

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

585-03642-15

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1                                   A bill to be entitled  
2       An act relating to public records and meetings;  
3       amending ss. 119.071, 125.0104, 288.1226, 331.326,  
4       365.174, 381.83, 403.7046, 403.73, 499.012, 499.0121,  
5       499.051, 499.931, 502.222, 570.48, 573.123, 601.10,  
6       601.15, 601.152, 601.76, and 815.04, F.S.; expanding  
7       public records exemptions for certain data processing  
8       software obtained by an agency, certain information  
9       held by a county tourism promotion agency, information  
10      related to trade secrets held by the Florida Tourism  
11      Industry Marketing Corporation, information related to  
12      trade secrets held by Space Florida, proprietary  
13      confidential business information submitted to the  
14      Department of Revenue, trade secret information held  
15      by the Department of Health, trade secret information  
16      reported or submitted to the Department of  
17      Environmental Protection, trade secret information in  
18      an application for a permit for a prescription drug  
19      wholesale distributor or an out-of-state prescription  
20      drug wholesale distributor, trade secret information  
21      contained in an application for a permit for a  
22      secondary wholesale distributor, trade secret  
23      information contained in the prescription drug  
24      purchase list, trade secret information relating to  
25      medical gas submitted to the Department of Business  
26      and Professional Regulation, trade secret information  
27      contained in a complaint and any investigatory  
28      documents held by the Department of Business and  
29      Professional Regulation, trade secret information of a

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30 dairy industry business held by the Department of  
31 Agriculture and Consumer Services, trade secret  
32 information held by the Division of Fruits and  
33 Vegetables of the Department of Agriculture and  
34 Consumer Services, trade secret information of a  
35 person subject to a marketing order held by the  
36 Department of Agriculture and Consumer Services, trade  
37 secret information provided to the Department of  
38 Citrus, trade secret information of noncommodity  
39 advertising and promotional program participants held  
40 by the Department of Citrus, trade secret information  
41 contained in a citrus handler's return filed with the  
42 Department of Citrus, a manufacturer's formula filed  
43 with the Department of Agriculture and Consumer  
44 Services, and specified data, programs, or supporting  
45 documentation held by an agency, respectively, to  
46 incorporate the amendment made to the definition of  
47 the term "trade secret" in s. 812.081, F.S., by SB  
48 564; amending s. 331.326, F.S.; expanding a public  
49 meetings exemption for any meeting or portion of a  
50 meeting of Space Florida's board at which trade  
51 secrets are discussed to incorporate the amendment  
52 made to the definition of the term "trade secret" in  
53 s. 812.081, F.S., by SB 564; providing for future  
54 legislative review and repeal of the exemptions;  
55 making editorial and technical changes; providing a  
56 statement of public necessity; providing a contingent  
57 effective date.

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

60  
61 Section 1. Paragraph (f) of subsection (1) of section  
62 119.071, Florida Statutes, is amended to read:

63 119.071 General exemptions from inspection or copying of  
64 public records.—

65 (1) AGENCY ADMINISTRATION.—

66 (f) Data processing software obtained by an agency under a  
67 licensing agreement that prohibits its disclosure and which  
68 software is a trade secret, as defined in s. 812.081, and  
69 agency-produced data processing software that is sensitive are  
70 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
71 Constitution. The designation of agency-produced software as  
72 sensitive does ~~shall~~ not prohibit an agency head from sharing or  
73 exchanging such software with another public agency. This  
74 paragraph is subject to the Open Government Sunset Review Act in  
75 accordance with s. 119.15 and shall stand repealed on October 2,  
76 2020, unless reviewed and saved from repeal through reenactment  
77 by the Legislature.

78 Section 2. Paragraph (d) of subsection (9) of section  
79 125.0104, Florida Statutes, is amended to read:

80 125.0104 Tourist development tax; procedure for levying;  
81 authorized uses; referendum; enforcement.—

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

86 (d) Undertake marketing research and advertising research  
87 studies and provide reservations services and convention and

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88 meetings booking services consistent with the authorized uses of  
89 revenue as set forth in subsection (5).

