

By the Committee on Commerce and Tourism; and 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, 499.012, 499.0121, 499.051, 502.222,
5 570.48, 573.123, 601.10, 601.15, 601.152, 601.76, and
6 815.04, F.S.; expanding public records exemptions for
7 certain data processing software obtained by an
8 agency, certain information held by a county tourism
9 promotion agency, information related to trade secrets
10 held by the Florida Tourism Industry Marketing
11 Corporation, information related to trade secrets held
12 by Space Florida, proprietary confidential business
13 information submitted to the Department of Revenue,
14 trade secret information held by the Department of
15 Health, trade secret information reported or submitted
16 to the Department of Environmental Protection, trade
17 secret information in an application for a permit for
18 a prescription drug wholesale distributor or an out-
19 of-state prescription drug wholesale distributor,
20 trade secret information contained in an application
21 for a permit for a secondary wholesale distributor,
22 trade secret information contained in the prescription
23 drug purchase list, trade secret information contained
24 in a complaint and any investigatory documents held by
25 the Department of Business and Professional
26 Regulation, trade secret information of a dairy
27 industry business held by the Department of
28 Agriculture and Consumer Services, trade secret
29 information held by the Division of Fruits and

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30 Vegetables of the Department of Agriculture and
31 Consumer Services, trade secret information of a
32 person subject to a marketing order held by the
33 Department of Agriculture and Consumer Services, trade
34 secret information provided to the Department of
35 Citrus, trade secret information of noncommodity
36 advertising and promotional program participants held
37 by the Department of Citrus, trade secret information
38 contained in a citrus handler's return filed with the
39 Department of Citrus, a manufacturer's formula filed
40 with the Department of Agriculture and Consumer
41 Services, and specified data, programs, or supporting
42 documentation held by an agency, respectively, to
43 incorporate the amendment made to the definition of
44 the term "trade secret" in s. 812.081, F.S., by SB
45 564; providing for future legislative review and
46 repeal of the exemptions; making editorial and
47 technical changes; providing a statement of public
48 necessity; providing a contingent effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Paragraph (f) of subsection (1) of section
53 119.071, Florida Statutes, is amended to read:

54 119.071 General exemptions from inspection or copying of
55 public records.—

56 (1) AGENCY ADMINISTRATION.—

57 (f) Data processing software obtained by an agency under a
58 licensing agreement that prohibits its disclosure and which

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59 software is a trade secret, as defined in s. 812.081, and
60 agency-produced data processing software that is sensitive are
61 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
62 Constitution. The designation of agency-produced software as
63 sensitive does ~~shall~~ not prohibit an agency head from sharing or
64 exchanging such software with another public agency. This
65 paragraph is subject to the Open Government Sunset Review Act in
66 accordance with s. 119.15 and shall stand repealed on October 2,
67 2020, unless reviewed and saved from repeal through reenactment
68 by the Legislature.

69 Section 2. Paragraph (d) of subsection (9) of section
70 125.0104, Florida Statutes, is amended to read:

71 125.0104 Tourist development tax; procedure for levying;
72 authorized uses; referendum; enforcement.—

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

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

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

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88 and from s. 24(a), Art. I of the State Constitution.

89 2. The following information, when held by a county tourism
 90 promotion agency, is exempt from s. 119.07(1) and ~~from~~ s. 24(a),
 91 Art. I of the State Constitution:

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

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

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

98 3. A trade secret, as defined in s. 812.081, held by a
 99 county tourism agency is exempt from s. 119.07(1) and s. 24(a),
 100 Art. I of the State Constitution. This subparagraph is subject
 101 to the Open Government Sunset Review Act in accordance with s.
 102 119.15 and shall stand repealed on October 2, 2020, unless
 103 reviewed and saved from repeal through reenactment by the
 104 Legislature.

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

107 288.1226 Florida Tourism Industry Marketing Corporation;
 108 use of property; board of directors; duties; audit.-

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

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117 repealed on October 2, 2020, unless reviewed and saved from
118 repeal through reenactment by the Legislature.

119 Section 4. Section 331.326, Florida Statutes, is amended to
120 read:

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

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

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146 365.174 Proprietary confidential business information.—

147 (2) (a) All proprietary confidential business information
148 submitted by a provider to the Department of Revenue, as an
149 agent of the board, is confidential and exempt from s. 119.07(1)
150 and s. 24(a), Art. I of the State Constitution.

