

1 A bill to be entitled

2 An act relating to public records; reenacting ss.
3 119.071(1)(f), 125.0104(9)(d), 288.1226(8), 331.326,
4 365.174(3), 381.83, 403.7046(2) and (3)(b), 403.73,
5 499.012(8)(g) and (m), 499.0121(7), 499.051(7),
6 502.222, 570.48(3), 573.123(2), 601.10(8)(a),
7 601.15(7)(d), 601.152(8)(c), 601.76, and 815.04(3),
8 F.S., relating to exemptions from inspection or
9 copying of public records for tourist development
10 taxes, the Florida Tourism Industry Marketing
11 Corporation, information relating to trade secrets,
12 proprietary confidential business information, trade
13 secret confidentiality, regulation of recovered
14 materials, trade secret confidentiality, permit
15 application requirements, recordkeeping concerning the
16 storage and handling of prescription drugs,
17 inspections and investigations, information relating
18 to trade secrets, powers and duties of the Division of
19 Fruit and Vegetables of the Department of Agriculture
20 and Consumer Services, maintenance and production of
21 records, powers of the Department of Citrus,
22 advertising campaigns, methods of conducting,
23 assessments, emergency reserve fund, and citrus
24 research, special marketing orders, formulas and other
25 information furnished by manufacturers, and offenses
26 against intellectual property, respectively, to

Page 1 of 22

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

27 incorporate changes made to s. 812.081, F.S., by HB
28 91, in references thereto; providing for future
29 legislative review and repeal of the reenactments of
30 the exemptions; providing a statement of public
31 necessity; providing a contingent effective date.
32

33 Be It Enacted by the Legislature of the State of Florida:
34

35 Section 1. For the purpose of incorporating the amendment
36 made by HB 91 to section 812.081, Florida Statutes, in a
37 reference thereto, paragraph (f) of subsection (1) of section
38 119.071, Florida Statutes, is reenacted to read:

39 119.071 General exemptions from inspection or copying of
40 public records.—

41 (1) AGENCY ADMINISTRATION.—

42 (f) Data processing software obtained by an agency under a
43 licensing agreement that prohibits its disclosure and which
44 software is a trade secret, as defined in s. 812.081, and
45 agency-produced data processing software that is sensitive are
46 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
47 Constitution. The designation of agency-produced software as
48 sensitive shall not prohibit an agency head from sharing or
49 exchanging such software with another public agency.

50 Section 2. For the purpose of incorporating the amendment
51 made by HB 91 to section 812.081, Florida Statutes, in a
52 reference thereto, paragraph (d) of subsection (9) of section

53 125.0104, Florida Statutes, is reenacted to read:

54 125.0104 Tourist development tax; procedure for levying;
 55 authorized uses; referendum; enforcement.—

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

60 (d) Undertake marketing research and advertising research
 61 studies and provide reservations services and convention and
 62 meetings booking services consistent with the authorized uses of
 63 revenue as set forth in subsection (5).

64 1. Information given to a county tourism promotion agency
 65 which, if released, would reveal the identity of persons or
 66 entities who provide data or other information as a response to
 67 a sales promotion effort, an advertisement, or a research
 68 project or whose names, addresses, meeting or convention plan
 69 information or accommodations or other visitation needs become
 70 booking or reservation list data, is exempt from s. 119.07(1)
 71 and from s. 24(a), Art. I of the State Constitution.

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

- 75 a. A trade secret, as defined in s. 812.081.
- 76 b. Booking business records, as defined in s. 255.047.
- 77 c. Trade secrets and commercial or financial information
- 78 gathered from a person and privileged or confidential, as

79 defined and interpreted under 5 U.S.C. s. 552(b)(4), or any
80 amendments thereto.

