties; providing an effective date.

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

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10 Section 1. Section 812.081, Florida Statutes, is amended to
11 read:

12 812.081 Trade secrets; theft, embezzlement; unlawful
13 copying; definitions; penalty.—

14 (1) As used in this section, the term:

15 (a) "Article" means any object, device, machine, material,
16 substance, or composition of matter, or any mixture or copy
17 thereof, whether in whole or in part, including any complete or
18 partial writing, record, recording, drawing, sample, specimen,
19 prototype model, photograph, microorganism, blueprint, map, or
20 copy thereof.

21 (b) "Representing" means completely or partially
22 describing, depicting, embodying, containing, constituting,
23 reflecting, or recording.

24 (c) "Trade secret" means the whole or any portion or phase
25 of any formula, pattern, device, combination of devices, or
26 compilation of information which is for use, or is used, in the
27 operation of a business and which provides the business an
28 advantage, or an opportunity to obtain an advantage, over those
29 who do not know or use it. The term ~~"Trade secret"~~ includes any

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30 scientific, technical, or commercial information, including
31 financial information, and includes ~~including~~ any design,
32 process, procedure, list of suppliers, list of customers,
33 business code, or improvement thereof. Irrespective of novelty,
34 invention, patentability, the state of the prior art, and the
35 level of skill in the business, art, or field to which the
36 subject matter pertains, a trade secret is considered to be:

- 37 1. Secret;
- 38 2. Of value;
- 39 3. For use or in use by the business; and
- 40 4. Of advantage to the business, or providing an
41 opportunity to obtain an advantage, over those who do not know
42 or use it

43
44 when the owner thereof takes measures to prevent it from
45 becoming available to persons other than those selected by the
46 owner to have access thereto for limited purposes.

47 (d) "Copy" means any facsimile, replica, photograph, or
48 other reproduction in whole or in part of an article and any
49 note, drawing, or sketch made of or from an article or part or
50 portion thereof.

51 (2) Any person who, with intent to deprive or withhold from
52 the owner thereof the control of a trade secret, or with an
53 intent to appropriate a trade secret to his or her own use or to
54 the use of another, steals or embezzles an article representing
55 a trade secret or without authority makes or causes to be made a
56 copy of an article representing a trade secret commits ~~is guilty~~
57 ~~of~~ a felony of the third degree, punishable as provided in s.
58 775.082 or s. 775.083.

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59 (3) In a prosecution for a violation of ~~the provisions of~~
60 this section, the fact ~~it is no defense~~ that the person so
61 charged returned or intended to return the article so stolen,
62 embezzled, or copied is not a defense.

63 Section 2. This act shall take effect October 1, 2015.