

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

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422 and shall stand repealed on October 2, 2020, unless reviewed and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

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

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

435 499.931 Trade secret information.—Information required to

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441 repealed on October 2, 2020, unless reviewed and saved from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

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

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

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

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

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

474 (a) A disclosure necessary to enforcement procedures.

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

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

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

487 573.123 Maintenance and production of records.—

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

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

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

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

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

521 (b) Any information provided to the department which
522 constitutes a trade secret, as defined in s. 812.081, is

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523 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
524 of the State Constitution. This paragraph is subject to the Open
525 Government Sunset Review Act in accordance with s. 119.15 and
526 shall stand repealed on October 2, 2020, unless reviewed and
527 saved from repeal through reenactment by the Legislature.

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

536 Section 17. Paragraph (d) of subsection (7) of section
537 601.15, Florida Statutes, is amended to read:

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

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

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

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

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

575 Section 18. Paragraph (c) of subsection (8) of section
576 601.152, Florida Statutes, is amended to read:

577 601.152 Special marketing orders.—

578 (8)

579 (c)1. Every handler shall, at such times as the department
580 may require, file with the department a return, not under oath,

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

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

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

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

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

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

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

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

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

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

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639 meeting in which a trade secret, as defined in s. 812.081,
640 Florida Statutes, is discussed be made exempt from s. 286.011,
641 Florida Statutes and s. 24(b), Article I of the State
642 Constitution. The Legislature recognizes that in many instances,
643 businesses are required to provide financial information for
644 regulatory or other purposes to governmental entities and that
645 disclosure of such information to competitors of those
646 businesses would be detrimental to the businesses. The
647 Legislature's intent is to protect trade secret information of a
648 confidential nature that includes, but is not limited to, a
649 formula, a pattern, a device, a combination of devices, or a
650 compilation of information used to protect or further a business
651 advantage over those who do not know or use the information, the
652 disclosure of which would injure the affected business in the
653 marketplace. Therefore, the Legislature finds that the need to
654 protect trade secret financial information is sufficiently
655 compelling to override this state's public policy of open
656 government and that the protection of such information cannot be
657 accomplished without these exemptions.

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