

By Senator Richter

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending ss. 119.071, 125.0104, 288.1226, 331.326,
4 365.174, 381.83, 403.7046, 403.73, 499.012, 499.0121,
5 499.051, 499.931, 502.222, 570.48, 573.123, 601.10,
6 601.15, 601.152, 601.76, and 815.04, F.S.; expanding
7 public records exemptions for certain data processing
8 software obtained by an agency, certain information
9 held by a county tourism promotion agency, information
10 related to trade secrets held by the Florida Tourism
11 Industry Marketing Corporation, information related to
12 trade secrets held by Space Florida, proprietary
13 confidential business information submitted to the
14 Department of Revenue, trade secret information held
15 by the Department of Health, trade secret information
16 reported or submitted to the Department of
17 Environmental Protection, trade secret information
18 contained in a complaint and any investigatory
19 documents held by the Department of Business and
20 Professional Regulation, trade secret information of a
21 dairy industry business held by the Department of
22 Agriculture and Consumer Services, trade secret
23 information held by the Division of Fruits and
24 Vegetables of the Department of Agriculture and
25 Consumer Services, trade secret information of a
26 person subject to a marketing order held by the
27 Department of Agriculture and Consumer Services, trade
28 secret information provided to the Department of
29 Citrus, trade secret information of noncommodity

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30 advertising and promotional program participants held
31 by the Department of Citrus, trade secret information
32 of a person subject to a marketing order held by the
33 Department of Citrus, a manufacturer's formula filed
34 with the Department of Agriculture and Consumer
35 Services, and specified data, programs, or supporting
36 documentation held by an agency, respectively, to
37 incorporate changes made to the definition of the term
38 "trade secret" in s. 812.081, F.S., by SB ___;
39 expanding a public meeting exemption for any meeting
40 or portion of a meeting of Space Florida's board at
41 which trade secrets are discussed to incorporate
42 changes made to the definition of the term "trade
43 secret" in s. 812.081, F.S., by SB ___; providing for
44 future legislative review and repeal of the
45 exemptions; providing a statement of public necessity;
46 providing a contingent effective date.

47

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

49

50 Section 1. Paragraph (f) of subsection (1) of section
51 119.071, Florida Statutes, is amended to read:

52 119.071 General exemptions from inspection or copying of
53 public records.—

54 (1) AGENCY ADMINISTRATION.—

55 (f) Data processing software obtained by an agency under a
56 licensing agreement that prohibits its disclosure and which
57 software is a trade secret, as defined in s. 812.081, and
58 agency-produced data processing software that is sensitive are

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59 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
60 Constitution. The designation of agency-produced software as
61 sensitive does ~~shall~~ not prohibit an agency head from sharing or
62 exchanging such software with another public agency. This
63 paragraph is subject to the Open Government Sunset Review Act in
64 accordance with s. 119.15 and shall stand repealed on October 2,
65 2021, unless reviewed and saved from repeal through reenactment
66 by the Legislature.

67 Section 2. Paragraph (d) of subsection (9) of section
68 125.0104, Florida Statutes, is amended to read:

69 125.0104 Tourist development tax; procedure for levying;
70 authorized uses; referendum; enforcement.—

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

75 (d) Undertake marketing research and advertising research
76 studies and provide reservations services and convention and
77 meetings booking services consistent with the authorized uses of
78 revenue as set forth in subsection (5).

79 1. Information given to a county tourism promotion agency
80 which, if released, would reveal the identity of persons or
81 entities who provide data or other information as a response to
82 a sales promotion effort, an advertisement, or a research
83 project or whose names, addresses, meeting or convention plan
84 information or accommodations or other visitation needs become
85 booking or reservation list data, is exempt from s. 119.07(1)
86 and ~~from~~ s. 24(a), Art. I of the State Constitution.

87 2. The following information, when held by a county tourism

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88 promotion agency, is exempt from s. 119.07(1) and ~~from~~ s. 24(a),
89 Art. I of the State Constitution:

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

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

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

96 3. A trade secret, as defined in s. 812.081, held by a
97 county tourism promotion agency is exempt from s. 119.07(1) and
98 s. 24(a), Art. I of the State Constitution. This subparagraph is
99 subject to the Open Government Sunset Review Act in accordance
100 with s. 119.15 and shall stand repealed on October 2, 2021,
101 unless reviewed and saved from repeal through reenactment by the
102 Legislature.