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

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

161 Section 6. Section 381.83, Florida Statutes, is amended to
162 read:

163 381.83 Trade secrets; confidentiality.—

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

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

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

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

195 403.7046 Regulation of recovered materials.—

196 (2) Information reported pursuant to the requirements of
197 this section or any rule adopted pursuant to this section which,
198 if disclosed, would reveal a trade secret, as defined in s.
199 812.081(1)(e), is confidential and exempt from ~~the provisions of~~
200 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For
201 reporting or information purposes, however, the department may
202 provide this information in such form that the names of the
203 persons reporting such information and the specific information

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204 reported are not revealed. This subsection is subject to the
205 Open Government Sunset Review Act in accordance with s. 119.15
206 and shall stand repealed on October 2, 2020, unless reviewed and
207 saved from repeal through reenactment by the Legislature.

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

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

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

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262 regard to recovered materials shall be governed by ~~the~~
263 ~~provisions of~~ this section and department rules adopted pursuant
264 thereto.

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

273 Section 8. Section 403.73, Florida Statutes, is amended to
274 read:

275 403.73 Trade secrets; confidentiality.-

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

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291 secret. Such trade secrets may be disclosed, however, to
292 authorized representatives of the department or, pursuant to
293 request, to other governmental entities in order for them to
294 properly perform their duties, or when relevant in any
295 proceeding under this part. Authorized representatives and other
296 governmental entities receiving such trade secret information
297 shall retain its confidentiality. Those involved in any
298 proceeding under this part, including an administrative law
299 judge, a hearing officer, or a judge or justice, shall retain
300 the confidentiality of any trade secret information revealed at
301 such proceeding.

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

306 Section 9. Paragraphs (g) and (m) of subsection (8) of
307 section 499.012, Florida Statutes, are amended to read:

308 499.012 Permit application requirements.—

309 (8) An application for a permit or to renew a permit for a
310 prescription drug wholesale distributor or an out-of-state
311 prescription drug wholesale distributor submitted to the
312 department must include:

313 (g)1. For an application for a new permit, the estimated
314 annual dollar volume of prescription drug sales of the
315 applicant, the estimated annual percentage of the applicant's
316 total company sales that are prescription drugs, the applicant's
317 estimated annual total dollar volume of purchases of
318 prescription drugs, and the applicant's estimated annual total
319 dollar volume of prescription drug purchases directly from

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320 manufacturers.

321 2. For an application to renew a permit, the total dollar
322 volume of prescription drug sales in the previous year, the
323 total dollar volume of prescription drug sales made in the
324 previous 6 months, the percentage of total company sales that
325 were prescription drugs in the previous year, the total dollar
326 volume of purchases of prescription drugs in the previous year,
327 and the total dollar volume of prescription drug purchases
328 directly from manufacturers in the previous year.

329 3. Such portions of the information required pursuant to
330 this paragraph which are a trade secret, as defined in s.
331 812.081, shall be maintained by the department as trade secret
332 information is required to be maintained under s. 499.051. This
333 subparagraph is subject to the Open Government Sunset Review Act
334 in accordance with s. 119.15 and shall stand repealed on October
335 2, 2020, unless reviewed and saved from repeal through
336 reenactment by the Legislature.

337 (m) For an applicant that is a secondary wholesale
338 distributor, each of the following:

339 1. A personal background information statement containing
340 the background information and fingerprints required pursuant to
341 subsection (9) for each person named in the applicant's response
342 to paragraphs (k) and (l) and for each affiliated party of the
343 applicant.

344 2. If any of the five largest shareholders of the
345 corporation seeking the permit is a corporation, the name,
346 address, and title of each corporate officer and director of
347 each such corporation; the name and address of such corporation;
348 the name of such corporation's resident agent, such

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349 corporation's resident agent's address, and such corporation's
350 state of its incorporation; and the name and address of each
351 shareholder of such corporation that owns 5 percent or more of
352 the stock of such corporation.

353 3.a. The name and address of all financial institutions in
354 which the applicant has an account which is used to pay for the
355 operation of the establishment or to pay for drugs purchased for
356 the establishment, together with the names of all persons that
357 are authorized signatories on such accounts.