90 1. Information given to a county tourism promotion agency  
91 which, if released, would reveal the identity of persons or  
92 entities who provide data or other information as a response to  
93 a sales promotion effort, an advertisement, or a research  
94 project or whose names, addresses, meeting or convention plan  
95 information or accommodations or other visitation needs become  
96 booking or reservation list data, is exempt from s. 119.07(1)  
97 and from s. 24(a), Art. I of the State Constitution.

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

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

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

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

107 3. A trade secret, as defined in s. 812.081, held by a  
108 county tourism agency is exempt from s. 119.07(1) and s. 24(a),  
109 Art. I of the State Constitution. This subparagraph is subject  
110 to the Open Government Sunset Review Act in accordance with s.  
111 119.15 and shall stand repealed on October 2, 2020, unless  
112 reviewed and saved from repeal through reenactment by the  
113 Legislature.

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

116 288.1226 Florida Tourism Industry Marketing Corporation;

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117 use of property; board of directors; duties; audit.—

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

128 Section 4. Section 331.326, Florida Statutes, is amended to  
129 read:

130 331.326 Information relating to trade secrets  
131 confidential.—The records of Space Florida regarding matters  
132 encompassed by this act are public records subject to ~~the~~  
133 ~~provisions of~~ chapter 119. Any information held by Space Florida  
134 which is a trade secret, as defined in s. 812.081, including  
135 trade secrets of Space Florida, any spaceport user, or the space  
136 industry business, is confidential and exempt from ~~the~~  
137 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
138 Constitution and may not be disclosed. If Space Florida  
139 determines that any information requested by the public will  
140 reveal a trade secret, it shall, in writing, inform the person  
141 making the request of that determination. The determination is a  
142 final order as defined in s. 120.52. Any meeting or portion of a  
143 meeting of Space Florida's board is exempt from ~~the provisions~~  
144 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution  
145 when the board is discussing trade secrets. Any public record

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146 generated during the closed portions of the meetings, such as  
147 minutes, tape recordings, and notes, is confidential and exempt  
148 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the  
149 State Constitution. This section is subject to the Open  
150 Government Sunset Review Act in accordance with s. 119.15 and  
151 shall stand repealed on October 2, 2020, unless reviewed and  
152 saved from repeal through reenactment by the Legislature.

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

155 365.174 Proprietary confidential business information.—

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

160 (b) The Department of Revenue may provide information  
161 relative to s. 365.172(9) to the Secretary of Management  
162 Services, or his or her authorized agent, or to the E911 Board  
163 established in s. 365.172(5) for use in the conduct of the  
164 official business of the Department of Management Services or  
165 the E911 Board.

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

170 Section 6. Section 381.83, Florida Statutes, is amended to  
171 read:

172 381.83 Trade secrets; confidentiality.—

173 (1) Records, reports, or information obtained from any  
174 person under this chapter, unless otherwise provided by law,

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175 shall be available to the public, except upon a showing  
176 satisfactory to the department by the person from whom the  
177 records, reports, or information is obtained that such records,  
178 reports, or information, or a particular part thereof, contains  
179 trade secrets as defined in s. 812.081~~(1)(e)~~. Such trade secrets  
180 are ~~shall be~~ confidential and ~~are~~ exempt from ~~the provisions of~~  
181 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The  
182 person submitting such trade secret information to the  
183 department must request that it be kept confidential and must  
184 inform the department of the basis for the claim of trade  
185 secret. The department shall, subject to notice and opportunity  
186 for hearing, determine whether the information, or portions  
187 thereof, claimed to be a trade secret is or is not a trade  
188 secret. Such trade secrets may be disclosed, however, to  
189 authorized representatives of the department or, pursuant to  
190 request, to other governmental entities in order for them to  
191 properly perform their duties, or when relevant in any  
192 proceeding under this chapter. Authorized representatives and  
193 other governmental entities receiving such trade secret  
194 information shall retain its confidentiality. Those involved in  
195 any proceeding under this chapter, including a hearing officer  
196 or judge or justice, shall retain the confidentiality of any  
197 trade secret information revealed at such proceeding.

