

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

|                       |             |       |
|-----------------------|-------------|-------|
| ADOPTED               | <u>    </u> | (Y/N) |
| ADOPTED AS AMENDED    | <u>    </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u>    </u> | (Y/N) |
| FAILED TO ADOPT       | <u>    </u> | (Y/N) |
| WITHDRAWN             | <u>    </u> | (Y/N) |
| OTHER                 | <u>    </u> |       |

1 Committee/Subcommittee hearing bill: Judiciary Committee  
 2 Representative Pilon offered the following:

**Amendment (with title amendment)**

5 Remove lines 36-562 and insert:

6 Section 1. Paragraph (f) of subsection (1) of section  
 7 119.071, Florida Statutes, is amended to read:

8 119.071 General exemptions from inspection or copying of  
 9 public records.—

10 (1) AGENCY ADMINISTRATION.—

11 (f) Data processing software obtained by an agency under a  
 12 licensing agreement that prohibits its disclosure and which  
 13 software is a trade secret, as defined in s. 812.081, and  
 14 agency-produced data processing software that is sensitive are  
 15 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 16 Constitution. The designation of agency-produced software as  
 17 sensitive does ~~shall~~ not prohibit an agency head from sharing or

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18 exchanging such software with another public agency. This  
19 paragraph is subject to the Open Government Sunset Review Act in  
20 accordance with s. 119.15 and shall stand repealed on October 2,  
21 2020, unless reviewed and saved from repeal through reenactment  
22 by the Legislature.

23 Section 2. Paragraph (d) of subsection (9) of section  
24 125.0104, Florida Statutes, is amended to read:

25 125.0104 Tourist development tax; procedure for levying;  
26 authorized uses; referendum; enforcement.—

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

31 (d) Undertake marketing research and advertising research  
32 studies and provide reservations services and convention and  
33 meetings booking services consistent with the authorized uses of  
34 revenue as set forth in subsection (5).

35 1. Information given to a county tourism promotion agency  
36 which, if released, would reveal the identity of persons or  
37 entities who provide data or other information as a response to  
38 a sales promotion effort, an advertisement, or a research  
39 project or whose names, addresses, meeting or convention plan  
40 information or accommodations or other visitation needs become  
41 booking or reservation list data, is exempt from s. 119.07(1)  
42 and from s. 24(a), Art. I of the State Constitution.

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

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

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

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

52 3. A trade secret, as defined in s. 812.081, held by a  
53 county tourism agency is exempt from s. 119.07(1) and s. 24(a),  
54 Art. I of the State Constitution. This subparagraph is subject  
55 to the Open Government Sunset Review Act in accordance with s.  
56 119.15 and shall stand repealed on October 2, 2020, unless  
57 reviewed and saved from repeal through reenactment by the  
58 Legislature.

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

61 288.1226 Florida Tourism Industry Marketing Corporation;  
62 use of property; board of directors; duties; audit.-

63 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person  
64 who responds to a marketing project or advertising research  
65 project conducted by the corporation in the performance of its  
66 duties on behalf of Enterprise Florida, Inc., or trade secrets  
67 as defined by s. 812.081 obtained pursuant to such activities,  
68 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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69 Constitution. This subsection is subject to the Open Government  
70 Sunset Review Act in accordance with s. 119.15 and shall stand  
71 repealed on October 2, 2020, unless reviewed and saved from  
72 repeal through reenactment by the Legislature.

73 Section 4. Section 331.326, Florida Statutes, is amended  
74 to read:

75 331.326 Information relating to trade secrets  
76 confidential.—The records of Space Florida regarding matters  
77 encompassed by this act are public records subject to ~~the~~  
78 ~~provisions of~~ chapter 119. Any information held by Space Florida  
79 which is a trade secret, as defined in s. 812.081, including  
80 trade secrets of Space Florida, any spaceport user, or the space  
81 industry business, is confidential and exempt from ~~the~~  
82 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
83 Constitution and may not be disclosed. If Space Florida  
84 determines that any information requested by the public will  
85 reveal a trade secret, it shall, in writing, inform the person  
86 making the request of that determination. The determination is a  
87 final order as defined in s. 120.52. Any meeting or portion of a  
88 meeting of Space Florida's board is exempt from ~~the provisions~~  
89 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution  
90 when the board is discussing trade secrets. Any public record  
91 generated during the closed portions of the meetings, such as  
92 minutes, tape recordings, and notes, is confidential and exempt  
93 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the  
94 State Constitution. This section is subject to the Open

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

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

100 365.174 Proprietary confidential business information.—

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

105 (b) The Department of Revenue may provide information  
106 relative to s. 365.172(9) to the Secretary of Management  
107 Services, or his or her authorized agent, or to the E911 Board  
108 established in s. 365.172(5) for use in the conduct of the  
109 official business of the Department of Management Services or  
110 the E911 Board.