358 b. The portions of the information required pursuant to
359 this subparagraph which are a trade secret, as defined in s.
360 812.081, shall be maintained by the department as trade secret
361 information is required to be maintained under s. 499.051. This
362 sub-subparagraph is subject to the Open Government Sunset Review
363 Act in accordance with s. 119.15 and shall stand repealed on
364 October 2, 2020, unless reviewed and saved from repeal through
365 reenactment by the Legislature.

366 4. The sources of all funds and the amounts of such funds
367 used to purchase or finance purchases of prescription drugs or
368 to finance the premises on which the establishment is to be
369 located.

370 5. If any of the funds identified in subparagraph 4. were
371 borrowed, copies of all promissory notes or loans used to obtain
372 such funds.

373 Section 10. Subsection (7) of section 499.0121, Florida
374 Statutes, is amended to read:

375 499.0121 Storage and handling of prescription drugs;
376 recordkeeping.—The department shall adopt rules to implement
377 this section as necessary to protect the public health, safety,

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378 and welfare. Such rules shall include, but not be limited to,
379 requirements for the storage and handling of prescription drugs
380 and for the establishment and maintenance of prescription drug
381 distribution records.

382 (7) PRESCRIPTION DRUG PURCHASE LIST.—

383 (a) Each wholesale distributor, except for a manufacturer,
384 shall annually provide the department with a written list of all
385 wholesale distributors and manufacturers from whom the wholesale
386 distributor purchases prescription drugs. A wholesale
387 distributor, except a manufacturer, shall notify the department
388 not later than 10 days after any change to either list.

389 (b) Such portions of the information required pursuant to
390 this subsection which are a trade secret, as defined in s.
391 812.081, shall be maintained by the department as trade secret
392 information is required to be maintained under s. 499.051. This
393 paragraph is subject to the Open Government Sunset Review Act in
394 accordance with s. 119.15 and shall stand repealed on October 2,
395 2020, unless reviewed and saved from repeal through reenactment
396 by the Legislature.

397 Section 11. Subsection (7) of section 499.051, Florida
398 Statutes, is amended to read:

399 499.051 Inspections and investigations.—

400 (7) (a) The complaint and all information obtained pursuant
401 to the investigation by the department are confidential and
402 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
403 Constitution until the investigation and the enforcement action
404 are completed.

405 (b) Information that constitutes a ~~However,~~ trade secret,
406 as defined in s. 812.081, information contained in the complaint

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407 ~~therein as defined by s. 812.081(1)(c)~~ shall remain confidential
408 and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a),
409 Art. I of the State Constitution, as long as the information is
410 retained by the department. This paragraph is subject to the
411 Open Government Sunset Review Act in accordance with s. 119.15
412 and shall stand repealed on October 2, 2020, unless reviewed and
413 saved from repeal through reenactment by the Legislature.

414 (c) This subsection does not prohibit the department from
415 using such information for regulatory or enforcement proceedings
416 under this chapter or from providing such information to any law
417 enforcement agency or any other regulatory agency. However, the
418 receiving agency shall keep such records confidential and exempt
419 as provided in this subsection. In addition, this subsection is
420 not intended to prevent compliance with ~~the provisions of~~ s.
421 499.01212, and the pedigree papers required in that section are
422 ~~shall~~ not be deemed a trade secret.

423 Section 12. Section 502.222, Florida Statutes, is amended
424 to read:

425 502.222 Information relating to trade secrets
426 confidential.—The records of the department regarding matters
427 encompassed by this chapter are public records, subject to ~~the~~
428 ~~provisions of~~ chapter 119, except that any information that
429 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of
430 a dairy industry business is confidential and exempt from ~~the~~
431 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
432 Constitution. If the department determines that any information
433 requested by the public will reveal a trade secret, it shall, in
434 writing, inform the person making the request of that
435 determination. The determination is a final order as defined in

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436 s. 120.52. This section is subject to the Open Government Sunset
437 Review Act in accordance with s. 119.15 and shall stand repealed
438 on October 2, 2020, unless reviewed and saved from repeal
439 through reenactment by the Legislature.

440 Section 13. Subsection (3) of section 570.48, Florida
441 Statutes, is amended to read:

442 570.48 Division of Fruit and Vegetables; powers and duties;
443 records.—The duties of the Division of Fruit and Vegetables
444 include, but are not limited to:

445 (3) Maintaining the records of the division. The records of
446 the division are public records; however, trade secrets as
447 defined in s. 812.081 are confidential and exempt from ~~the~~
448 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
449 Constitution. This subsection is subject to the Open Government
450 Sunset Review Act in accordance with s. 119.15 and shall stand
451 repealed on October 2, 2020, unless reviewed and saved from
452 repeal through reenactment by the Legislature. This section may
453 ~~shall~~ not be construed to prohibit:

454 (a) A disclosure necessary to enforcement procedures.