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

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

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204 403.7046 Regulation of recovered materials.—

205 (2) Information reported pursuant to the requirements of  
206 this section or any rule adopted pursuant to this section which,  
207 if disclosed, would reveal a trade secret, as defined in s.  
208 812.081~~(1)(c)~~, is confidential and exempt from ~~the provisions of~~  
209 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For  
210 reporting or information purposes, however, the department may  
211 provide this information in such form that the names of the  
212 persons reporting such information and the specific information  
213 reported are not revealed. This subsection is subject to the  
214 Open Government Sunset Review Act in accordance with s. 119.15  
215 and shall stand repealed on October 2, 2020, unless reviewed and  
216 saved from repeal through reenactment by the Legislature.

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

231 (b)1. Before engaging in business within the jurisdiction  
232 of the local government, a recovered materials dealer must

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233 provide the local government with a copy of the certification  
234 provided for in this section. In addition, the local government  
235 may establish a registration process whereby a recovered  
236 materials dealer must register with the local government before  
237 engaging in business within the jurisdiction of the local  
238 government. Such registration process is limited to requiring  
239 the dealer to register its name, including the owner or operator  
240 of the dealer, and, if the dealer is a business entity, its  
241 general or limited partners, its corporate officers and  
242 directors, its permanent place of business, evidence of its  
243 certification under this section, and a certification that the  
244 recovered materials will be processed at a recovered materials  
245 processing facility satisfying the requirements of this section.  
246 The local government may not use the information provided in the  
247 registration application to compete unfairly with the recovered  
248 materials dealer until 90 days after receipt of the application.  
249 All counties, and municipalities whose population exceeds 35,000  
250 according to the population estimates determined pursuant to s.  
251 186.901, may establish a reporting process that ~~which~~ shall be  
252 limited to the regulations, reporting format, and reporting  
253 frequency established by the department pursuant to this  
254 section, which shall, at a minimum, include requiring the dealer  
255 to identify the types and approximate amount of recovered  
256 materials collected, recycled, or reused during the reporting  
257 period; the approximate percentage of recovered materials  
258 reused, stored, or delivered to a recovered materials processing  
259 facility or disposed of in a solid waste disposal facility; and  
260 the locations where any recovered materials were disposed of as  
261 solid waste. ~~Information reported under this subsection which,~~

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262 ~~if disclosed, would reveal a trade secret, as defined in s.~~  
263 ~~812.081(1)(c), is confidential and exempt from the provisions of~~  
264 ~~s. 24(a), Art. I of the State Constitution and s. 119.07(1).~~ The  
265 local government may charge the dealer a registration fee  
266 commensurate with and no greater than the cost incurred by the  
267 local government in operating its registration program.  
268 Registration program costs are limited to those costs associated  
269 with the activities described in this paragraph. Any reporting  
270 or registration process established by a local government with  
271 regard to recovered materials shall be governed by ~~the~~  
272 ~~provisions of~~ this section and department rules adopted pursuant  
273 thereto.

274 2. Information reported under this subsection which, if  
275 disclosed, would reveal a trade secret, as defined in s.  
276 812.081, is confidential and exempt from s. 119.07(1) and s.  
277 24(a), Art. I of the State Constitution. This subparagraph is  
278 subject to the Open Government Sunset Review Act in accordance  
279 with s. 119.15 and shall stand repealed on October 2, 2020,  
280 unless reviewed and saved from repeal through reenactment by the  
281 Legislature.

282 Section 8. Section 403.73, Florida Statutes, is amended to  
283 read:

284 403.73 Trade secrets; confidentiality.—

285 (1) Records, reports, or information obtained from any  
286 person under this part, unless otherwise provided by law, shall  
287 be available to the public, except upon a showing satisfactory  
288 to the department by the person from whom the records, reports,  
289 or information is obtained that such records, reports, or  
290 information, or a particular part thereof, contains trade

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291 secrets as defined in s. 812.081~~(1)(e)~~. Such trade secrets are  
292 ~~shall be~~ confidential and ~~are~~ exempt from ~~the provisions of~~ s.  
293 119.07(1) and s. 24(a), Art. I of the State Constitution. The  
294 person submitting such trade secret information to the  
295 department must request that it be kept confidential and must  
296 inform the department of the basis for the claim of trade  
297 secret. The department shall, subject to notice and opportunity  
298 for hearing, determine whether the information, or portions  
299 thereof, claimed to be a trade secret is or is not a trade  
300 secret. Such trade secrets may be disclosed, however, to  
301 authorized representatives of the department or, pursuant to  
302 request, to other governmental entities in order for them to  
303 properly perform their duties, or when relevant in any  
304 proceeding under this part. Authorized representatives and other  
305 governmental entities receiving such trade secret information  
306 shall retain its confidentiality. Those involved in any  
307 proceeding under this part, including an administrative law  
308 judge, a hearing officer, or a judge or justice, shall retain  
309 the confidentiality of any trade secret information revealed at  
310 such proceeding.