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

105 288.1226 Florida Tourism Industry Marketing Corporation;
106 use of property; board of directors; duties; audit.—

107 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person
108 who responds to a marketing project or advertising research
109 project conducted by the corporation in the performance of its
110 duties on behalf of Enterprise Florida, Inc., or trade secrets
111 as defined by s. 812.081 obtained pursuant to such activities,
112 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
113 Constitution. This subsection is subject to the Open Government
114 Sunset Review Act in accordance with s. 119.15 and shall stand
115 repealed on October 2, 2021, unless reviewed and saved from
116 repeal through reenactment by the Legislature.

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117 Section 4. Section 331.326, Florida Statutes, is amended to
118 read:

119 331.326 Information relating to trade secrets
120 confidential.—The records of Space Florida regarding matters
121 encompassed by this act are public records subject to ~~the~~
122 ~~provisions of~~ chapter 119. Any information held by Space Florida
123 which is a trade secret, as defined in s. 812.081, including
124 trade secrets of Space Florida, any spaceport user, or the space
125 industry business, is confidential and exempt from ~~the~~
126 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
127 Constitution and may not be disclosed. If Space Florida
128 determines that any information requested by the public will
129 reveal a trade secret, it shall, in writing, inform the person
130 making the request of that determination. The determination is a
131 final order as defined in s. 120.52. Any meeting or portion of a
132 meeting of Space Florida's board is exempt from ~~the provisions~~
133 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution
134 when the board is discussing trade secrets. Any public record
135 generated during the closed portions of the meetings, such as
136 minutes, tape recordings, and notes, is confidential and exempt
137 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the
138 State Constitution. This section is subject to the Open
139 Government Sunset Review Act in accordance with s. 119.15 and
140 shall stand repealed on October 2, 2021, unless reviewed and
141 saved from repeal through reenactment by the Legislature.

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

144 365.174 Proprietary confidential business information.—
145 (2) (a) All proprietary confidential business information

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146 submitted by a provider to the Department of Revenue, as an
147 agent of the board, is confidential and exempt from s. 119.07(1)
148 and s. 24(a), Art. I of the State Constitution.

149 (b) The Department of Revenue may provide information
150 relative to s. 365.172(9) to the Secretary of Management
151 Services, or his or her authorized agent, or to the E911 Board
152 established in s. 365.172(5) for use in the conduct of the
153 official business of the Department of Management Services or
154 the E911 Board.

155 (c) This subsection is subject to the Open Government
156 Sunset Review Act in accordance with s. 119.15 and shall stand
157 repealed on October 2, 2021 ~~2019~~, unless reviewed and saved from
158 repeal through reenactment by the Legislature.

159 Section 6. Section 381.83, Florida Statutes, is amended to
160 read:

161 381.83 Trade secrets; confidentiality.—

162 (1) Records, reports, or information obtained from any
163 person under this chapter, unless otherwise provided by law,
164 must ~~shall~~ be available to the public, except upon a showing
165 satisfactory to the department by the person from whom the
166 records, reports, or information is obtained that such records,
167 reports, or information, or a particular part thereof, contains
168 trade secrets as defined in s. 812.081 ~~812.081(1)(c)~~. Such trade
169 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~
170 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
171 Constitution. The person submitting such trade secret
172 information to the department must request that it be kept
173 confidential and must inform the department of the basis for the
174 claim of trade secret. The department shall, subject to notice

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175 and opportunity for hearing, determine whether the information,
176 or portions thereof, claimed to be a trade secret is or is not a
177 trade secret. Such trade secrets may be disclosed, however, to
178 authorized representatives of the department or, pursuant to
179 request, to other governmental entities in order for them to
180 properly perform their duties, or when relevant in any
181 proceeding under this chapter. Authorized representatives and
182 other governmental entities receiving such trade secret
183 information shall retain its confidentiality. Those involved in
184 any proceeding under this chapter, including a hearing officer
185 or judge or justice, shall retain the confidentiality of any
186 trade secret information revealed at such proceeding.

187 (2) This section is subject to the Open Government Sunset
188 Review Act in accordance with s. 119.15 and shall stand repealed
189 on October 2, 2021, unless reviewed and saved from repeal
190 through reenactment by the Legislature.

