

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; making technical changes;
8 providing a statement of public necessity; providing
9 an effective date.

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

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

15 403.7032 Recycling.—

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

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

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

32 2. Notwithstanding any other ~~provision of~~ state or county

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33 law, private businesses, other than certified recovered
34 materials dealers, are ~~shall~~ not be required to report recycling
35 rates.

36 3. Information reported under this paragraph which, if
37 disclosed, would reveal a trade secret, as defined in s.
38 812.081, is exempt from s. 119.07(1) and s. 24(a), Art. I of the
39 State Constitution. This subparagraph is subject to the Open
40 Government Sunset Review Act in accordance with s. 119.15 and
41 shall stand repealed on October 2, 2021, unless reviewed and
42 saved from repeal through reenactment by the Legislature.

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

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

60 Section 3. This act shall take effect October 1, 2016.