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

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

317 499.012 Permit application requirements.—

318 (8) An application for a permit or to renew a permit for a  
319 prescription drug wholesale distributor or an out-of-state

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320 prescription drug wholesale distributor submitted to the  
321 department must include:

322 (g)1. For an application for a new permit, the estimated  
323 annual dollar volume of prescription drug sales of the  
324 applicant, the estimated annual percentage of the applicant's  
325 total company sales that are prescription drugs, the applicant's  
326 estimated annual total dollar volume of purchases of  
327 prescription drugs, and the applicant's estimated annual total  
328 dollar volume of prescription drug purchases directly from  
329 manufacturers.

330 2. For an application to renew a permit, the total dollar  
331 volume of prescription drug sales in the previous year, the  
332 total dollar volume of prescription drug sales made in the  
333 previous 6 months, the percentage of total company sales that  
334 were prescription drugs in the previous year, the total dollar  
335 volume of purchases of prescription drugs in the previous year,  
336 and the total dollar volume of prescription drug purchases  
337 directly from manufacturers in the previous year.

338 3. Such portions of the information required pursuant to  
339 this paragraph which are a trade secret, as defined in s.  
340 812.081, shall be maintained by the department as trade secret  
341 information is required to be maintained under s. 499.051. This  
342 subparagraph is subject to the Open Government Sunset Review Act  
343 in accordance with s. 119.15 and shall stand repealed on October  
344 2, 2020, unless reviewed and saved from repeal through  
345 reenactment by the Legislature.

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

348 1. A personal background information statement containing

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349 the background information and fingerprints required pursuant to  
350 subsection (9) for each person named in the applicant's response  
351 to paragraphs (k) and (l) and for each affiliated party of the  
352 applicant.

353 2. If any of the five largest shareholders of the  
354 corporation seeking the permit is a corporation, the name,  
355 address, and title of each corporate officer and director of  
356 each such corporation; the name and address of such corporation;  
357 the name of such corporation's resident agent, such  
358 corporation's resident agent's address, and such corporation's  
359 state of its incorporation; and the name and address of each  
360 shareholder of such corporation that owns 5 percent or more of  
361 the stock of such corporation.

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

367 b. The portions of the information required pursuant to  
368 this subparagraph which are a trade secret, as defined in s.  
369 812.081, shall be maintained by the department as trade secret  
370 information is required to be maintained under s. 499.051. This  
371 sub-subparagraph is subject to the Open Government Sunset Review  
372 Act in accordance with s. 119.15 and shall stand repealed on  
373 October 2, 2020, unless reviewed and saved from repeal through  
374 reenactment by the Legislature.

375 4. The sources of all funds and the amounts of such funds  
376 used to purchase or finance purchases of prescription drugs or  
377 to finance the premises on which the establishment is to be

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378 located.

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

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

384 499.0121 Storage and handling of prescription drugs;  
385 recordkeeping.—The department shall adopt rules to implement  
386 this section as necessary to protect the public health, safety,  
387 and welfare. Such rules shall include, but not be limited to,  
388 requirements for the storage and handling of prescription drugs  
389 and for the establishment and maintenance of prescription drug  
390 distribution records.

391 (7) PRESCRIPTION DRUG PURCHASE LIST.—

392 (a) Each wholesale distributor, except for a manufacturer,  
393 shall annually provide the department with a written list of all  
394 wholesale distributors and manufacturers from whom the wholesale  
395 distributor purchases prescription drugs. A wholesale  
396 distributor, except a manufacturer, shall notify the department  
397 not later than 10 days after any change to either list.

398 (b) Such portions of the information required pursuant to  
399 this subsection which are a trade secret, as defined in s.  
400 812.081, shall be maintained by the department as trade secret  
401 information is required to be maintained under s. 499.051. This  
402 paragraph is subject to the Open Government Sunset Review Act in  
403 accordance with s. 119.15 and shall stand repealed on October 2,  
404 2020, unless reviewed and saved from repeal through reenactment  
405 by the Legislature.

