

1 A bill to be entitled
 2 An act relating to trade secrets; amending s. 812.081,
 3 F.S.; including financial information in provisions
 4 prohibiting the theft, embezzlement, or unlawful
 5 copying of trade secrets; providing criminal
 6 penalties; repealing s. 815.045, F.S., relating to
 7 legislative findings with respect to a public records
 8 exemption relating to trade secret information;
 9 reenacting s. 499.931, F.S., relating to trade secret
 10 information concerning medical gas, to incorporate the
 11 amendments made by the act to s. 812.081, F.S., in a
 12 reference thereto; providing an effective date.

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

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 16 Section 1. Section 812.081, Florida Statutes, is amended
 17 to read:

18 812.081 Trade secrets; theft, embezzlement; unlawful
 19 copying; definitions; penalty.—

20 (1) As used in this section, the term:

21 (a) "Article" means any object, device, machine, material,
 22 substance, or composition of matter, or any mixture or copy
 23 thereof, whether in whole or in part, including any complete or
 24 partial writing, record, recording, drawing, sample, specimen,
 25 prototype model, photograph, microorganism, blueprint, map, or
 26 copy thereof.

HB 91

2015

27 (b) "Representing" means completely or partially
28 describing, depicting, embodying, containing, constituting,
29 reflecting, or recording.

30 (c) "Trade secret" means the whole or any portion or phase
31 of any formula, pattern, device, combination of devices, or
32 compilation of information which is for use, or is used, in the
33 operation of a business and which provides the business an
34 advantage, or an opportunity to obtain an advantage, over those
35 who do not know or use it. The term ~~"Trade secret"~~ includes any
36 scientific, technical, ~~or~~ commercial, or financial information,
37 including any design, process, procedure, list of suppliers,
38 list of customers, business code, or improvement thereof.
39 Irrespective of novelty, invention, patentability, the state of
40 the prior art, and the level of skill in the business, art, or
41 field to which the subject matter pertains, a trade secret is
42 considered to be:

- 43 1. Secret;
- 44 2. Of value;
- 45 3. For use or in use by the business; and
- 46 4. Of advantage to the business, or providing an
47 opportunity to obtain an advantage, over those who do not know
48 or use it

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50 when the owner thereof takes measures to prevent it from
51 becoming available to persons other than those selected by the
52 owner to have access thereto for limited purposes.

HB 91

2015

53 (d) "Copy" means any facsimile, replica, photograph, or
54 other reproduction in whole or in part of an article and any
55 note, drawing, or sketch made of or from an article or part or
56 portion thereof.

57 (2) Any person who, with intent to deprive or withhold
58 from the owner thereof the control of a trade secret, or with an
59 intent to appropriate a trade secret to his or her own use or to
60 the use of another, steals or embezzles an article representing
61 a trade secret or without authority makes or causes to be made a
62 copy of an article representing a trade secret commits ~~is guilty~~
63 ~~of~~ a felony of the third degree, punishable as provided in s.
64 775.082 or s. 775.083.

65 (3) In a prosecution for a violation of ~~the provisions of~~
66 this section, the fact ~~it is no defense~~ that the person so
67 charged returned or intended to return the article so stolen,
68 embezzled, or copied is not a defense.

69 Section 2. Section 815.045, Florida Statutes, is repealed.

70 Section 3. For the purpose of incorporating the amendment
71 made by this act to section 812.081, Florida Statutes, in a
72 reference thereto, Section 499.931, Florida Statutes, is
73 reenacted to read:

74 499.931 Trade secret information.—Information required to
75 be submitted under this part which is a trade secret as defined
76 in s. 812.081(1)(c) and designated as a trade secret by an
77 applicant or permitholder must be maintained as required under
78 s. 499.051.

HB 91

2015

79

Section 4. This act shall take effect October 1, 2015.