

By Senator Richter

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1 A bill to be entitled
2 An act relating to public records; amending ss.
3 119.071, 125.0104, 288.1226, 331.326, 365.174, 381.83,
4 403.7046, 403.73, 499.051, 502.222, 570.48, 573.123,
5 601.10, 601.15, 601.152, 601.76, and 815.04, F.S.;
6 expanding public records exemptions for certain data
7 processing software obtained by an agency, certain
8 information held by a county tourism promotion agency,
9 information related to trade secrets held by the
10 Florida Tourism Industry Marketing Corporation,
11 information related to trade secrets held by Space
12 Florida, proprietary confidential business information
13 submitted to the Department of Revenue, trade secret
14 information held by the Department of Health, trade
15 secret information reported or submitted to the
16 Department of Environmental Protection, trade secret
17 information contained in a complaint and any
18 investigatory documents held by the Department of
19 Business and Professional Regulation, trade secret
20 information of a dairy industry business held by the
21 Department of Agriculture and Consumer Services, trade
22 secret information held by the Division of Fruits and
23 Vegetables of the Department of Agriculture and
24 Consumer Services, trade secret information of a
25 person subject to a marketing order held by the
26 Department of Agriculture and Consumer Services, trade
27 secret information provided to the Department of
28 Citrus, trade secret information of noncommodity
29 advertising and promotional program participants held

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30 by the Department of Citrus, trade secret information
31 contained in a citrus handler's return filed with the
32 Department of Citrus, a manufacturer's formula filed
33 with the Department of Agriculture and Consumer
34 Services, and specified data, programs, or supporting
35 documentation held by an agency, respectively, to
36 incorporate the amendment made to the definition of
37 the term "trade secret" in s. 812.081, F.S., by SB
38 __; providing for future legislative review and
39 repeal of the exemptions; making editorial and
40 technical changes; reenacting ss. 499.012(8)(g) and
41 (m) and 499.0121(7), F.S., relating to the Florida
42 Drug and Cosmetic Act, to incorporate the amendment
43 made to s. 812.081, F.S., by SB __, in references
44 thereto; providing a statement of public necessity;
45 providing a contingent effective date.

46
47 Be It Enacted by the Legislature of the State of Florida:

48
49 Section 1. Paragraph (f) of subsection (1) of section
50 119.071, Florida Statutes, is amended to read:

51 119.071 General exemptions from inspection or copying of
52 public records.—

53 (1) AGENCY ADMINISTRATION.—

54 (f) Data processing software obtained by an agency under a
55 licensing agreement that prohibits its disclosure and which
56 software is a trade secret, as defined in s. 812.081, and
57 agency-produced data processing software that is sensitive are
58 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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59 Constitution. The designation of agency-produced software as
60 sensitive does ~~shall~~ not prohibit an agency head from sharing or
61 exchanging such software with another public agency. This
62 paragraph is subject to the Open Government Sunset Review Act in
63 accordance with s. 119.15 and shall stand repealed on October 2,
64 2020, unless reviewed and saved from repeal through reenactment
65 by the Legislature.

66 Section 2. Paragraph (d) of subsection (9) of section
67 125.0104, Florida Statutes, is amended to read:

68 125.0104 Tourist development tax; procedure for levying;
69 authorized uses; referendum; enforcement.—

70 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any
71 other powers and duties provided for agencies created for the
72 purpose of tourism promotion by a county levying the tourist
73 development tax, such agencies are authorized and empowered to:

74 (d) Undertake marketing research and advertising research
75 studies and provide reservations services and convention and
76 meetings booking services consistent with the authorized uses of
77 revenue as set forth in subsection (5).

78 1. Information given to a county tourism promotion agency
79 which, if released, would reveal the identity of persons or
80 entities who provide data or other information as a response to
81 a sales promotion effort, an advertisement, or a research
82 project or whose names, addresses, meeting or convention plan
83 information or accommodations or other visitation needs become
84 booking or reservation list data, is exempt from s. 119.07(1)
85 and from s. 24(a), Art. I of the State Constitution.