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

115 Section 6. Section 381.83, Florida Statutes, is amended to  
116 read:

117 381.83 Trade secrets; confidentiality.—

118 (1) Records, reports, or information obtained from any  
119 person under this chapter, unless otherwise provided by law,  
120 shall be available to the public, except upon a showing

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121 satisfactory to the department by the person from whom the  
122 records, reports, or information is obtained that such records,  
123 reports, or information, or a particular part thereof, contains  
124 trade secrets as defined in s. 812.081(1)(e). Such trade secrets  
125 ~~are shall be~~ confidential and ~~are~~ exempt from ~~the provisions of~~  
126 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The  
127 person submitting such trade secret information to the  
128 department must request that it be kept confidential and must  
129 inform the department of the basis for the claim of trade  
130 secret. The department shall, subject to notice and opportunity  
131 for hearing, determine whether the information, or portions  
132 thereof, claimed to be a trade secret is or is not a trade  
133 secret. Such trade secrets may be disclosed, however, to  
134 authorized representatives of the department or, pursuant to  
135 request, to other governmental entities in order for them to  
136 properly perform their duties, or when relevant in any  
137 proceeding under this chapter. Authorized representatives and  
138 other governmental entities receiving such trade secret  
139 information shall retain its confidentiality. Those involved in  
140 any proceeding under this chapter, including a hearing officer  
141 or judge or justice, shall retain the confidentiality of any  
142 trade secret information revealed at such proceeding.

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

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147 Section 7. Subsection (2) and paragraph (b) of subsection  
148 (3) of section 403.7046, Florida Statutes, are amended to read:  
149 403.7046 Regulation of recovered materials.—

150 (2) Information reported pursuant to the requirements of  
151 this section or any rule adopted pursuant to this section which,  
152 if disclosed, would reveal a trade secret, as defined in s.  
153 812.081(1)(c), is confidential and exempt from ~~the provisions of~~  
154 s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For  
155 reporting or information purposes, however, the department may  
156 provide this information in such form that the names of the  
157 persons reporting such information and the specific information  
158 reported are not revealed. This subsection is subject to the  
159 Open Government Sunset Review Act in accordance with s. 119.15  
160 and shall stand repealed on October 2, 2020, unless reviewed and  
161 saved from repeal through reenactment by the Legislature.

162 (3) Except as otherwise provided in this section or  
163 pursuant to a special act in effect on or before January 1,  
164 1993, a local government may not require a commercial  
165 establishment that generates source-separated recovered  
166 materials to sell or otherwise convey its recovered materials to  
167 the local government or to a facility designated by the local  
168 government, nor may the local government restrict such a  
169 generator's right to sell or otherwise convey such recovered  
170 materials to any properly certified recovered materials dealer  
171 who has satisfied the requirements of this section. A local  
172 government may not enact any ordinance that prevents such a

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173 dealer from entering into a contract with a commercial  
174 establishment to purchase, collect, transport, process, or  
175 receive source-separated recovered materials.

176 (b)1. Before engaging in business within the jurisdiction  
177 of the local government, a recovered materials dealer must  
178 provide the local government with a copy of the certification  
179 provided for in this section. In addition, the local government  
180 may establish a registration process whereby a recovered  
181 materials dealer must register with the local government before  
182 engaging in business within the jurisdiction of the local  
183 government. Such registration process is limited to requiring  
184 the dealer to register its name, including the owner or operator  
185 of the dealer, and, if the dealer is a business entity, its  
186 general or limited partners, its corporate officers and  
187 directors, its permanent place of business, evidence of its  
188 certification under this section, and a certification that the  
189 recovered materials will be processed at a recovered materials  
190 processing facility satisfying the requirements of this section.  
191 The local government may not use the information provided in the  
192 registration application to compete unfairly with the recovered  
193 materials dealer until 90 days after receipt of the application.  
194 All counties, and municipalities whose population exceeds 35,000  
195 according to the population estimates determined pursuant to s.  
196 186.901, may establish a reporting process that~~which~~ shall be  
197 limited to the regulations, reporting format, and reporting  
198 frequency established by the department pursuant to this