455 (b) The department from releasing information to other
456 governmental agencies. Other governmental agencies that receive
457 confidential information from the department under this
458 subsection shall maintain the confidentiality of that
459 information.

460 (c) The department or other agencies from compiling and
461 publishing appropriate data regarding procedures, yield,
462 recovery, quality, and related matters, provided such released
463 data do not reveal by whom the activity to which the data relate
464 was conducted.

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465 Section 14. Subsection (2) of section 573.123, Florida
466 Statutes, is amended to read:

467 573.123 Maintenance and production of records.—

468 (2) Information that, if disclosed, would reveal a trade
469 secret, as defined in s. 812.081, of any person subject to a
470 marketing order is confidential and exempt from ~~the provisions~~
471 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution
472 and may shall not be disclosed except to an attorney who
473 provides legal advice to the division about enforcing a market
474 order or by court order. A person who receives confidential
475 information under this subsection shall maintain the
476 confidentiality of that information. This subsection is subject
477 to the Open Government Sunset Review Act in accordance with s.
478 119.15 and shall stand repealed on October 2, 2020, unless
479 reviewed and saved from repeal through reenactment by the
480 Legislature.

481 Section 15. Subsection (8) of section 601.10, Florida
482 Statutes, is amended to read:

483 601.10 Powers of the Department of Citrus.—The department
484 shall have and shall exercise such general and specific powers
485 as are delegated to it by this chapter and other statutes of the
486 state, which powers shall include, but are not limited to, the
487 following:

488 (8) (a) To prepare and disseminate information of importance
489 to citrus growers, handlers, shippers, processors, and industry-
490 related and interested persons and organizations relating to
491 department activities and the production, handling, shipping,
492 processing, and marketing of citrus fruit and processed citrus
493 products. ~~Any information that constitutes a trade secret as~~

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494 ~~defined in s. 812.081(1)(c) is confidential and exempt from s.~~
495 ~~119.07(1) and shall not be disclosed.~~ For referendum and other
496 notice and informational purposes, the department may prepare
497 and maintain, from the best available sources, a citrus grower
498 mailing list. Such list shall be a public record available as
499 other public records, but is not ~~it shall not be~~ subject to the
500 purging provisions of s. 283.55.

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

508 ~~(c)(b)~~ Any nonpublished reports or data related to studies
509 or research conducted, caused to be conducted, or funded by the
510 department under s. 601.13 is confidential and exempt from s.
511 119.07(1) and s. 24(a), Art. I of the State Constitution. This
512 paragraph is subject to the Open Government Sunset Review Act in
513 accordance with s. 119.15 and shall stand repealed on October 2,
514 2017, unless reviewed and saved from repeal through reenactment
515 by the Legislature.

516 Section 16. Paragraph (d) of subsection (7) of section
517 601.15, Florida Statutes, is amended to read:

518 601.15 Advertising campaign; methods of conducting;
519 assessments; emergency reserve fund; citrus research.—

520 (7) All assessments levied and collected under this chapter
521 shall be paid into the State Treasury on or before the 15th day
522 of each month. Such moneys shall be accounted for in a special

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523 fund to be designated as the Florida Citrus Advertising Trust
524 Fund, and all moneys in such fund are appropriated to the
525 department for the following purposes:

526 (d)1. The pro rata portion of moneys allocated to each type
527 of citrus product in noncommodity programs shall be used by the
528 department to encourage substantial increases in the
529 effectiveness, frequency, and volume of noncommodity
530 advertising, merchandising, publicity, and sales promotion of
531 such citrus products through rebates and incentive payments to
532 handlers and trade customers for these activities. The
533 department shall adopt rules providing for the use of such
534 moneys. The rules shall establish alternate incentive programs,
535 including at least one incentive program for product sold under
536 advertised brands, one incentive program for product sold under
537 private label brands, and one incentive program for product sold
538 in bulk. For each incentive program, the rules shall establish
539 eligibility and performance requirements and shall provide
540 appropriate limitations on amounts payable to a handler or trade
541 customer for a particular season. Such limitations may relate to
542 the amount of citrus assessments levied and collected on the
543 citrus product handled by such handler or trade customer during
544 a 12-month representative period.