191 Section 7. Subsection (2) and paragraph (b) of subsection
192 (3) of section 403.7046, Florida Statutes, are amended to read:

193 403.7046 Regulation of recovered materials.—

194 (2) Information reported pursuant to ~~the requirements of~~
195 this section or any rule adopted pursuant to this section which,
196 if disclosed, would reveal a trade secret, as defined in s.
197 812.081 ~~812.081(1)(c)~~, is confidential and exempt from ~~the~~
198 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
199 Constitution. For reporting or information purposes, however,
200 the department may provide this information in such form that
201 the names of the persons reporting such information and the
202 specific information reported are not revealed. This subsection
203 is subject to the Open Government Sunset Review Act in

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204 accordance with s. 119.15 and shall stand repealed on October 2,
205 2021, unless reviewed and saved from repeal through reenactment
206 by the Legislature.

207 (3) Except as otherwise provided in this section or
208 pursuant to a special act in effect on or before January 1,
209 1993, a local government may not require a commercial
210 establishment that generates source-separated recovered
211 materials to sell or otherwise convey its recovered materials to
212 the local government or to a facility designated by the local
213 government, nor may the local government restrict such a
214 generator's right to sell or otherwise convey such recovered
215 materials to any properly certified recovered materials dealer
216 who has satisfied the requirements of this section. A local
217 government may not enact any ordinance that prevents such a
218 dealer from entering into a contract with a commercial
219 establishment to purchase, collect, transport, process, or
220 receive source-separated recovered materials.

221 (b)1. Before engaging in business within the jurisdiction
222 of the local government, a recovered materials dealer must
223 provide the local government with a copy of the certification
224 provided for in this section. In addition, the local government
225 may establish a registration process whereby a recovered
226 materials dealer must register with the local government before
227 engaging in business within the jurisdiction of the local
228 government. Such registration process is limited to requiring
229 the dealer to register its name, including the owner or operator
230 of the dealer, and, if the dealer is a business entity, its
231 general or limited partners, its corporate officers and
232 directors, its permanent place of business, evidence of its

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233 certification under this section, and a certification that the
234 recovered materials will be processed at a recovered materials
235 processing facility satisfying the requirements of this section.
236 The local government may not use the information provided in the
237 registration application to compete unfairly with the recovered
238 materials dealer until 90 days after receipt of the application.
239 All counties, and municipalities whose population exceeds 35,000
240 according to the population estimates determined pursuant to s.
241 186.901, may establish a reporting process that must ~~which shall~~
242 be limited to the regulations, reporting format, and reporting
243 frequency established by the department pursuant to this
244 section, which must ~~shall~~, at a minimum, include requiring the
245 dealer to identify the types and approximate amount of recovered
246 materials collected, recycled, or reused during the reporting
247 period; the approximate percentage of recovered materials
248 reused, stored, or delivered to a recovered materials processing
249 facility or disposed of in a solid waste disposal facility; and
250 the locations where any recovered materials were disposed of as
251 solid waste. ~~Information reported under this subsection which,
252 if disclosed, would reveal a trade secret, as defined in s.
253 812.081(1)(c), is confidential and exempt from the provisions of
254 s. 24(a), Art. I of the State Constitution and s. 119.07(1).~~ The
255 local government may charge the dealer a registration fee
256 commensurate with and no greater than the cost incurred by the
257 local government in operating its registration program.
258 Registration program costs are limited to those costs associated
259 with the activities described in this subparagraph ~~paragraph~~.
260 Any reporting or registration process established by a local
261 government with regard to recovered materials is ~~shall be~~

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262 governed by ~~the provisions of~~ this section and department rules
263 adopted pursuant thereto.

264 2. Information reported under this subsection which, if
265 disclosed, would reveal a trade secret, as defined in s.
266 812.081, is confidential and exempt from s. 119.07(1) and s.
267 24(a), Art. I of the State Constitution. This subparagraph is
268 subject to the Open Government Sunset Review Act in accordance
269 with s. 119.15 and shall stand repealed on October 2, 2021,
270 unless reviewed and saved from repeal through reenactment by the
271 Legislature.