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199 section, which shall, at a minimum, include requiring the dealer  
200 to identify the types and approximate amount of recovered  
201 materials collected, recycled, or reused during the reporting  
202 period; the approximate percentage of recovered materials  
203 reused, stored, or delivered to a recovered materials processing  
204 facility or disposed of in a solid waste disposal facility; and  
205 the locations where any recovered materials were disposed of as  
206 solid waste. ~~Information reported under this subsection 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. 24(a), Art. I of the State Constitution and s. 119.07(1). The  
210 local government may charge the dealer a registration fee  
211 commensurate with and no greater than the cost incurred by the  
212 local government in operating its registration program.  
213 Registration program costs are limited to those costs associated  
214 with the activities described in this paragraph. Any reporting  
215 or registration process established by a local government with  
216 regard to recovered materials shall be governed by ~~the  
217 provisions of~~ this section and department rules adopted pursuant  
218 thereto.~~

219 2. Information reported under this subsection which, if  
220 disclosed, would reveal a trade secret, as defined in s.  
221 812.081, is confidential and exempt from s. 119.07(1) and s.  
222 24(a), Art. I of the State Constitution. This subparagraph is  
223 subject to the Open Government Sunset Review Act in accordance  
224 with s. 119.15 and shall stand repealed on October 2, 2020,

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225 unless reviewed and saved from repeal through reenactment by the  
226 Legislature.

227 Section 8. Section 403.73, Florida Statutes, is amended to  
228 read:

229 403.73 Trade secrets; confidentiality.—

230 (1) Records, reports, or information obtained from any  
231 person under this part, unless otherwise provided by law, shall  
232 be available to the public, except upon a showing satisfactory  
233 to the department by the person from whom the records, reports,  
234 or information is obtained that such records, reports, or  
235 information, or a particular part thereof, contains trade  
236 secrets as defined in s. 812.081(1)(e). Such trade secrets are  
237 ~~shall be~~ confidential and ~~are~~ exempt from ~~the provisions of~~ s.  
238 119.07(1) and s. 24(a), Art. I of the State Constitution. The  
239 person submitting such trade secret information to the  
240 department must request that it be kept confidential and must  
241 inform the department of the basis for the claim of trade  
242 secret. The department shall, subject to notice and opportunity  
243 for hearing, determine whether the information, or portions  
244 thereof, claimed to be a trade secret is or is not a trade  
245 secret. Such trade secrets may be disclosed, however, to  
246 authorized representatives of the department or, pursuant to  
247 request, to other governmental entities in order for them to  
248 properly perform their duties, or when relevant in any  
249 proceeding under this part. Authorized representatives and other  
250 governmental entities receiving such trade secret information

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251 shall retain its confidentiality. Those involved in any  
252 proceeding under this part, including an administrative law  
253 judge, a hearing officer, or a judge or justice, shall retain  
254 the confidentiality of any trade secret information revealed at  
255 such proceeding.

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

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

262 499.012 Permit application requirements.—

263 (8) An application for a permit or to renew a permit for a  
264 prescription drug wholesale distributor or an out-of-state  
265 prescription drug wholesale distributor submitted to the  
266 department must include:

267 (g)1. For an application for a new permit, the estimated  
268 annual dollar volume of prescription drug sales of the  
269 applicant, the estimated annual percentage of the applicant's  
270 total company sales that are prescription drugs, the applicant's  
271 estimated annual total dollar volume of purchases of  
272 prescription drugs, and the applicant's estimated annual total  
273 dollar volume of prescription drug purchases directly from  
274 manufacturers.

275 2. For an application to renew a permit, the total dollar  
276 volume of prescription drug sales in the previous year, the

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277 total dollar volume of prescription drug sales made in the  
278 previous 6 months, the percentage of total company sales that  
279 were prescription drugs in the previous year, the total dollar  
280 volume of purchases of prescription drugs in the previous year,  
281 and the total dollar volume of prescription drug purchases  
282 directly from manufacturers in the previous year.