86 2. The following information, when held by a county tourism
87 promotion agency, is exempt from s. 119.07(1) and ~~from~~ s. 24(a),

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88 Art. I of the State Constitution:

89 a. ~~A trade secret, as defined in s. 812.081.~~

90 ~~b.~~ Booking business records, as defined in s. 255.047.

91 ~~b.e.~~ Trade secrets and commercial or financial information
92 gathered from a person and privileged or confidential, as
93 defined and interpreted under 5 U.S.C. s. 552(b)(4), or any
94 amendments thereto.

95 3. A trade secret, as defined in s. 812.081, held by a
96 county tourism agency is exempt from s. 119.07(1) and s. 24(a),
97 Art. I of the State Constitution. This subparagraph is subject
98 to the Open Government Sunset Review Act in accordance with s.
99 119.15 and shall stand repealed on October 2, 2020, unless
100 reviewed and saved from repeal through reenactment by the
101 Legislature.

102 Section 3. Subsection (8) of section 288.1226, Florida
103 Statutes, is amended to read:

104 288.1226 Florida Tourism Industry Marketing Corporation;
105 use of property; board of directors; duties; audit.—

106 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person
107 who responds to a marketing project or advertising research
108 project conducted by the corporation in the performance of its
109 duties on behalf of Enterprise Florida, Inc., or trade secrets
110 as defined by s. 812.081 obtained pursuant to such activities,
111 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
112 Constitution. This subsection is subject to the Open Government
113 Sunset Review Act in accordance with s. 119.15 and shall stand
114 repealed on October 2, 2020, unless reviewed and saved from
115 repeal through reenactment by the Legislature.

116 Section 4. Section 331.326, Florida Statutes, is amended to

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117 read:

118 331.326 Information relating to trade secrets
119 confidential.—The records of Space Florida regarding matters
120 encompassed by this act are public records subject to ~~the~~
121 ~~provisions of~~ chapter 119. Any information held by Space Florida
122 which is a trade secret, as defined in s. 812.081, including
123 trade secrets of Space Florida, any spaceport user, or the space
124 industry business, is confidential and exempt from ~~the~~
125 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
126 Constitution and may not be disclosed. If Space Florida
127 determines that any information requested by the public will
128 reveal a trade secret, it shall, in writing, inform the person
129 making the request of that determination. The determination is a
130 final order as defined in s. 120.52. Any meeting or portion of a
131 meeting of Space Florida's board is exempt from ~~the provisions~~
132 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution
133 when the board is discussing trade secrets. Any public record
134 generated during the closed portions of the meetings, such as
135 minutes, tape recordings, and notes, is confidential and exempt
136 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the
137 State Constitution. This section is subject to the Open
138 Government Sunset Review Act in accordance with s. 119.15 and
139 shall stand repealed on October 2, 2020, unless reviewed and
140 saved from repeal through reenactment by the Legislature.

141 Section 5. Subsection (2) of section 365.174, Florida
142 Statutes, is amended to read:

143 365.174 Proprietary confidential business information.—

144 (2) (a) All proprietary confidential business information
145 submitted by a provider to the Department of Revenue, as an

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146 agent of the board, is confidential and exempt from s. 119.07(1)
147 and s. 24(a), Art. I of the State Constitution.

148 (b) The Department of Revenue may provide information
149 relative to s. 365.172(9) to the Secretary of Management
150 Services, or his or her authorized agent, or to the E911 Board
151 established in s. 365.172(5) for use in the conduct of the
152 official business of the Department of Management Services or
153 the E911 Board.

154 (c) This subsection is subject to the Open Government
155 Sunset Review Act in accordance with s. 119.15 and shall stand
156 repealed on October 2, 2020 ~~2019~~, unless reviewed and saved from
157 repeal through reenactment by the Legislature.