272 Section 8. Section 403.73, Florida Statutes, is amended to
273 read:

274 403.73 Trade secrets; confidentiality.-

275 (1) Records, reports, or information obtained from any
276 person under this part, unless otherwise provided by law, must
277 ~~shall~~ be available to the public, except upon a showing
278 satisfactory to the department by the person from whom the
279 records, reports, or information is obtained that such records,
280 reports, or information, or a particular part thereof, contains
281 trade secrets as defined in s. 812.081 ~~812.081(1)(e)~~. Such trade
282 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~
283 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
284 Constitution. The person submitting such trade secret
285 information to the department must request that it be kept
286 confidential and must inform the department of the basis for the
287 claim of trade secret. The department shall, subject to notice
288 and opportunity for hearing, determine whether the information,
289 or portions thereof, claimed to be a trade secret is or is not a
290 trade secret. Such trade secrets may be disclosed, however, to

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291 authorized representatives of the department or, pursuant to
292 request, to other governmental entities in order for them to
293 properly perform their duties, or when relevant in any
294 proceeding under this part. Authorized representatives and other
295 governmental entities receiving such trade secret information
296 shall retain its confidentiality. Those involved in any
297 proceeding under this part, including an administrative law
298 judge, a hearing officer, or a judge or justice, shall retain
299 the confidentiality of any trade secret information revealed at
300 such proceeding.

301 (2) This section is subject to the Open Government Sunset
302 Review Act in accordance with s. 119.15 and shall stand repealed
303 on October 2, 2021, unless reviewed and saved from repeal
304 through reenactment by the Legislature.

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

307 499.012 Permit application requirements.—

308 (8) An application for a permit or to renew a permit for a
309 prescription drug wholesale distributor or an out-of-state
310 prescription drug wholesale distributor submitted to the
311 department must include:

312 (g)1. For an application for a new permit, the estimated
313 annual dollar volume of prescription drug sales of the
314 applicant, the estimated annual percentage of the applicant's
315 total company sales that are prescription drugs, the applicant's
316 estimated annual total dollar volume of purchases of
317 prescription drugs, and the applicant's estimated annual total
318 dollar volume of prescription drug purchases directly from
319 manufacturers.

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320 2. For an application to renew a permit, the total dollar
321 volume of prescription drug sales in the previous year, the
322 total dollar volume of prescription drug sales made in the
323 previous 6 months, the percentage of total company sales that
324 were prescription drugs in the previous year, the total dollar
325 volume of purchases of prescription drugs in the previous year,
326 and the total dollar volume of prescription drug purchases
327 directly from manufacturers in the previous year.

328 3. Such portions of the information required pursuant to
329 this paragraph which are a trade secret, as defined in s.
330 812.081, shall be maintained by the department as trade secret
331 information is required to be maintained under s. 499.051. This
332 subparagraph is subject to the Open Government Sunset Review Act
333 in accordance with s. 119.15 and shall stand repealed on October
334 2, 2021, unless reviewed and saved from repeal through
335 reenactment by the Legislature.

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

338 1. A personal background information statement containing
339 the background information and fingerprints required pursuant to
340 subsection (9) for each person named in the applicant's response
341 to paragraphs (k) and (l) and for each affiliated party of the
342 applicant.

343 2. If any of the five largest shareholders of the
344 corporation seeking the permit is a corporation, the name,
345 address, and title of each corporate officer and director of
346 each such corporation; the name and address of such corporation;
347 the name of such corporation's resident agent, such
348 corporation's resident agent's address, and such corporation's

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349 state of its incorporation; and the name and address of each
350 shareholder of such corporation who ~~that~~ owns 5 percent or more
351 of the stock of such corporation.

352 3.a. The name and address of all financial institutions in
353 which the applicant has an account that ~~which~~ is used to pay for
354 the operation of the establishment or to pay for drugs purchased
355 for the establishment, together with the names of all persons
356 who ~~that~~ are authorized signatories on such accounts.

357 b. The portions of the information required pursuant to
358 this subparagraph which are a trade secret, as defined in s.
359 812.081, shall be maintained by the department as trade secret
360 information is required to be maintained under s. 499.051. This
361 sub-subparagraph is subject to the Open Government Sunset Review
362 Act in accordance with s. 119.15 and shall stand repealed on
363 October 2, 2021, unless reviewed and saved from repeal through
364 reenactment by the Legislature.

365 4. The sources of all funds and the amounts of such funds
366 used to purchase or finance purchases of prescription drugs or
367 to finance the premises on which the establishment is to be
368 located.

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

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

374 499.0121 Storage and handling of prescription drugs;
375 recordkeeping.—The department shall adopt rules to implement
376 this section as necessary to protect the public health, safety,
377 and welfare. Such rules shall include, but not be limited to,

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378 requirements for the storage and handling of prescription drugs
379 and for the establishment and maintenance of prescription drug
380 distribution records.