283 3. Such portions of the information required pursuant to  
284 this paragraph which are a trade secret, as defined in s.  
285 812.081, shall be maintained by the department as trade secret  
286 information is required to be maintained under s. 499.051. This  
287 subparagraph is subject to the Open Government Sunset Review Act  
288 in accordance with s. 119.15 and shall stand repealed on October  
289 2, 2020, unless reviewed and saved from repeal through  
290 reenactment by the Legislature.

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

293 1. A personal background information statement containing  
294 the background information and fingerprints required pursuant to  
295 subsection (9) for each person named in the applicant's response  
296 to paragraphs (k) and (l) and for each affiliated party of the  
297 applicant.

298 2. If any of the five largest shareholders of the  
299 corporation seeking the permit is a corporation, the name,  
300 address, and title of each corporate officer and director of  
301 each such corporation; the name and address of such corporation;  
302 the name of such corporation's resident agent, such

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303 corporation's resident agent's address, and such corporation's  
304 state of its incorporation; and the name and address of each  
305 shareholder of such corporation that owns 5 percent or more of  
306 the stock of such corporation.

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

312 b. The portions of the information required pursuant to  
313 this subparagraph which are a trade secret, as defined in s.  
314 812.081, shall be maintained by the department as trade secret  
315 information is required to be maintained under s. 499.051. This  
316 sub-subparagraph is subject to the Open Government Sunset Review  
317 Act in accordance with s. 119.15 and shall stand repealed on  
318 October 2, 2020, unless reviewed and saved from repeal through  
319 reenactment by the Legislature.

320 4. The sources of all funds and the amounts of such funds  
321 used to purchase or finance purchases of prescription drugs or  
322 to finance the premises on which the establishment is to be  
323 located.

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

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

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329 499.0121 Storage and handling of prescription drugs;  
330 recordkeeping.—The department shall adopt rules to implement  
331 this section as necessary to protect the public health, safety,  
332 and welfare. Such rules shall include, but not be limited to,  
333 requirements for the storage and handling of prescription drugs  
334 and for the establishment and maintenance of prescription drug  
335 distribution records.

336 (7) PRESCRIPTION DRUG PURCHASE LIST.—

337 (a) Each wholesale distributor, except for a manufacturer,  
338 shall annually provide the department with a written list of all  
339 wholesale distributors and manufacturers from whom the wholesale  
340 distributor purchases prescription drugs. A wholesale  
341 distributor, except a manufacturer, shall notify the department  
342 not later than 10 days after any change to either list.

343 (b) Such portions of the information required pursuant to  
344 this subsection which are a trade secret, as defined in s.  
345 812.081, shall be maintained by the department as trade secret  
346 information is required to be maintained under s. 499.051. This  
347 paragraph is subject to the Open Government Sunset Review Act in  
348 accordance with s. 119.15 and shall stand repealed on October 2,  
349 2020, unless reviewed and saved from repeal through reenactment  
350 by the Legislature.

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

353 499.051 Inspections and investigations.—

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354 (7) (a) The complaint and all information obtained pursuant  
355 to the investigation by the department are confidential and  
356 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
357 Constitution until the investigation and the enforcement action  
358 are completed.

359 (b) Information that constitutes a ~~However,~~ trade secret,  
360 as defined in s. 812.081, ~~information~~ contained in the complaint  
361 and all information obtained by the department pursuant to the  
362 investigation therein as defined by s. 812.081(1)(c) shall  
363 remain confidential and exempt from ~~the provisions of~~ s.  
364 119.07(1) and s. 24(a), Art. I of the State Constitution, as  
365 long as the information is retained by the department. ~~This~~  
366 paragraph is subject to the Open Government Sunset Review Act in  
367 accordance with s. 119.15 and shall stand repealed on October 2,  
368 2020, unless reviewed and saved from repeal through reenactment  
369 by the Legislature.

370 (c) This subsection does not prohibit the department from  
371 using such information for regulatory or enforcement proceedings  
372 under this chapter or from providing such information to any law  
373 enforcement agency or any other regulatory agency. However, the  
374 receiving agency shall keep such records confidential and exempt  
375 as provided in this subsection. In addition, this subsection is  
376 not intended to prevent compliance with ~~the provisions of~~ s.  
377 499.01212, and the pedigree papers required in that section are  
378 ~~shall~~ not ~~be~~ deemed a trade secret.