158 Section 6. Section 381.83, Florida Statutes, is amended to
159 read:

160 381.83 Trade secrets; confidentiality.-

161 (1) Records, reports, or information obtained from any
162 person under this chapter, unless otherwise provided by law,
163 shall be available to the public, except upon a showing
164 satisfactory to the department by the person from whom the
165 records, reports, or information is obtained that such records,
166 reports, or information, or a particular part thereof, contains
167 trade secrets as defined in s. 812.081~~(1)(c)~~. Such trade secrets
168 are ~~shall be~~ confidential and ~~are~~ exempt from ~~the provisions of~~
169 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The
170 person submitting such trade secret information to the
171 department must request that it be kept confidential and must
172 inform the department of the basis for the claim of trade
173 secret. The department shall, subject to notice and opportunity
174 for hearing, determine whether the information, or portions

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175 thereof, claimed to be a trade secret is or is not a trade
176 secret. Such trade secrets may be disclosed, however, to
177 authorized representatives of the department or, pursuant to
178 request, to other governmental entities in order for them to
179 properly perform their duties, or when relevant in any
180 proceeding under this chapter. Authorized representatives and
181 other governmental entities receiving such trade secret
182 information shall retain its confidentiality. Those involved in
183 any proceeding under this chapter, including a hearing officer
184 or judge or justice, shall retain the confidentiality of any
185 trade secret information revealed at such proceeding.

186 (2) This section is subject to the Open Government Sunset
187 Review Act in accordance with s. 119.15 and shall stand repealed
188 on October 2, 2020, unless reviewed and saved from repeal by
189 reenactment by the Legislature.

190 Section 7. Subsection (2) and paragraph (b) of subsection
191 (3) of section 403.7046, Florida Statutes, are amended to read:

192 403.7046 Regulation of recovered materials.—

193 (2) Information reported pursuant to the requirements of
194 this section or any rule adopted pursuant to this section which,
195 if disclosed, would reveal a trade secret, as defined in s.
196 812.081(1)(c), is confidential and exempt from ~~the provisions of~~
197 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For
198 reporting or information purposes, however, the department may
199 provide this information in such form that the names of the
200 persons reporting such information and the specific information
201 reported are not revealed. This subsection is subject to the
202 Open Government Sunset Review Act in accordance with s. 119.15
203 and shall stand repealed on October 2, 2020, unless reviewed and

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204 saved from repeal through reenactment by the Legislature.

205 (3) Except as otherwise provided in this section or
206 pursuant to a special act in effect on or before January 1,
207 1993, a local government may not require a commercial
208 establishment that generates source-separated recovered
209 materials to sell or otherwise convey its recovered materials to
210 the local government or to a facility designated by the local
211 government, nor may the local government restrict such a
212 generator's right to sell or otherwise convey such recovered
213 materials to any properly certified recovered materials dealer
214 who has satisfied the requirements of this section. A local
215 government may not enact any ordinance that prevents such a
216 dealer from entering into a contract with a commercial
217 establishment to purchase, collect, transport, process, or
218 receive source-separated recovered materials.

219 (b)1. Before engaging in business within the jurisdiction
220 of the local government, a recovered materials dealer must
221 provide the local government with a copy of the certification
222 provided for in this section. In addition, the local government
223 may establish a registration process whereby a recovered
224 materials dealer must register with the local government before
225 engaging in business within the jurisdiction of the local
226 government. Such registration process is limited to requiring
227 the dealer to register its name, including the owner or operator
228 of the dealer, and, if the dealer is a business entity, its
229 general or limited partners, its corporate officers and
230 directors, its permanent place of business, evidence of its
231 certification under this section, and a certification that the
232 recovered materials will be processed at a recovered materials