81 Section 3. For the purpose of incorporating the amendment
82 made by HB 91 to section 812.081, Florida Statutes, in a
83 reference thereto, subsection (8) of section 288.1226, Florida
84 Statutes, is reenacted to read:

85 288.1226 Florida Tourism Industry Marketing Corporation;
86 use of property; board of directors; duties; audit.—

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

94 Section 4. For the purpose of incorporating the amendment
95 made by HB 91 to section 812.081, Florida Statutes, in a
96 reference thereto, section 331.326, Florida Statutes, is
97 reenacted to read:

98 331.326 Information relating to trade secrets
99 confidential.—The records of Space Florida regarding matters
100 encompassed by this act are public records subject to the
101 provisions of chapter 119. Any information held by Space Florida
102 which is a trade secret, as defined in s. 812.081, including
103 trade secrets of Space Florida, any spaceport user, or the space
104 industry business, is confidential and exempt from the

105 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
106 Constitution and may not be disclosed. If Space Florida
107 determines that any information requested by the public will
108 reveal a trade secret, it shall, in writing, inform the person
109 making the request of that determination. The determination is a
110 final order as defined in s. 120.52. Any meeting or portion of a
111 meeting of Space Florida's board is exempt from the provisions
112 of s. 286.011 and s. 24(b), Art. I of the State Constitution
113 when the board is discussing trade secrets. Any public record
114 generated during the closed portions of the meetings, such as
115 minutes, tape recordings, and notes, is confidential and exempt
116 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
117 State Constitution.

118 Section 5. For the purpose of incorporating the amendment
119 made by HB 91 to section 812.081, Florida Statutes, in a
120 reference thereto, subsection (3) of section 365.174, Florida
121 Statutes, is reenacted to read:

122 365.174 Proprietary confidential business information.—
123 (3) As used in this section, the term "proprietary
124 confidential business information" means customer lists,
125 customer numbers, individual or aggregate customer data by
126 location, usage and capacity data, network facilities used to
127 serve subscribers, technology descriptions, technical
128 information, or trade secrets, including trade secrets as
129 defined in s. 812.081, and the actual or developmental costs of
130 E911 systems that are developed, produced, or received

131 internally by a provider or by a provider's employees,
132 directors, officers, or agents.

133 Section 6. For the purpose of incorporating the amendment
134 made by HB 91 to section 812.081, Florida Statutes, in a
135 reference thereto, section 381.83, Florida Statutes, is
136 reenacted to read:

137 381.83 Trade secrets; confidentiality.—Records, reports,
138 or information obtained from any person under this chapter,
139 unless otherwise provided by law, shall be available to the
140 public, except upon a showing satisfactory to the department by
141 the person from whom the records, reports, or information is
142 obtained that such records, reports, or information, or a
143 particular part thereof, contains trade secrets as defined in s.
144 812.081(1)(c). Such trade secrets shall be confidential and are
145 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
146 of the State Constitution. The person submitting such trade
147 secret information to the department must request that it be
148 kept confidential and must inform the department of the basis
149 for the claim of trade secret. The department shall, subject to
150 notice and opportunity for hearing, determine whether the
151 information, or portions thereof, claimed to be a trade secret
152 is or is not a trade secret. Such trade secrets may be
153 disclosed, however, to authorized representatives of the
154 department or, pursuant to request, to other governmental
155 entities in order for them to properly perform their duties, or
156 when relevant in any proceeding under this chapter. Authorized

157 | representatives and other governmental entities receiving such
158 | trade secret information shall retain its confidentiality. Those
159 | involved in any proceeding under this chapter, including a
160 | hearing officer or judge or justice, shall retain the
161 | confidentiality of any trade secret information revealed at such
162 | proceeding.

163 | Section 7. For the purpose of incorporating the amendment
164 | made by HB 91 to section 812.081, Florida Statutes, in a
165 | reference thereto, subsection (2) and paragraph (b) of
166 | subsection (3) of section 403.7046, Florida Statutes, are
167 | reenacted to read:

168 | 403.7046 Regulation of recovered materials.—

169 | (2) Information reported pursuant to the requirements of
170 | this section or any rule adopted pursuant to this section which,
171 | if disclosed, would reveal a trade secret, as defined in s.
172 | 812.081(1)(c), is confidential and exempt from the provisions of
173 | s. 119.07(1). For reporting or information purposes, however,
174 | the department may provide this information in such form that
175 | the names of the persons reporting such information and the
176 | specific information reported are not revealed.

177 | (3) Except as otherwise provided in this section or
178 | pursuant to a special act in effect on or before January 1,
179 | 1993, a local government may not require a commercial
180 | establishment that generates source-separated recovered
181 | materials to sell or otherwise convey its recovered materials to
182 | the local government or to a facility designated by the local

183 government, nor may the local government restrict such a
184 generator's right to sell or otherwise convey such recovered
185 materials to any properly certified recovered materials dealer
186 who has satisfied the requirements of this section. A local
187 government may not enact any ordinance that prevents such a
188 dealer from entering into a contract with a commercial
189 establishment to purchase, collect, transport, process, or
190 receive source-separated recovered materials.