406 Section 11. Subsection (7) of section 499.051, Florida

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407 Statutes, is amended to read:

408 499.051 Inspections and investigations.—

409 (7) (a) The complaint and all information obtained pursuant  
410 to the investigation by the department are confidential and  
411 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
412 Constitution until the investigation and the enforcement action  
413 are completed.

414 (b) Information that constitutes a ~~However,~~ trade secret,  
415 as defined in s. 812.081, information contained in the complaint  
416 ~~therein as defined by s. 812.081(1)(c)~~ shall remain confidential  
417 and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a),  
418 Art. I of the State Constitution, as long as the information is  
419 retained by the department. This paragraph is subject to the  
420 Open Government Sunset Review Act in accordance with s. 119.15  
421 and shall stand repealed on October 2, 2020, unless reviewed and  
422 saved from repeal through reenactment by the Legislature.

423 (c) This subsection does not prohibit the department from  
424 using such information for regulatory or enforcement proceedings  
425 under this chapter or from providing such information to any law  
426 enforcement agency or any other regulatory agency. However, the  
427 receiving agency shall keep such records confidential and exempt  
428 as provided in this subsection. In addition, this subsection is  
429 not intended to prevent compliance with ~~the provisions of~~ s.  
430 499.01212, and the pedigree papers required in that section are  
431 ~~shall not be~~ deemed a trade secret.

432 Section 12. Section 499.931, Florida Statutes, is amended  
433 to read:

434 499.931 Trade secret information.—Information required to  
435 be submitted under this part which is a trade secret as defined

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436 in s. 812.081(1)(c) and designated as a trade secret by an  
437 applicant or permitholder must be maintained as required under  
438 s. 499.051. This section is subject to the Open Government  
439 Sunset Review Act in accordance with s. 119.15 and shall stand  
440 repealed on October 2, 2020, unless reviewed and saved from  
441 repeal through reenactment by the Legislature.

442 Section 13. Section 502.222, Florida Statutes, is amended  
443 to read:

444 502.222 Information relating to trade secrets  
445 confidential.—The records of the department regarding matters  
446 encompassed by this chapter are public records, subject to ~~the~~  
447 ~~provisions of~~ chapter 119, except that any information that  
448 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of  
449 a dairy industry business is confidential and exempt from ~~the~~  
450 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
451 Constitution. If the department determines that any information  
452 requested by the public will reveal a trade secret, it shall, in  
453 writing, inform the person making the request of that  
454 determination. The determination is a final order as defined in  
455 s. 120.52. This section is subject to the Open Government Sunset  
456 Review Act in accordance with s. 119.15 and shall stand repealed  
457 on October 2, 2020, unless reviewed and saved from repeal  
458 through reenactment by the Legislature.

459 Section 14. Subsection (3) of section 570.48, Florida  
460 Statutes, is amended to read:

461 570.48 Division of Fruit and Vegetables; powers and duties;  
462 records.—The duties of the Division of Fruit and Vegetables  
463 include, but are not limited to:

464 (3) Maintaining the records of the division. The records of

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465 the division are public records; however, trade secrets as  
466 defined in s. 812.081 are confidential and exempt from ~~the~~  
467 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
468 Constitution. This subsection is subject to the Open Government  
469 Sunset Review Act in accordance with s. 119.15 and shall stand  
470 repealed on October 2, 2020, unless reviewed and saved from  
471 repeal through reenactment by the Legislature. This section may  
472 ~~shall~~ not be construed to prohibit:

473 (a) A disclosure necessary to enforcement procedures.

474 (b) The department from releasing information to other  
475 governmental agencies. Other governmental agencies that receive  
476 confidential information from the department under this  
477 subsection shall maintain the confidentiality of that  
478 information.

479 (c) The department or other agencies from compiling and  
480 publishing appropriate data regarding procedures, yield,  
481 recovery, quality, and related matters, provided such released  
482 data do not reveal by whom the activity to which the data relate  
483 was conducted.