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379 Section 12. Section 499.931, Florida Statutes, is amended  
380 to read:

381 499.931 Trade secret information.—Information required to  
382 be submitted under this part which is a trade secret as defined  
383 in s. 812.081(1)(c) and designated as a trade secret by an  
384 applicant or permitholder must be maintained as required under  
385 s. 499.051. This section is subject to the Open Government  
386 Sunset Review Act in accordance with s. 119.15 and shall stand  
387 repealed on October 2, 2020, unless reviewed and saved from  
388 repeal through reenactment by the Legislature.

389 Section 13. Section 502.222, Florida Statutes, is amended  
390 to read:

391 502.222 Information relating to trade secrets  
392 confidential.—The records of the department regarding matters  
393 encompassed by this chapter are public records, subject to ~~the~~  
394 ~~provisions of~~ chapter 119, except that any information that  
395 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of  
396 a dairy industry business is confidential and exempt from ~~the~~  
397 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
398 Constitution. If the department determines that any information  
399 requested by the public will reveal a trade secret, it shall, in  
400 writing, inform the person making the request of that  
401 determination. The determination is a final order as defined in  
402 s. 120.52. This section is subject to the Open Government Sunset  
403 Review Act in accordance with s. 119.15 and shall stand repealed



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404 on October 2, 2020, unless reviewed and saved from repeal  
405 through reenactment by the Legislature.

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

408 570.48 Division of Fruit and Vegetables; powers and  
409 duties; records.—The duties of the Division of Fruit and  
410 Vegetables include, but are not limited to:

411 (3) Maintaining the records of the division. The records  
412 of the division are public records; however, trade secrets as  
413 defined in s. 812.081 are confidential and exempt from ~~the~~  
414 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
415 Constitution. This subsection is subject to the Open Government  
416 Sunset Review Act in accordance with s. 119.15 and shall stand  
417 repealed on October 2, 2020, unless reviewed and saved from  
418 repeal through reenactment by the Legislature. This section may  
419 shall not be construed to prohibit:

420 (a) A disclosure necessary to enforcement procedures.

421 (b) The department from releasing information to other  
422 governmental agencies. Other governmental agencies that receive  
423 confidential information from the department under this  
424 subsection shall maintain the confidentiality of that  
425 information.

426 (c) The department or other agencies from compiling and  
427 publishing appropriate data regarding procedures, yield,  
428 recovery, quality, and related matters, provided such released

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429 data do not reveal by whom the activity to which the data relate  
430 was conducted.

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

433 573.123 Maintenance and production of records.—

434 (2) Information that, if disclosed, would reveal a trade  
435 secret, as defined in s. 812.081, of any person subject to a  
436 marketing order is confidential and exempt from ~~the provisions~~  
437 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
438 and may~~shall~~ not be disclosed except to an attorney who  
439 provides legal advice to the division about enforcing a market  
440 order or by court order. A person who receives confidential  
441 information under this subsection shall maintain the  
442 confidentiality of that information. This subsection is subject  
443 to the Open Government Sunset Review Act in accordance with s.  
444 119.15 and shall stand repealed on October 2, 2020, unless  
445 reviewed and saved from repeal through reenactment by the  
446 Legislature.

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

449 601.10 Powers of the Department of Citrus.—The department  
450 shall have and shall exercise such general and specific powers  
451 as are delegated to it by this chapter and other statutes of the  
452 state, which powers shall include, but are not limited to, the  
453 following:

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454 (8) (a) To prepare and disseminate information of  
455 importance to citrus growers, handlers, shippers, processors,  
456 and industry-related and interested persons and organizations  
457 relating to department activities and the production, handling,  
458 shipping, processing, and marketing of citrus fruit and  
459 processed citrus products. ~~Any information that constitutes a~~  
460 ~~trade secret as defined in s. 812.081(1)(c) is confidential and~~  
461 ~~exempt from s. 119.07(1) and shall not be disclosed.~~ For  
462 referendum and other notice and informational purposes, the  
463 department may prepare and maintain, from the best available  
464 sources, a citrus grower mailing list. Such list shall be a  
465 public record available as other public records, but is not ~~it~~  
466 ~~shall not be~~ subject to the purging provisions of s. 283.55.

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

474 (c) ~~(b)~~ Any nonpublished reports or data related to studies  
475 or research conducted, caused to be conducted, or funded by the  
476 department under s. 601.13 is confidential and exempt from s.  
477 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
478 paragraph is subject to the Open Government Sunset Review Act in  
479 accordance with s. 119.15 and shall stand repealed on October 2,

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480 2017, unless reviewed and saved from repeal through reenactment  
481 by the Legislature.