191 (b) Before engaging in business within the jurisdiction of
192 the local government, a recovered materials dealer must provide
193 the local government with a copy of the certification provided
194 for in this section. In addition, the local government may
195 establish a registration process whereby a recovered materials
196 dealer must register with the local government before engaging
197 in business within the jurisdiction of the local government.
198 Such registration process is limited to requiring the dealer to
199 register its name, including the owner or operator of the
200 dealer, and, if the dealer is a business entity, its general or
201 limited partners, its corporate officers and directors, its
202 permanent place of business, evidence of its certification under
203 this section, and a certification that the recovered materials
204 will be processed at a recovered materials processing facility
205 satisfying the requirements of this section. The local
206 government may not use the information provided in the
207 registration application to compete unfairly with the recovered
208 materials dealer until 90 days after receipt of the application.

209 All counties, and municipalities whose population exceeds 35,000
210 according to the population estimates determined pursuant to s.
211 186.901, may establish a reporting process which shall be
212 limited to the regulations, reporting format, and reporting
213 frequency established by the department pursuant to this
214 section, which shall, at a minimum, include requiring the dealer
215 to identify the types and approximate amount of recovered
216 materials collected, recycled, or reused during the reporting
217 period; the approximate percentage of recovered materials
218 reused, stored, or delivered to a recovered materials processing
219 facility or disposed of in a solid waste disposal facility; and
220 the locations where any recovered materials were disposed of as
221 solid waste. Information reported under this subsection which,
222 if disclosed, would reveal a trade secret, as defined in s.
223 812.081(1)(c), is confidential and exempt from the provisions of
224 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
225 local government may charge the dealer a registration fee
226 commensurate with and no greater than the cost incurred by the
227 local government in operating its registration program.
228 Registration program costs are limited to those costs associated
229 with the activities described in this paragraph. Any reporting
230 or registration process established by a local government with
231 regard to recovered materials shall be governed by the
232 provisions of this section and department rules adopted pursuant
233 thereto.

234 Section 8. For the purpose of incorporating the amendment

235 made by HB 91 to section 812.081, Florida Statutes, in a
236 reference thereto, section 403.73, Florida Statutes, is
237 reenacted to read:

238 403.73 Trade secrets; confidentiality.—Records, reports,
239 or information obtained from any person under this part, unless
240 otherwise provided by law, shall be available to the public,
241 except upon a showing satisfactory to the department by the
242 person from whom the records, reports, or information is
243 obtained that such records, reports, or information, or a
244 particular part thereof, contains trade secrets as defined in s.
245 812.081(1)(c). Such trade secrets shall be confidential and are
246 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
247 of the State Constitution. The person submitting such trade
248 secret information to the department must request that it be
249 kept confidential and must inform the department of the basis
250 for the claim of trade secret. The department shall, subject to
251 notice and opportunity for hearing, determine whether the
252 information, or portions thereof, claimed to be a trade secret
253 is or is not a trade secret. Such trade secrets may be
254 disclosed, however, to authorized representatives of the
255 department or, pursuant to request, to other governmental
256 entities in order for them to properly perform their duties, or
257 when relevant in any proceeding under this part. Authorized
258 representatives and other governmental entities receiving such
259 trade secret information shall retain its confidentiality. Those
260 involved in any proceeding under this part, including an

261 administrative law judge, a hearing officer, or a judge or
262 justice, shall retain the confidentiality of any trade secret
263 information revealed at such proceeding.

264 Section 9. For the purpose of incorporating the amendment
265 made by HB 91 to section 812.081, Florida Statutes, in a
266 reference thereto, paragraphs (g) and (m) of subsection (8) of
267 section 499.012, Florida Statutes, are reenacted to read:

268 499.012 Permit application requirements.—

269 (8) An application for a permit or to renew a permit for a
270 prescription drug wholesale distributor or an out-of-state
271 prescription drug wholesale distributor submitted to the
272 department must include:

273 (g)1. For an application for a new permit, the estimated
274 annual dollar volume of prescription drug sales of the
275 applicant, the estimated annual percentage of the applicant's
276 total company sales that are prescription drugs, the applicant's
277 estimated annual total dollar volume of purchases of
278 prescription drugs, and the applicant's estimated annual total
279 dollar volume of prescription drug purchases directly from
280 manufacturers.

