

By Senator Smith

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 403.7032, F.S.; exempting from public records
4 requirements trade secret information in annual
5 recycling reports submitted by private businesses to a
6 county; providing for future repeal and legislative
7 review of the exemption under the Open Government
8 Sunset Review Act; making technical changes; providing
9 a statement of public necessity; providing an
10 effective date.

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

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14 Section 1. Subsection (3) of section 403.7032, Florida
15 Statutes, is amended to read:

16 403.7032 Recycling.—

17 (3) (a) Each state agency, public institution of higher
18 learning, community college, and state university, including all
19 buildings that are occupied by municipal, county, or state
20 employees and entities occupying buildings managed by the
21 Department of Management Services, must, at a minimum, ~~annually~~
22 report annually all recycled materials to the county using the
23 department's designated reporting format.

24 (b) Private businesses, other than certified recovered
25 materials dealers, which ~~that~~ recycle paper, metals, glass,
26 plastics, textiles, rubber materials, and mulch, are encouraged
27 to report annually the amount of materials they recycle to the
28 county ~~annually beginning January 1, 2011,~~ using the
29 department's designated reporting format.

31-01384-15

2015770__

30 1. Using the information provided, the department shall
31 recognize those private businesses that demonstrate outstanding
32 recycling efforts.

33 2. Notwithstanding any other ~~provision of~~ state or county
34 law, private businesses, other than certified recovered
35 materials dealers, may ~~shall~~ not be required to report recycling
36 rates.

37 3. Information reported under this paragraph which, if
38 disclosed, would reveal a trade secret, as defined in s.
39 812.081, is exempt from s. 119.07(1) and s. 24(a), Art. I of the
40 State Constitution. This subparagraph is subject to the Open
41 Government Sunset Review Act in accordance with s. 119.15 and
42 shall stand repealed on October 2, 2020, unless reviewed and
43 saved from repeal through enactment by the Legislature.

44 (c) Municipalities ~~Cities~~ with ~~less than~~ a population of
45 ~~less than~~ 2,500 and per capita taxable value less than \$48,000
46 and municipalities ~~cities~~ with a per capita taxable value less
47 than \$30,000 are exempt from the reporting requirement specified
48 in this subsection.

49 Section 2. The Legislature finds that it is a public
50 necessity that information reported by a private business which,
51 if disclosed, would reveal a trade secret be exempt from public
52 records requirements. This exemption is necessary to encourage
53 businesses to report information relating to their recycling
54 practices, so they can be recognized for their outstanding
55 recycling efforts. Public disclosure of proprietary information
56 could result in a chilling effect on business participation in
57 the program. Therefore, the Legislature declares that it is a
58 public necessity that the information reported by private

31-01384-15

2015770__

59 businesses which, if disclosed, would reveal a trade secret be
60 made exempt from public records requirements.

61 Section 3. This act shall take effect October 1, 2015.