482 Section 17. Paragraph (d) of subsection (7) of section  
483 601.15, Florida Statutes, is amended to read:

484 601.15 Advertising campaign; methods of conducting;  
485 assessments; emergency reserve fund; citrus research.—

486 (7) All assessments levied and collected under this  
487 chapter shall be paid into the State Treasury on or before the  
488 15th day of each month. Such moneys shall be accounted for in a  
489 special fund to be designated as the Florida Citrus Advertising  
490 Trust Fund, and all moneys in such fund are appropriated to the  
491 department for the following purposes:

492 (d)1. The pro rata portion of moneys allocated to each  
493 type of citrus product in noncommodity programs shall be used by  
494 the department to encourage substantial increases in the  
495 effectiveness, frequency, and volume of noncommodity  
496 advertising, merchandising, publicity, and sales promotion of  
497 such citrus products through rebates and incentive payments to  
498 handlers and trade customers for these activities. The  
499 department shall adopt rules providing for the use of such  
500 moneys. The rules shall establish alternate incentive programs,  
501 including at least one incentive program for product sold under  
502 advertised brands, one incentive program for product sold under  
503 private label brands, and one incentive program for product sold  
504 in bulk. For each incentive program, the rules shall establish  
505 eligibility and performance requirements and shall provide

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506 appropriate limitations on amounts payable to a handler or trade  
507 customer for a particular season. Such limitations may relate to  
508 the amount of citrus assessments levied and collected on the  
509 citrus product handled by such handler or trade customer during  
510 a 12-month representative period.

511 2. The department may require from participants in  
512 noncommodity advertising and promotional programs commercial  
513 information necessary to determine eligibility for and  
514 performance in such programs. Any information ~~so~~ required which  
515 ~~that~~ constitutes a "trade secret," as defined in s. 812.081, is  
516 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
517 of the State Constitution. This subparagraph is subject to the  
518 Open Government Sunset Review Act in accordance with s. 119.15  
519 and shall stand repealed on October 2, 2020, unless reviewed and  
520 saved from repeal through reenactment by the Legislature.

521 Section 18. Paragraph (c) of subsection (8) of section  
522 601.152, Florida Statutes, is amended to read:

523 601.152 Special marketing orders.—

524 (8)

525 (c)1. Every handler shall, at such times as the department  
526 may require, file with the department a return, not under oath,  
527 on forms to be prescribed and furnished by the department,  
528 certified as true and correct, stating the quantity of the type,  
529 variety, and form of citrus fruit or citrus product specified in  
530 the marketing order first handled in the primary channels of  
531 trade in the state by such handler during the period of time

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532 specified in the marketing order. Such returns shall contain any  
533 further information deemed by the department to be reasonably  
534 necessary to properly administer or enforce this section or any  
535 marketing order implemented under this section.

536 2. Information that, if disclosed, would reveal a trade  
537 secret, as defined in s. 812.081, of any person subject to a  
538 marketing order is confidential and exempt from s. 119.07(1) and  
539 s. 24(a), Art. I of the State Constitution. This subparagraph is  
540 subject to the Open Government Sunset Review Act in accordance  
541 with s. 119.15 and shall stand repealed on October 2, 2020,  
542 unless reviewed and saved from repeal through reenactment by the  
543 Legislature.

544 Section 19. Section 601.76, Florida Statutes, is amended  
545 to read:

546 601.76 Manufacturer to furnish formula and other  
547 information.—Any formula required to be filed with the  
548 Department of Agriculture shall be deemed a trade secret as  
549 defined in s. 812.081, is confidential and exempt from s.  
550 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
551 shall ~~only~~ be divulged only to the Department of Agriculture or  
552 to its duly authorized representatives or upon court order  
553 ~~orders of a court of competent jurisdiction~~ when necessary in  
554 the enforcement of this law. A person who receives such a  
555 formula from the Department of Agriculture under this section  
556 shall maintain the confidentiality of the formula. This section  
557 is subject to the Open Government Sunset Review Act in

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558 accordance with s. 119.15 and shall stand repealed on October 2,  
559 2020, unless reviewed and saved from repeal through reenactment  
560 by the Legislature.