281 2. For an application to renew a permit, the total dollar
282 volume of prescription drug sales in the previous year, the
283 total dollar volume of prescription drug sales made in the
284 previous 6 months, the percentage of total company sales that
285 were prescription drugs in the previous year, the total dollar
286 volume of purchases of prescription drugs in the previous year,

287 and the total dollar volume of prescription drug purchases
288 directly from manufacturers in the previous year.

289
290 Such portions of the information required pursuant to this
291 paragraph which are a trade secret, as defined in s. 812.081,
292 shall be maintained by the department as trade secret
293 information is required to be maintained under s. 499.051.

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

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

301 2. If any of the five largest shareholders of the
302 corporation seeking the permit is a corporation, the name,
303 address, and title of each corporate officer and director of
304 each such corporation; the name and address of such corporation;
305 the name of such corporation's resident agent, such
306 corporation's resident agent's address, and such corporation's
307 state of its incorporation; and the name and address of each
308 shareholder of such corporation that owns 5 percent or more of
309 the stock of such corporation.

310 3. The name and address of all financial institutions in
311 which the applicant has an account which is used to pay for the
312 operation of the establishment or to pay for drugs purchased for

313 the establishment, together with the names of all persons that
314 are authorized signatories on such accounts. The portions of the
315 information required pursuant to this subparagraph which are a
316 trade secret, as defined in s. 812.081, shall be maintained by
317 the department as trade secret information is required to be
318 maintained under s. 499.051.

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

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

326 Section 10. For the purpose of incorporating the amendment
327 made by HB 91 to section 812.081, Florida Statutes, in a
328 reference thereto, subsection (7) of section 499.0121, Florida
329 Statutes, is reenacted to read:

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

337 (7) PRESCRIPTION DRUG PURCHASE LIST.—Each wholesale
338 distributor, except for a manufacturer, shall annually provide

339 the department with a written list of all wholesale distributors
 340 and manufacturers from whom the wholesale distributor purchases
 341 prescription drugs. A wholesale distributor, except a
 342 manufacturer, shall notify the department not later than 10 days
 343 after any change to either list. Such portions of the
 344 information required pursuant to this subsection which are a
 345 trade secret, as defined in s. 812.081, shall be maintained by
 346 the department as trade secret information is required to be
 347 maintained under s. 499.051.

348 Section 11. For the purpose of incorporating the amendment
 349 made by HB 91 to section 812.081, Florida Statutes, in a
 350 reference thereto, subsection (7) of section 499.051, Florida
 351 Statutes, is reenacted to read:

352 499.051 Inspections and investigations.—

353 (7) The complaint and all information obtained pursuant to
 354 the investigation by the department are confidential and exempt
 355 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 356 until the investigation and the enforcement action are
 357 completed. However, trade secret information contained therein
 358 as defined by s. 812.081(1)(c) shall remain confidential and
 359 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 360 of the State Constitution, as long as the information is
 361 retained by the department. This subsection does not prohibit
 362 the department from using such information for regulatory or
 363 enforcement proceedings under this chapter or from providing
 364 such information to any law enforcement agency or any other

365 regulatory agency. However, the receiving agency shall keep such
366 records confidential and exempt as provided in this subsection.
367 In addition, this subsection is not intended to prevent
368 compliance with the provisions of s. 499.01212, and the pedigree
369 papers required in that section shall not be deemed a trade
370 secret.

371 Section 12. For the purpose of incorporating the amendment
372 made by HB 91 to section 812.081, Florida Statutes, in a
373 reference thereto, section 502.222, Florida Statutes, is
374 reenacted to read:

375 502.222 Information relating to trade secrets
376 confidential.—The records of the department regarding matters
377 encompassed by this chapter are public records, subject to the
378 provisions of chapter 119, except that any information which
379 would reveal a trade secret, as defined in s. 812.081, of a
380 dairy industry business is confidential and exempt from the
381 provisions of s. 119.07(1). If the department determines that
382 any information requested by the public will reveal a trade
383 secret, it shall, in writing, inform the person making the
384 request of that determination. The determination is a final
385 order as defined in s. 120.52.