484 Section 15. Subsection (2) of section 573.123, Florida  
485 Statutes, is amended to read:

486 573.123 Maintenance and production of records.—

487 (2) Information that, if disclosed, would reveal a trade  
488 secret, as defined in s. 812.081, of any person subject to a  
489 marketing order is confidential and exempt from ~~the provisions~~  
490 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
491 and may ~~shall~~ not be disclosed except to an attorney who  
492 provides legal advice to the division about enforcing a market  
493 order or by court order. A person who receives confidential

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494 information under this subsection shall maintain the  
495 confidentiality of that information. This subsection is subject  
496 to the Open Government Sunset Review Act in accordance with s.  
497 119.15 and shall stand repealed on October 2, 2020, unless  
498 reviewed and saved from repeal through reenactment by the  
499 Legislature.

500 Section 16. Subsection (8) of section 601.10, Florida  
501 Statutes, is amended to read:

502 601.10 Powers of the Department of Citrus.—The department  
503 shall have and shall exercise such general and specific powers  
504 as are delegated to it by this chapter and other statutes of the  
505 state, which powers shall include, but are not limited to, the  
506 following:

507 (8) (a) To prepare and disseminate information of importance  
508 to citrus growers, handlers, shippers, processors, and industry-  
509 related and interested persons and organizations relating to  
510 department activities and the production, handling, shipping,  
511 processing, and marketing of citrus fruit and processed citrus  
512 products. ~~Any information that constitutes a trade secret as~~  
513 ~~defined in s. 812.081(1)(c) is confidential and exempt from s.~~  
514 ~~119.07(1) and shall not be disclosed.~~ For referendum and other  
515 notice and informational purposes, the department may prepare  
516 and maintain, from the best available sources, a citrus grower  
517 mailing list. Such list shall be a public record available as  
518 other public records, but is not ~~it shall not be~~ subject to the  
519 purging provisions of s. 283.55.

520 (b) Any information provided to the department which  
521 constitutes a trade secret, as defined in s. 812.081, is  
522 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I

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523 of the State Constitution. This paragraph is subject to the Open  
524 Government Sunset Review Act in accordance with s. 119.15 and  
525 shall stand repealed on October 2, 2020, unless reviewed and  
526 saved from repeal through reenactment by the Legislature.

527 (c) ~~(b)~~ Any nonpublished reports or data related to studies  
528 or research conducted, caused to be conducted, or funded by the  
529 department under s. 601.13 is confidential and exempt from s.  
530 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
531 paragraph is subject to the Open Government Sunset Review Act in  
532 accordance with s. 119.15 and shall stand repealed on October 2,  
533 2017, unless reviewed and saved from repeal through reenactment  
534 by the Legislature.

535 Section 17. Paragraph (d) of subsection (7) of section  
536 601.15, Florida Statutes, is amended to read:

537 601.15 Advertising campaign; methods of conducting;  
538 assessments; emergency reserve fund; citrus research.—

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

545 (d)1. The pro rata portion of moneys allocated to each type  
546 of citrus product in noncommodity programs shall be used by the  
547 department to encourage substantial increases in the  
548 effectiveness, frequency, and volume of noncommodity  
549 advertising, merchandising, publicity, and sales promotion of  
550 such citrus products through rebates and incentive payments to  
551 handlers and trade customers for these activities. The

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552 department shall adopt rules providing for the use of such  
553 moneys. The rules shall establish alternate incentive programs,  
554 including at least one incentive program for product sold under  
555 advertised brands, one incentive program for product sold under  
556 private label brands, and one incentive program for product sold  
557 in bulk. For each incentive program, the rules shall establish  
558 eligibility and performance requirements and shall provide  
559 appropriate limitations on amounts payable to a handler or trade  
560 customer for a particular season. Such limitations may relate to  
561 the amount of citrus assessments levied and collected on the  
562 citrus product handled by such handler or trade customer during  
563 a 12-month representative period.

564 2. The department may require from participants in  
565 noncommodity advertising and promotional programs commercial  
566 information necessary to determine eligibility for and  
567 performance in such programs. Any information ~~so~~ required which  
568 ~~that~~ constitutes a "trade secret," as defined in s. 812.081, is  
569 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
570 of the State Constitution. This subparagraph is subject to the  
571 Open Government Sunset Review Act in accordance with s. 119.15  
572 and shall stand repealed on October 2, 2020, unless reviewed and  
573 saved from repeal through reenactment by the Legislature.