381 (7) PRESCRIPTION DRUG PURCHASE LIST.—

382 (a) Each wholesale distributor, except for a manufacturer,
383 shall annually provide the department with a written list of all
384 wholesale distributors and manufacturers from whom the wholesale
385 distributor purchases prescription drugs. A wholesale
386 distributor, except a manufacturer, shall notify the department
387 not later than 10 days after any change to either list.

388 (b) Such portions of the information required pursuant to
389 this subsection which are a trade secret, as defined in s.
390 812.081, shall be maintained by the department as trade secret
391 information is required to be maintained under s. 499.051. This
392 paragraph is subject to the Open Government Sunset Review Act in
393 accordance with s. 119.15 and shall stand repealed on October 2,
394 2021, unless reviewed and saved from repeal through reenactment
395 by the Legislature.

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

398 499.051 Inspections and investigations.—

399 (7) (a) The complaint and all information obtained pursuant
400 to the investigation by the department are confidential and
401 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
402 Constitution until the investigation and the enforcement action
403 are completed.

404 (b) Information that constitutes a ~~However,~~ trade secret,
405 as defined in s. 812.081, information contained in the complaint
406 and all information obtained by the department pursuant to the

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407 investigation must ~~therein as defined by s. 812.081(1)(c) shall~~
408 remain confidential and exempt from ~~the provisions of s.~~
409 119.07(1) and s. 24(a), Art. I of the State Constitution, as
410 long as the information is retained by the department. This
411 paragraph is subject to the Open Government Sunset Review Act in
412 accordance with s. 119.15 and shall stand repealed on October 2,
413 2021, unless reviewed and saved from repeal through reenactment
414 by the Legislature.

415 (c) This subsection does not prohibit the department from
416 using such information for regulatory or enforcement proceedings
417 under this chapter or from providing such information to any law
418 enforcement agency or any other regulatory agency. However, the
419 receiving agency shall keep such records confidential and exempt
420 as provided in this subsection. In addition, this subsection is
421 not intended to prevent compliance with ~~the provisions of s.~~
422 499.01212, and the pedigree papers required in that section are
423 ~~shall~~ not be deemed a trade secret.

424 Section 12. Section 499.931, Florida Statutes, is amended
425 to read:

426 499.931 Trade secret information.—Information required to
427 be submitted under this part which is a trade secret as defined
428 in s. 812.081 ~~812.081(1)(c)~~ and designated as a trade secret by
429 an applicant or permitholder must be maintained as required
430 under s. 499.051. This section is subject to the Open Government
431 Sunset Review Act in accordance with s. 119.15 and shall stand
432 repealed on October 2, 2021, unless reviewed and saved from
433 repeal through reenactment by the Legislature.

434 Section 13. Section 502.222, Florida Statutes, is amended
435 to read:

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436 502.222 Information relating to trade secrets
437 confidential.—The records of the department regarding matters
438 encompassed by this chapter are public records, subject to ~~the~~
439 ~~provisions of~~ chapter 119, except that any information that
440 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of
441 a dairy industry business is confidential and exempt from ~~the~~
442 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
443 Constitution. If the department determines that any information
444 requested by the public will reveal a trade secret, it shall, in
445 writing, inform the person making the request of that
446 determination. The determination is a final order as defined in
447 s. 120.52. This section is subject to the Open Government Sunset
448 Review Act in accordance with s. 119.15 and shall stand repealed
449 on October 2, 2021, unless reviewed and saved from repeal
450 through reenactment by the Legislature.

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

453 570.48 Division of Fruit and Vegetables; powers and duties;
454 records.—The duties of the Division of Fruit and Vegetables
455 include, but are not limited to:

456 (3) Maintaining the records of the division. The records of
457 the division are public records; however, trade secrets as
458 defined in s. 812.081 are confidential and exempt from ~~the~~
459 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
460 Constitution. This subsection is subject to the Open Government
461 Sunset Review Act in accordance with s. 119.15 and shall stand
462 repealed on October 2, 2021, unless reviewed and saved from
463 repeal through reenactment by the Legislature. This section may
464 ~~shall~~ not be construed to prohibit:

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465 (a) A disclosure necessary to enforcement procedures.

466 (b) The department from releasing information to other
467 governmental agencies. Other governmental agencies that receive
468 confidential information from the department under this
469 subsection shall maintain the confidentiality of that
470 information.