386 Section 13. For the purpose of incorporating the amendment
387 made by HB 91 to section 812.081, Florida Statutes, in a
388 reference thereto, subsection (3) of section 570.48, Florida
389 Statutes, is reenacted to read:

390 570.48 Division of Fruit and Vegetables; powers and

391 duties; records.—The duties of the Division of Fruit and
392 Vegetables include, but are not limited to:

393 (3) Maintaining the records of the division. The records
394 of the division are public records; however, trade secrets as
395 defined in s. 812.081 are confidential and exempt from the
396 provisions of s. 119.07(1). This section shall not be construed
397 to prohibit:

398 (a) A disclosure necessary to enforcement procedures.

399 (b) The department from releasing information to other
400 governmental agencies. Other governmental agencies that receive
401 confidential information from the department under this
402 subsection shall maintain the confidentiality of that
403 information.

404 (c) The department or other agencies from compiling and
405 publishing appropriate data regarding procedures, yield,
406 recovery, quality, and related matters, provided such released
407 data do not reveal by whom the activity to which the data relate
408 was conducted.

409 Section 14. For the purpose of incorporating the amendment
410 made by HB 91 to section 812.081, Florida Statutes, in a
411 reference thereto, subsection (2) of section 573.123, Florida
412 Statutes, is reenacted to read:

413 573.123 Maintenance and production of records.—

414 (2) Information that, if disclosed, would reveal a trade
415 secret, as defined in s. 812.081, of any person subject to a
416 marketing order is confidential and exempt from the provisions

417 of s. 119.07(1) and shall not be disclosed except to an attorney
418 who provides legal advice to the division about enforcing a
419 market order or by court order. A person who receives
420 confidential information under this subsection shall maintain
421 the confidentiality of that information.

422 Section 15. For the purpose of incorporating the amendment
423 made by HB 91 to section 812.081, Florida Statutes, in a
424 reference thereto, paragraph (a) of subsection (8) of section
425 601.10, Florida Statutes, is reenacted to read:

426 601.10 Powers of the Department of Citrus.—The department
427 shall have and shall exercise such general and specific powers
428 as are delegated to it by this chapter and other statutes of the
429 state, which powers shall include, but are not limited to, the
430 following:

431 (8) (a) To prepare and disseminate information of
432 importance to citrus growers, handlers, shippers, processors,
433 and industry-related and interested persons and organizations
434 relating to department activities and the production, handling,
435 shipping, processing, and marketing of citrus fruit and
436 processed citrus products. Any information that constitutes a
437 trade secret as defined in s. 812.081(1)(c) is confidential and
438 exempt from s. 119.07(1) and shall not be disclosed. For
439 referendum and other notice and informational purposes, the
440 department may prepare and maintain, from the best available
441 sources, a citrus grower mailing list. Such list shall be a
442 public record available as other public records, but it shall

443 not be subject to the purging provisions of s. 283.55.

444 Section 16. For the purpose of incorporating the amendment
445 made by HB 91 to section 812.081, Florida Statutes, in a
446 reference thereto, paragraph (d) of subsection (7) of section
447 601.15, Florida Statutes, is reenacted to read:

448 601.15 Advertising campaign; methods of conducting;
449 assessments; emergency reserve fund; citrus research.—

450 (7) All assessments levied and collected under this
451 chapter shall be paid into the State Treasury on or before the
452 15th day of each month. Such moneys shall be accounted for in a
453 special fund to be designated as the Florida Citrus Advertising
454 Trust Fund, and all moneys in such fund are appropriated to the
455 department for the following purposes:

456 (d) The pro rata portion of moneys allocated to each type
457 of citrus product in noncommodity programs shall be used by the
458 department to encourage substantial increases in the
459 effectiveness, frequency, and volume of noncommodity
460 advertising, merchandising, publicity, and sales promotion of
461 such citrus products through rebates and incentive payments to
462 handlers and trade customers for these activities. The
463 department shall adopt rules providing for the use of such
464 moneys. The rules shall establish alternate incentive programs,
465 including at least one incentive program for product sold under
466 advertised brands, one incentive program for product sold under
467 private label brands, and one incentive program for product sold
468 in bulk. For each incentive program, the rules shall establish

469 eligibility and performance requirements and shall provide
470 appropriate limitations on amounts payable to a handler or trade
471 customer for a particular season. Such limitations may relate to
472 the amount of citrus assessments levied and collected on the
473 citrus product handled by such handler or trade customer during
474 a 12-month representative period. The department may require
475 from participants in noncommodity advertising and promotional
476 programs commercial information necessary to determine
477 eligibility for and performance in such programs. Any
478 information so required that constitutes a "trade secret" as
479 defined in s. 812.081 is confidential and exempt from s.
480 119.07(1).