574 Section 18. Paragraph (c) of subsection (8) of section  
575 601.152, Florida Statutes, is amended to read:

576 601.152 Special marketing orders.—

577 (8)

578 (c)1. Every handler shall, at such times as the department  
579 may require, file with the department a return, not under oath,  
580 on forms to be prescribed and furnished by the department,

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581 certified as true and correct, stating the quantity of the type,  
582 variety, and form of citrus fruit or citrus product specified in  
583 the marketing order first handled in the primary channels of  
584 trade in the state by such handler during the period of time  
585 specified in the marketing order. Such returns shall contain any  
586 further information deemed by the department to be reasonably  
587 necessary to properly administer or enforce this section or any  
588 marketing order implemented under this section.

589 2. Information that, if disclosed, would reveal a trade  
590 secret, as defined in s. 812.081, of any person subject to a  
591 marketing order is confidential and exempt from s. 119.07(1) and  
592 s. 24(a), Art. I of the State Constitution. This subparagraph is  
593 subject to the Open Government Sunset Review Act in accordance  
594 with s. 119.15 and shall stand repealed on October 2, 2020,  
595 unless reviewed and saved from repeal through reenactment by the  
596 Legislature.

597 Section 19. Section 601.76, Florida Statutes, is amended to  
598 read:

599 601.76 Manufacturer to furnish formula and other  
600 information.—Any formula required to be filed with the  
601 Department of Agriculture shall be deemed a trade secret as  
602 defined in s. 812.081, is confidential and exempt from s.  
603 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
604 shall ~~only~~ be divulged only to the Department of Agriculture or  
605 to its duly authorized representatives or upon court order  
606 ~~orders of a court of competent jurisdiction~~ when necessary in  
607 the enforcement of this law. A person who receives such a  
608 formula from the Department of Agriculture under this section  
609 shall maintain the confidentiality of the formula. This section

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

614 Section 20. Subsections (3) and (6) of section 815.04,  
615 Florida Statutes, are amended to read:

616 815.04 Offenses against intellectual property; public  
617 records exemption.—

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

624 (6) Subsection ~~Subsections (3) and (4)~~ is ~~are~~ subject to  
625 the Open Government Sunset Review Act in accordance with s.  
626 119.15, and shall stand repealed on October 2, 2019, unless  
627 reviewed and saved from repeal through reenactment by the  
628 Legislature. Subsection (3) is subject to the Open Government  
629 Sunset Review Act in accordance with s. 119.15, and shall stand  
630 repealed on October 2, 2020, unless reviewed and saved from  
631 repeal through reenactment by the Legislature.

632 Section 21. The Legislature finds that it is a public  
633 necessity that financial information comprising a trade secret  
634 as defined in s. 812.081, Florida Statutes, be made exempt or  
635 confidential and exempt from s. 119.07(1), Florida Statutes, and  
636 s. 24(a), Article I of the State Constitution. The Legislature  
637 also finds that it is a public necessity that any portion of a  
638 meeting in which a trade secret, as defined in s. 812.081,

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639 Florida Statutes, is discussed be made exempt from s. 286.011,  
640 Florida Statutes and s. 24(b), Article I of the State  
641 Constitution. The Legislature recognizes that in many instances,  
642 businesses are required to provide financial information for  
643 regulatory or other purposes to governmental entities and that  
644 disclosure of such information to competitors of those  
645 businesses would be detrimental to the businesses. The  
646 Legislature's intent is to protect trade secret information of a  
647 confidential nature that includes, but is not limited to, a  
648 formula, a pattern, a device, a combination of devices, or a  
649 compilation of information used to protect or further a business  
650 advantage over those who do not know or use the information, the  
651 disclosure of which would injure the affected business in the  
652 marketplace. Therefore, the Legislature finds that the need to  
653 protect trade secret financial information is sufficiently  
654 compelling to override this state's public policy of open  
655 government and that the protection of such information cannot be  
656 accomplished without these exemptions.

657 Section 22. This act shall take effect on the same date  
658 that SB 564 or similar legislation relating to trade secrets  
659 takes effect, if such legislation is adopted in the same  
660 legislative session or an extension thereof and becomes a law.