545 2. The department may require from participants in
546 noncommodity advertising and promotional programs commercial
547 information necessary to determine eligibility for and
548 performance in such programs. Any information ~~so~~ required which
549 ~~that~~ constitutes a "trade secret," as defined in s. 812.081, is
550 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
551 of the State Constitution. This subparagraph is subject to the

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552 Open Government Sunset Review Act in accordance with s. 119.15
553 and shall stand repealed on October 2, 2020, unless reviewed and
554 saved from repeal through reenactment by the Legislature.

555 Section 17. Paragraph (c) of subsection (8) of section
556 601.152, Florida Statutes, is amended to read:

557 601.152 Special marketing orders.—

558 (8)

559 (c)1. Every handler shall, at such times as the department
560 may require, file with the department a return, not under oath,
561 on forms to be prescribed and furnished by the department,
562 certified as true and correct, stating the quantity of the type,
563 variety, and form of citrus fruit or citrus product specified in
564 the marketing order first handled in the primary channels of
565 trade in the state by such handler during the period of time
566 specified in the marketing order. Such returns shall contain any
567 further information deemed by the department to be reasonably
568 necessary to properly administer or enforce this section or any
569 marketing order implemented under this section.

570 2. Information that, if disclosed, would reveal a trade
571 secret, as defined in s. 812.081, of any person subject to a
572 marketing order is confidential and exempt from s. 119.07(1) and
573 s. 24(a), Art. I of the State Constitution. This subparagraph is
574 subject to the Open Government Sunset Review Act in accordance
575 with s. 119.15 and shall stand repealed on October 2, 2020,
576 unless reviewed and saved from repeal through reenactment by the
577 Legislature.

578 Section 18. Section 601.76, Florida Statutes, is amended to
579 read:

580 601.76 Manufacturer to furnish formula and other

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581 information.—Any formula required to be filed with the
582 Department of Agriculture shall be deemed a trade secret as
583 defined in s. 812.081, is confidential and exempt from s.
584 119.07(1) and s. 24(a), Art. I of the State Constitution, and
585 shall ~~only~~ be divulged only to the Department of Agriculture or
586 to its duly authorized representatives or upon court order
587 ~~orders of a court of competent jurisdiction~~ when necessary in
588 the enforcement of this law. A person who receives such a
589 formula from the Department of Agriculture under this section
590 shall maintain the confidentiality of the formula. This section
591 is subject to the Open Government Sunset Review Act in
592 accordance with s. 119.15 and shall stand repealed on October 2,
593 2020, unless reviewed and saved from repeal through reenactment
594 by the Legislature.

595 Section 19. Subsections (3) and (6) of section 815.04,
596 Florida Statutes, are amended to read:

597 815.04 Offenses against intellectual property; public
598 records exemption.—

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

605 (6) Subsection ~~Subsections (3) and (4) is~~ are subject to
606 the Open Government Sunset Review Act in accordance with s.
607 119.15, and shall stand repealed on October 2, 2019, unless
608 reviewed and saved from repeal through reenactment by the
609 Legislature. Subsection (3) is subject to the Open Government

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610 Sunset Review Act in accordance with s. 119.15, and shall stand
611 repealed on October 2, 2020, unless reviewed and saved from
612 repeal through reenactment by the Legislature.

613 Section 20. The Legislature finds that it is a public
614 necessity that financial information comprising a trade secret
615 as defined in s. 812.081, Florida Statutes, be made exempt or
616 confidential and exempt from s. 119.07(1), Florida Statutes, and
617 s. 24(a), Article I of the State Constitution. The Legislature
618 recognizes that in many instances, businesses are required to
619 provide financial information for regulatory or other purposes
620 to governmental entities and that disclosure of such information
621 to competitors of those businesses would be detrimental to the
622 businesses. The Legislature's intent is to protect trade secret
623 information of a confidential nature concerning entities,
624 including, but not limited to, a formula, pattern, device,
625 combination of devices, or compilation of information used to
626 protect or further a business advantage over those who do not
627 know or use it, the disclosure of which would injure the
628 affected entity in the marketplace.

629 Section 21. This act shall take effect on the same date
630 that SB 564 or similar legislation relating to trade secrets
631 takes effect, if such legislation is adopted in the same
632 legislative session or an extension thereof and becomes a law.