471 (c) The department or other agencies from compiling and
472 publishing appropriate data regarding procedures, yield,
473 recovery, quality, and related matters, provided such released
474 data do not reveal by whom the activity to which the data relate
475 was conducted.

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

478 573.123 Maintenance and production of records.—

479 (2) Information that, if disclosed, would reveal a trade
480 secret, as defined in s. 812.081, of any person subject to a
481 marketing order is confidential and exempt from ~~the provisions~~
482 ~~of s. 119.07(1) and s. 24(a), Art. I of the State Constitution~~
483 and may shall not be disclosed except to an attorney who
484 provides legal advice to the division about enforcing a
485 marketing market order or by court order. A person who receives
486 confidential information under this subsection shall maintain
487 the confidentiality of that information. This subsection is
488 subject to the Open Government Sunset Review Act in accordance
489 with s. 119.15 and shall stand repealed on October 2, 2021,
490 unless reviewed and saved from repeal through reenactment by the
491 Legislature.

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

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494 601.10 Powers of the Department of Citrus.—The department
495 shall have and shall exercise such general and specific powers
496 as are delegated to it by this chapter and other statutes of the
497 state, which powers shall include, but are not limited to, the
498 following:

499 (8) (a) To prepare and disseminate information of importance
500 to citrus growers, handlers, shippers, processors, and industry-
501 related and interested persons and organizations relating to
502 department activities and the production, handling, shipping,
503 processing, and marketing of citrus fruit and processed citrus
504 products. ~~Any information that constitutes a trade secret as~~
505 ~~defined in s. 812.081(1)(c) is confidential and exempt from s.~~
506 ~~119.07(1) and shall not be disclosed.~~ For referendum and other
507 notice and informational purposes, the department may prepare
508 and maintain, from the best available sources, a citrus grower
509 mailing list. Such list shall be a public record available as
510 other public records, but is it shall not be subject to the
511 purging provisions of s. 283.55.

512 (b) Any information provided to the department which
513 constitutes a trade secret as defined in s. 812.081 is
514 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
515 of the State Constitution. This paragraph is subject to the Open
516 Government Sunset Review Act in accordance with s. 119.15 and
517 shall stand repealed on October 2, 2021, unless reviewed and
518 saved from repeal through reenactment by the Legislature.

519 (c) ~~(b)~~ Any nonpublished reports or data related to studies
520 or research conducted, caused to be conducted, or funded by the
521 department under s. 601.13 is confidential and exempt from s.
522 119.07(1) and s. 24(a), Art. I of the State Constitution. This

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523 paragraph is subject to the Open Government Sunset Review Act in
524 accordance with s. 119.15 and shall stand repealed on October 2,
525 2017, unless reviewed and saved from repeal through reenactment
526 by the Legislature.

527 Section 17. Paragraph (d) of subsection (7) of section
528 601.15, Florida Statutes, is amended to read:

529 601.15 Advertising campaign; methods of conducting;
530 assessments; emergency reserve fund; citrus research.-

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

537 (d)1. The pro rata portion of moneys allocated to each type
538 of citrus product in noncommodity programs shall be used by the
539 department to encourage substantial increases in the
540 effectiveness, frequency, and volume of noncommodity
541 advertising, merchandising, publicity, and sales promotion of
542 such citrus products through rebates and incentive payments to
543 handlers and trade customers for these activities. The
544 department shall adopt rules providing for the use of such
545 moneys. The rules shall establish alternate incentive programs,
546 including at least one incentive program for product sold under
547 advertised brands, one incentive program for product sold under
548 private label brands, and one incentive program for product sold
549 in bulk. For each incentive program, the rules must ~~shall~~
550 establish eligibility and performance requirements and must
551 ~~shall~~ provide appropriate limitations on amounts payable to a

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552 handler or trade customer for a particular season. Such
553 limitations may relate to the amount of citrus assessments
554 levied and collected on the citrus product handled by such
555 handler or trade customer during a 12-month representative
556 period.

557 2. The department may require from participants in
558 noncommodity advertising and promotional programs commercial
559 information necessary to determine eligibility for and
560 performance in such programs. Any information ~~so~~ required which
561 ~~that~~ constitutes a "trade secret" as defined in s. 812.081 is
562 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
563 of the State Constitution. This subparagraph is subject to the
564 Open Government Sunset Review Act in accordance with s. 119.15
565 and shall stand repealed on October 2, 2021, unless reviewed and
566 saved from repeal through reenactment by the Legislature.