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233 processing facility satisfying the requirements of this section.
234 The local government may not use the information provided in the
235 registration application to compete unfairly with the recovered
236 materials dealer until 90 days after receipt of the application.
237 All counties, and municipalities whose population exceeds 35,000
238 according to the population estimates determined pursuant to s.
239 186.901, may establish a reporting process that ~~which~~ shall be
240 limited to the regulations, reporting format, and reporting
241 frequency established by the department pursuant to this
242 section, which shall, at a minimum, include requiring the dealer
243 to identify the types and approximate amount of recovered
244 materials collected, recycled, or reused during the reporting
245 period; the approximate percentage of recovered materials
246 reused, stored, or delivered to a recovered materials processing
247 facility or disposed of in a solid waste disposal facility; and
248 the locations where any recovered materials were disposed of as
249 solid waste. ~~Information reported under this subsection which,
250 if disclosed, would reveal a trade secret, as defined in s.
251 812.081(1)(c), is confidential and exempt from the provisions of
252 s. 24(a), Art. I of the State Constitution and s. 119.07(1).~~ The
253 local government may charge the dealer a registration fee
254 commensurate with and no greater than the cost incurred by the
255 local government in operating its registration program.
256 Registration program costs are limited to those costs associated
257 with the activities described in this paragraph. Any reporting
258 or registration process established by a local government with
259 regard to recovered materials shall be governed by ~~the~~
260 ~~provisions of~~ this section and department rules adopted pursuant
261 thereto.

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262 2. Information reported under this subsection which, if
263 disclosed, would reveal a trade secret, as defined in s.
264 812.081, is confidential and exempt from s. 119.07(1) and s.
265 24(a), Art. I of the State Constitution. This subparagraph is
266 subject to the Open Government Sunset Review Act in accordance
267 with s. 119.15 and shall stand repealed on October 2, 2020,
268 unless reviewed and saved from repeal through reenactment by the
269 Legislature.

270 Section 8. Section 403.73, Florida Statutes, is amended to
271 read:

272 403.73 Trade secrets; confidentiality.-

273 (1) Records, reports, or information obtained from any
274 person under this part, unless otherwise provided by law, shall
275 be available to the public, except upon a showing satisfactory
276 to the department by the person from whom the records, reports,
277 or information is obtained that such records, reports, or
278 information, or a particular part thereof, contains trade
279 secrets as defined in s. 812.081-~~(1)~~~~(e)~~. Such trade secrets are
280 ~~shall be~~ confidential and ~~are~~ exempt from ~~the provisions of~~ s.
281 119.07(1) and s. 24(a), Art. I of the State Constitution. The
282 person submitting such trade secret information to the
283 department must request that it be kept confidential and must
284 inform the department of the basis for the claim of trade
285 secret. The department shall, subject to notice and opportunity
286 for hearing, determine whether the information, or portions
287 thereof, claimed to be a trade secret is or is not a trade
288 secret. Such trade secrets may be disclosed, however, to
289 authorized representatives of the department or, pursuant to
290 request, to other governmental entities in order for them to

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291 properly perform their duties, or when relevant in any
 292 proceeding under this part. Authorized representatives and other
 293 governmental entities receiving such trade secret information
 294 shall retain its confidentiality. Those involved in any
 295 proceeding under this part, including an administrative law
 296 judge, a hearing officer, or a judge or justice, shall retain
 297 the confidentiality of any trade secret information revealed at
 298 such proceeding.

299 (2) This section is subject to the Open Government Sunset
 300 Review Act in accordance with s. 119.15 and shall stand repealed
 301 on October 2, 2020, unless reviewed and saved from repeal
 302 through reenactment by the Legislature.

303 Section 9. Subsection (7) of section 499.051, Florida
 304 Statutes, is amended to read:

305 499.051 Inspections and investigations.—

306 (7) (a) The complaint and all information obtained pursuant
 307 to the investigation by the department are confidential and
 308 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 309 Constitution until the investigation and the enforcement action
 310 are completed.