481 Section 17. For the purpose of incorporating the amendment
482 made by HB 91 to section 812.081, Florida Statutes, in a
483 reference thereto, paragraph (c) of subsection (8) of section
484 601.152, Florida Statutes, is reenacted to read:

485 601.152 Special marketing orders.—
486 (8)

487 (c) Every handler shall, at such times as the department
488 may require, file with the department a return, not under oath,
489 on forms to be prescribed and furnished by the department,
490 certified as true and correct, stating the quantity of the type,
491 variety, and form of citrus fruit or citrus product specified in
492 the marketing order first handled in the primary channels of
493 trade in the state by such handler during the period of time
494 specified in the marketing order. Such returns shall contain any

495 further information deemed by the department to be reasonably
496 necessary to properly administer or enforce this section or any
497 marketing order implemented under this section. Information
498 that, if disclosed, would reveal a trade secret, as defined in
499 s. 812.081, of any person subject to a marketing order is
500 confidential and exempt from s. 119.07(1).

501 Section 18. For the purpose of incorporating the amendment
502 made by HB 91 to section 812.081, Florida Statutes, in a
503 reference thereto, section 601.76, Florida Statutes, is
504 reenacted to read:

505 601.76 Manufacturer to furnish formula and other
506 information.—Any formula required to be filed with the
507 Department of Agriculture shall be deemed a trade secret as
508 defined in s. 812.081, is confidential and exempt from s.
509 119.07(1), and shall only be divulged to the Department of
510 Agriculture or to its duly authorized representatives or upon
511 orders of a court of competent jurisdiction when necessary in
512 the enforcement of this law. A person who receives such a
513 formula from the Department of Agriculture under this section
514 shall maintain the confidentiality of the formula.

515 Section 19. For the purpose of incorporating the amendment
516 made by HB 91 to section 812.081, Florida Statutes, in a
517 reference thereto, subsection (3) of section 815.04, Florida
518 Statutes, is reenacted to read:

519 815.04 Offenses against intellectual property; public
520 records exemption.—

521 (3) Data, programs, or supporting documentation that is a
522 trade secret as defined in s. 812.081, that is held by an agency
523 as defined in chapter 119, and that resides or exists internal
524 or external to a computer, computer system, computer network, or
525 electronic device is confidential and exempt from the provisions
526 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

527 Section 20. The reenactments by this act of ss.
528 119.071(1)(f), 125.0104(9)(d), 288.1226(8), 331.326, 365.174(3),
529 381.83, 403.7046(2) and (3)(b), 403.73, 499.012(8)(g) and (m),
530 499.0121(7), 499.051(7), 502.222, 570.48(3), 573.123(2),
531 601.10(8)(a), 601.15(7)(d), 601.152(8)(c), 601.76, and
532 815.04(3), Florida Statutes, are subject to the Open Government
533 Sunset Review Act in accordance with s. 119.15, Florida
534 Statutes, and shall stand repealed on October 2, 2020, unless
535 reviewed and saved from repeal through reenactment by the
536 Legislature.

537 Section 21. The Legislature finds that it is a public
538 necessity that financial information comprising a trade secret
539 as defined in s. 812.081(1)(c), Florida Statutes, be made
540 confidential and exempt from s. 119.07(1), Florida Statutes, and
541 s. 24(a), Article I of the State Constitution. The Legislature
542 recognizes that in many instances, businesses are required to
543 provide financial information for regulatory or other purposes
544 to public entities and that disclosure of such information to
545 competitors of those businesses would be detrimental to the
546 businesses. The Legislature's intent is to avoid placing

HB 93

2015

547 businesses that must provide financial information to
548 governmental entities at a competitive disadvantage by making
549 the information referenced in the amendments to s. 812.081,
550 Florida Statutes, confidential and exempt by incorporating those
551 amendments into the public records exemptions reenacted by this
552 act.

553 Section 22. This act shall take effect on the same date
554 that HB 91 or similar legislation relating to trade secrets
555 takes effect, if such legislation is adopted in the same
556 legislative session or an extension thereof and becomes a law.