567 Section 18. Paragraph (c) of subsection (8) of section
568 601.152, Florida Statutes, is amended to read:

569 601.152 Special marketing orders.—

570 (8)

571 (c)1. Every handler shall, at such times as the department
572 may require, file with the department a return, not under oath,
573 on forms to be prescribed and furnished by the department,
574 certified as true and correct, stating the quantity of the type,
575 variety, and form of citrus fruit or citrus product specified in
576 the marketing order first handled in the primary channels of
577 trade in the state by such handler during the period of time
578 specified in the marketing order. Such returns must ~~shall~~
579 contain any further information deemed by the department to be
580 reasonably necessary to properly administer or enforce this

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581 section or any marketing order implemented under this section.

582 2. Information that, if disclosed, would reveal a trade
583 secret, as defined in s. 812.081, of any person subject to a
584 marketing order is confidential and exempt from s. 119.07(1) and
585 s. 24(a), Art. I of the State Constitution. This subparagraph is
586 subject to the Open Government Sunset Review Act in accordance
587 with s. 119.15 and shall stand repealed on October 2, 2021,
588 unless reviewed and saved from repeal through reenactment by the
589 Legislature.

590 Section 19. Section 601.76, Florida Statutes, is amended to
591 read:

592 601.76 Manufacturer to furnish formula and other
593 information.—Any formula required to be filed with the
594 Department of Agriculture shall be deemed a trade secret as
595 defined in s. 812.081, is confidential and exempt from s.
596 119.07(1) and s. 24(a), Art. I of the State Constitution, and
597 may ~~shall only~~ be divulged only to the Department of Agriculture
598 or to its duly authorized representatives or upon court order
599 ~~orders of a court of competent jurisdiction~~ when necessary in
600 the enforcement of this law. A person who receives such a
601 formula from the Department of Agriculture under this section
602 shall maintain the confidentiality of the formula. This section
603 is subject to the Open Government Sunset Review Act in
604 accordance with s. 119.15 and shall stand repealed on October 2,
605 2021, unless reviewed and saved from repeal through reenactment
606 by the Legislature.

607 Section 20. Subsection (6) of section 815.04, Florida
608 Statutes, is amended, and subsections (3) and (4) of that
609 section are republished, to read:

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610 815.04 Offenses against intellectual property; public
611 records exemption.-

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

618 (4) A person who willfully, knowingly, and without
619 authorization discloses or takes data, programs, or supporting
620 documentation that is a trade secret as defined in s. 812.081 or
621 is confidential as provided by law residing or existing internal
622 or external to a computer, computer system, computer network, or
623 electronic device commits an offense against intellectual
624 property.

625 (6) Subsections (3) and (4) are subject to the Open
626 Government Sunset Review Act in accordance with s. 119.15~~7~~ and
627 shall stand repealed on October 2, 2021 ~~2019~~, unless reviewed
628 and saved from repeal through reenactment by the Legislature.

629 Section 21. The Legislature finds that it is a public
630 necessity that financial information comprising a trade secret
631 as defined in s. 812.081, Florida Statutes, be made exempt or
632 confidential and exempt from s. 119.07(1), Florida Statutes, and
633 s. 24(a), Article I of the State Constitution. The Legislature
634 also finds that it is a public necessity that any portion of a
635 meeting in which a trade secret as defined in s. 812.081,
636 Florida Statutes, is discussed be made exempt from s. 286.011,
637 Florida Statutes, and s. 24(b), Article I of the State
638 Constitution. The Legislature recognizes that, in many

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639 instances, businesses are required to provide financial
640 information for regulatory or other purposes to public entities
641 and that disclosure of such information to competitors of those
642 businesses would be detrimental to the businesses. The
643 Legislature's intent is to protect trade secret information of a
644 confidential nature which includes, but is not limited to, a
645 formula, a pattern, a device, a combination of devices, or a
646 compilation of information used to protect or further a business
647 advantage over those who do not know or use the information, the
648 disclosure of which would injure the affected business in the
649 marketplace. Therefore, the Legislature finds that the need to
650 protect trade secret financial information is sufficiently
651 compelling to override this state's public policy of open
652 government and that the protection of such information cannot be
653 accomplished without these exemptions.

654 Section 22. This act shall take effect on the same date
655 that SB ___ or similar legislation relating to trade secrets
656 takes effect, if such legislation is adopted in the same
657 legislative session or an extension thereof and becomes a law.