311 (b) Information that constitutes a ~~However,~~ trade secret,
 312 as defined in s. 812.081, information contained in the complaint
 313 and all information obtained by the department pursuant to the
 314 investigation therein as defined by s. 812.081(1)(c) shall
 315 remain confidential and exempt from the provisions of s.
 316 119.07(1) and s. 24(a), Art. I of the State Constitution, as
 317 long as the information is retained by the department. This
 318 paragraph is subject to the Open Government Sunset Review Act in
 319 accordance with s. 119.15 and shall stand repealed on October 2,

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320 2020, unless reviewed and saved from repeal through reenactment
321 by the Legislature.

322 (c) This subsection does not prohibit the department from
323 using such information for regulatory or enforcement proceedings
324 under this chapter or from providing such information to any law
325 enforcement agency or any other regulatory agency. However, the
326 receiving agency shall keep such records confidential and exempt
327 as provided in this subsection. In addition, this subsection is
328 not intended to prevent compliance with ~~the provisions of~~ s.
329 499.01212, and the pedigree papers required in that section are
330 ~~shall not be~~ deemed a trade secret.

331 Section 10. Section 502.222, Florida Statutes, is amended
332 to read:

333 502.222 Information relating to trade secrets
334 confidential.—The records of the department regarding matters
335 encompassed by this chapter are public records, subject to ~~the~~
336 ~~provisions of~~ chapter 119, except that any information that
337 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of
338 a dairy industry business is confidential and exempt from ~~the~~
339 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
340 Constitution. If the department determines that any information
341 requested by the public will reveal a trade secret, it shall, in
342 writing, inform the person making the request of that
343 determination. The determination is a final order as defined in
344 s. 120.52. This section is subject to the Open Government Sunset
345 Review Act in accordance with s. 119.15 and shall stand repealed
346 on October 2, 2020, unless reviewed and saved from repeal
347 through reenactment by the Legislature.

348 Section 11. Subsection (3) of section 570.48, Florida

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349 Statutes, is amended to read:

350 570.48 Division of Fruit and Vegetables; powers and duties;
351 records.—The duties of the Division of Fruit and Vegetables
352 include, but are not limited to:

353 (3) Maintaining the records of the division. The records of
354 the division are public records; however, trade secrets as
355 defined in s. 812.081 are confidential and exempt from ~~the~~
356 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
357 Constitution. This subsection is subject to the Open Government
358 Sunset Review Act in accordance with s. 119.15 and shall stand
359 repealed on October 2, 2020, unless reviewed and saved from
360 repeal through reenactment by the Legislature. This section may
361 ~~shall~~ not be construed to prohibit:

362 (a) A disclosure necessary to enforcement procedures.

363 (b) The department from releasing information to other
364 governmental agencies. Other governmental agencies that receive
365 confidential information from the department under this
366 subsection shall maintain the confidentiality of that
367 information.

368 (c) The department or other agencies from compiling and
369 publishing appropriate data regarding procedures, yield,
370 recovery, quality, and related matters, provided such released
371 data do not reveal by whom the activity to which the data relate
372 was conducted.

373 Section 12. Subsection (2) of section 573.123, Florida
374 Statutes, is amended to read:

375 573.123 Maintenance and production of records.—

376 (2) Information that, if disclosed, would reveal a trade
377 secret, as defined in s. 812.081, of any person subject to a

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378 marketing order is confidential and exempt from ~~the provisions~~
379 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution
380 and may ~~shall~~ not be disclosed except to an attorney who
381 provides legal advice to the division about enforcing a market
382 order or by court order. A person who receives confidential
383 information under this subsection shall maintain the
384 confidentiality of that information. This subsection is subject
385 to the Open Government Sunset Review Act in accordance with s.
386 119.15 and shall stand repealed on October 2, 2020, unless
387 reviewed and saved from repeal through reenactment by the
388 Legislature.