561 Section 20. Subsections (3), (4), and (6) of section  
562 815.04, Florida Statutes, are amended to read:

563 815.04 Offenses against intellectual property; public  
564 records exemption.—

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

571 (4) A person who willfully, knowingly, and without  
572 authorization discloses or takes data, programs, or supporting  
573 documentation that is a trade secret as defined in s. 812.081 or  
574 is confidential as provided by law residing or existing internal  
575 or external to a computer, computer system, computer network, or  
576 electronic device commits an offense against intellectual  
577 property.

578 (6) Subsections (3) and (4) are subject to the Open  
579 Government Sunset Review Act in accordance with s. 119.15, and  
580 shall stand repealed on October 2, 2020~~2019~~, unless reviewed  
581 and saved from repeal through reenactment by the Legislature.

582 Section 21. The Legislature finds that it is a public  
583 necessity that financial information comprising a trade secret

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584 as defined in s. 812.081, Florida Statutes, be made exempt or  
585 confidential and exempt from s. 119.07(1), Florida Statutes, and  
586 s. 24(a), Article I of the State Constitution. The Legislature  
587 also finds that it is a public necessity that any portion of a  
588 meeting in which a trade secret, as defined in s. 812.081,  
589 Florida Statutes, is discussed be made exempt from s. 286.011,  
590 Florida Statutes, and s. 24(b), Article I of the State  
591 Constitution. The Legislature recognizes that in many instances,  
592 businesses are required to provide financial information for  
593 regulatory or other purposes to public entities and that  
594 disclosure of such information to competitors of those  
595 businesses would be detrimental to the businesses. The  
596 Legislature's intent is to protect trade secret information of a  
597 confidential nature that includes, but is not limited to, a  
598 formula, a pattern, a device, a combination of devices, or a  
599 compilation of information used to protect or further a business  
600 advantage over those who do not know or use the information, the  
601 disclosure of which would injure the affected business in the  
602 marketplace. Therefore, the Legislature finds that the need to  
603 protect trade secret financial information is sufficiently  
604 compelling to override this state's public policy of open  
605 government and that the protection of such information cannot be  
606 accomplished without these exemptions.

607 -----  
608  
609 **T I T L E A M E N D M E N T**



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610 Remove lines 2-29 and insert:  
611 An act relating to public records and meetings; amending ss.  
612 119.071(1)(f), 125.0104(9)(d), 288.1226(8), 331.326, 365.174(2),  
613 381.83, 403.7046(2) and (3)(b), 403.73, 499.012(8)(g) and (m),  
614 499.0121(7), 499.051(7), 499.931, 502.222, 570.48(3),  
615 573.123(2), 601.10(8), 601.15(7)(d), 601.152(8)(c), 601.76, and  
616 815.04(3), (4), and (6), F.S.; expanding public record  
617 exemptions for certain data processing software obtained by an  
618 agency, certain information held by a county tourism promotion  
619 agency, information related to trade secrets held by the Florida  
620 Tourism Industry Marketing Corporation, information related to  
621 trade secrets held by Space Florida, proprietary confidential  
622 business information submitted to the Department of Revenue,  
623 trade secret information held by the Department of Health, trade  
624 secret information reported or submitted to the Department of  
625 Environmental Protection, trade secret information contained in  
626 a complaint and any investigatory documents held by the  
627 Department of Business and Professional Regulation, trade secret  
628 information of a dairy industry business held by the Department  
629 of Agriculture and Consumer Services, trade secret information  
630 held by the Division of Fruits and Vegetables of the Department  
631 of Agriculture and Consumer Services, trade secret information  
632 of a person subject to a marketing order held by the Department  
633 of Agriculture and Consumer Services, trade secret information  
634 provided to the Department of Citrus, trade secret information  
635 of noncommodity advertising and promotional program participants

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636 held by the Department of Citrus, trade secret information  
637 contained in a citrus handler's return filed with the Department  
638 of Citrus, a manufacturer's formula filed with the Department of  
639 Agriculture and Consumer Services, and specified data, programs,  
640 or supporting documentation held by an agency, respectively, to  
641 incorporate changes made to the definition of the term "trade  
642 secret" in s. 812.081, F.S., by CS/HB 91; expanding a public  
643 meeting exemption for any meeting or portion of a meeting of  
644 Space Florida's board at which trade secrets are discussed to  
645 incorporate changes made to the definition of the term "trade  
646 secret" in s. 812.081, F.S., by CS/HB 91; adding cross-  
647 references; providing for future