389 Section 13. Subsection (8) of section 601.10, Florida
390 Statutes, is amended to read:

391 601.10 Powers of the Department of Citrus.—The department
392 shall have and shall exercise such general and specific powers
393 as are delegated to it by this chapter and other statutes of the
394 state, which powers shall include, but are not limited to, the
395 following:

396 (8) (a) To prepare and disseminate information of importance
397 to citrus growers, handlers, shippers, processors, and industry-
398 related and interested persons and organizations relating to
399 department activities and the production, handling, shipping,
400 processing, and marketing of citrus fruit and processed citrus
401 products. ~~Any information that constitutes a trade secret as~~
402 ~~defined in s. 812.081(1)(c) is confidential and exempt from s.~~
403 ~~119.07(1) and shall not be disclosed.~~ For referendum and other
404 notice and informational purposes, the department may prepare
405 and maintain, from the best available sources, a citrus grower
406 mailing list. Such list shall be a public record available as

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407 other public records, but is not ~~it shall not be~~ subject to the
408 purging provisions of s. 283.55.

409 (b) Any information provided to the department which
410 constitutes a trade secret, as defined in s. 812.081, is
411 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
412 of the State Constitution. This paragraph is subject to the Open
413 Government Sunset Review Act in accordance with s. 119.15 and
414 shall stand repealed on October 2, 2020, unless reviewed and
415 saved from repeal through reenactment by the Legislature.

416 ~~(c)-(b)~~ Any nonpublished reports or data related to studies
417 or research conducted, caused to be conducted, or funded by the
418 department under s. 601.13 is confidential and exempt from s.
419 119.07(1) and s. 24(a), Art. I of the State Constitution. This
420 paragraph is subject to the Open Government Sunset Review Act in
421 accordance with s. 119.15 and shall stand repealed on October 2,
422 2017, unless reviewed and saved from repeal through reenactment
423 by the Legislature.

424 Section 14. Paragraph (d) of subsection (7) of section
425 601.15, Florida Statutes, is amended to read:

426 601.15 Advertising campaign; methods of conducting;
427 assessments; emergency reserve fund; citrus research.-

428 (7) All assessments levied and collected under this chapter
429 shall be paid into the State Treasury on or before the 15th day
430 of each month. Such moneys shall be accounted for in a special
431 fund to be designated as the Florida Citrus Advertising Trust
432 Fund, and all moneys in such fund are appropriated to the
433 department for the following purposes:

434 (d)1. The pro rata portion of moneys allocated to each type
435 of citrus product in noncommodity programs shall be used by the

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436 department to encourage substantial increases in the
437 effectiveness, frequency, and volume of noncommodity
438 advertising, merchandising, publicity, and sales promotion of
439 such citrus products through rebates and incentive payments to
440 handlers and trade customers for these activities. The
441 department shall adopt rules providing for the use of such
442 moneys. The rules shall establish alternate incentive programs,
443 including at least one incentive program for product sold under
444 advertised brands, one incentive program for product sold under
445 private label brands, and one incentive program for product sold
446 in bulk. For each incentive program, the rules shall establish
447 eligibility and performance requirements and shall provide
448 appropriate limitations on amounts payable to a handler or trade
449 customer for a particular season. Such limitations may relate to
450 the amount of citrus assessments levied and collected on the
451 citrus product handled by such handler or trade customer during
452 a 12-month representative period.

453 2. The department may require from participants in
454 noncommodity advertising and promotional programs commercial
455 information necessary to determine eligibility for and
456 performance in such programs. Any information ~~so~~ required which
457 ~~that~~ constitutes a "trade secret," as defined in s. 812.081, is
458 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
459 of the State Constitution. This subparagraph is subject to the
460 Open Government Sunset Review Act in accordance with s. 119.15
461 and shall stand repealed on October 2, 2020, unless reviewed and
462 saved from repeal through reenactment by the Legislature.

463 Section 15. Paragraph (c) of subsection (8) of section
464 601.152, Florida Statutes, is amended to read:

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465 601.152 Special marketing orders.—

466 (8)

467 (c)1. Every handler shall, at such times as the department
468 may require, file with the department a return, not under oath,
469 on forms to be prescribed and furnished by the department,
470 certified as true and correct, stating the quantity of the type,
471 variety, and form of citrus fruit or citrus product specified in
472 the marketing order first handled in the primary channels of
473 trade in the state by such handler during the period of time
474 specified in the marketing order. Such returns shall contain any
475 further information deemed by the department to be reasonably
476 necessary to properly administer or enforce this section or any
477 marketing order implemented under this section.

478 2. Information that, if disclosed, would reveal a trade
479 secret, as defined in s. 812.081, of any person subject to a
480 marketing order is confidential and exempt from s. 119.07(1) and
481 s. 24(a), Art. I of the State Constitution. This subparagraph is
482 subject to the Open Government Sunset Review Act in accordance
483 with s. 119.15 and shall stand repealed on October 2, 2020,
484 unless reviewed and saved from repeal through reenactment by the
485 Legislature.

486 Section 16. Section 601.76, Florida Statutes, is amended to
487 read:

488 601.76 Manufacturer to furnish formula and other
489 information.—Any formula required to be filed with the
490 Department of Agriculture shall be deemed a trade secret as
491 defined in s. 812.081, is confidential and exempt from s.
492 119.07(1) and s. 24(a), Art. I of the State Constitution, and
493 shall ~~only~~ be divulged only to the Department of Agriculture or

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494 to its duly authorized representatives or upon court order
495 ~~orders of a court of competent jurisdiction~~ when necessary in
496 the enforcement of this law. A person who receives such a
497 formula from the Department of Agriculture under this section
498 shall maintain the confidentiality of the formula. This section
499 is subject to the Open Government Sunset Review Act in
500 accordance with s. 119.15 and shall stand repealed on October 2,
501 2020, unless reviewed and saved from repeal through reenactment
502 by the Legislature.

503 Section 17. Subsections (3) and (6) of section 815.04,
504 Florida Statutes, are amended to read:

505 815.04 Offenses against intellectual property; public
506 records exemption.—

507 (3) Data, programs, or supporting documentation that is a
508 trade secret as defined in s. 812.081, that is held by an agency
509 as defined in chapter 119, and that resides or exists internal
510 or external to a computer, computer system, computer network, or
511 electronic device is confidential and exempt from ~~the provisions~~
512 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

513 (6) Subsection ~~Subsections (3) and (4)~~ is ~~are~~ subject to
514 the Open Government Sunset Review Act in accordance with s.
515 119.15, and shall stand repealed on October 2, 2019, unless
516 reviewed and saved from repeal through reenactment by the
517 Legislature. Subsection (3) is subject to the Open Government
518 Sunset Review Act in accordance with s. 119.15, and shall stand
519 repealed on October 2, 2020, unless reviewed and saved from
520 repeal through reenactment by the Legislature.

521 Section 18. Paragraphs (g) and (m) of subsection (8) of s.
522 499.012 and subsection (7) of s. 499.0121, Florida Statutes, are

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523 reenacted for the purpose of incorporating the amendment made by
524 SB _____ to s. 812.081, Florida Statutes, in references thereto.

525 Section 19. The Legislature finds that it is a public
526 necessity that financial information comprising a trade secret
527 as defined in s. 812.081, Florida Statutes, be made confidential
528 and exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
529 Article I of the State Constitution. The Legislature recognizes
530 that in many instances, businesses are required to provide
531 financial information for regulatory or other purposes to
532 governmental entities and that disclosure of such information to
533 competitors of those businesses would be detrimental to the
534 businesses. The Legislature's intent is to avoid placing
535 businesses that must provide financial information to
536 governmental entities at a competitive disadvantage by making
537 the information referenced in the amendment made to s. 812.081,
538 Florida Statutes, confidential and exempt by incorporating the
539 amendment into the existing public records exemptions amended by
540 this act.

541 Section 20. This act shall take effect on the same date
542 that SB _____ or similar legislation relating to trade secrets
543 takes effect, if such legislation is adopted in the same
544 legislative session or an extension thereof and becomes a law.