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1  
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 E911 Board, the Technology Program within the  
15 Department of Management Services, and the Department  
16 of Revenue, trade secret information held by the  
17 Department of Health, trade secret information  
18 reported or submitted to the Department of  
19 Environmental Protection, trade secret information  
20 held by the Department of Business and Professional  
21 Regulation pursuant to specified provisions of the  
22 Florida Drug and Cosmetic Act, trade secret  
23 information of a dairy industry business held by the  
24 Department of Agriculture and Consumer Services, trade  
25 secret information held by the Division of Fruits and  
26 Vegetables of the Department of Agriculture and  
27 Consumer Services, trade secret information of a  
28 person subject to a marketing order held by the  
29 Department of Agriculture and Consumer Services, trade

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30 secret information provided to the Department of  
31 Citrus, trade secret information of noncommodity  
32 advertising and promotional program participants held  
33 by the Department of Citrus, trade secret information  
34 of a person subject to a marketing order held by the  
35 Department of Citrus, a manufacturer's formula filed  
36 with the Department of Agriculture and Consumer  
37 Services, and specified data, programs, or supporting  
38 documentation held by an agency, respectively, to  
39 incorporate changes made to the definition of the term  
40 "trade secret" in s. 812.081, F.S., by SB 180;  
41 expanding a public meeting exemption for any meeting  
42 or portion of a meeting of Space Florida's board at  
43 which trade secrets are discussed to incorporate  
44 changes made to the definition of the term "trade  
45 secret" in s. 812.081, F.S., by SB 180; providing for  
46 future legislative review and repeal of the  
47 exemptions; providing a statement of public necessity;  
48 providing a contingent effective date.

49  
50 Be It Enacted by the Legislature of the State of Florida:

51  
52 Section 1. Paragraph (f) of subsection (1) of section  
53 119.071, Florida Statutes, is amended to read:

54 119.071 General exemptions from inspection or copying of  
55 public records.—

56 (1) AGENCY ADMINISTRATION.—

57 (f) Data processing software obtained by an agency under a  
58 licensing agreement that prohibits its disclosure and which

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59 software is a trade secret, as defined in s. 812.081, and  
60 agency-produced data processing software that is sensitive are  
61 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
62 Constitution. The designation of agency-produced software as  
63 sensitive does ~~shall~~ not prohibit an agency head from sharing or  
64 exchanging such software with another public agency. This  
65 paragraph is subject to the Open Government Sunset Review Act in  
66 accordance with s. 119.15 and shall stand repealed on October 2,  
67 2021, unless reviewed and saved from repeal through reenactment  
68 by the Legislature.

69 Section 2. Paragraph (d) of subsection (9) of section  
70 125.0104, Florida Statutes, is amended to read:

71 125.0104 Tourist development tax; procedure for levying;  
72 authorized uses; referendum; enforcement.—

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

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

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

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88 and ~~from~~ s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

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

107 288.1226 Florida Tourism Industry Marketing Corporation;  
108 use of property; board of directors; duties; audit.—

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

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117 repealed on October 2, 2021, unless reviewed and saved from  
118 repeal through reenactment by the Legislature.

119 Section 4. Section 331.326, Florida Statutes, is amended to  
120 read:

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

144 Section 5. Section 365.174, Florida Statutes, is amended to  
145 read:

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146 365.174 Proprietary confidential business information.—

147 (1) (a) All proprietary confidential business information  
148 submitted by a provider to the board or the office is  
149 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
150 of the State Constitution.

151 (b) Statistical abstracts of information collected by the  
152 board or the office may be released or published, but only in a  
153 manner that does not identify or allow identification of  
154 subscribers or their service numbers or of revenues attributable  
155 to any provider.

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

160 (b) The Department of Revenue may provide information  
161 relative to s. 365.172(9) to the Secretary of Management  
162 Services, or his or her authorized agent, or to the E911 Board  
163 established in s. 365.172(5) for use in the conduct of the  
164 official business of the Department of Management Services or  
165 the E911 Board.

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

170 (3) As used in this section, the term "proprietary  
171 confidential business information" means customer lists,  
172 customer numbers, individual or aggregate customer data by  
173 location, usage and capacity data, network facilities used to  
174 serve subscribers, technology descriptions, technical

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175 information, or trade secrets, including trade secrets as  
176 defined in s. 812.081, and the actual or developmental costs of  
177 E911 systems that are developed, produced, or received  
178 internally by a provider or by a provider's employees,  
179 directors, officers, or agents.

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

184 Section 6. Section 381.83, Florida Statutes, is amended to  
185 read:

186 381.83 Trade secrets; confidentiality.—

187 (1) Records, reports, or information obtained from any  
188 person under this chapter, unless otherwise provided by law,  
189 must shall be available to the public, except upon a showing  
190 satisfactory to the department by the person from whom the  
191 records, reports, or information is obtained that such records,  
192 reports, or information, or a particular part thereof, contains  
193 trade secrets as defined in s. 812.081 ~~812.081(1)(e)~~. Such trade  
194 secrets are shall be confidential and are exempt from the  
195 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
196 Constitution. The person submitting such trade secret  
197 information to the department must request that it be kept  
198 confidential and must inform the department of the basis for the  
199 claim of trade secret. The department shall, subject to notice  
200 and opportunity for hearing, determine whether the information,  
201 or portions thereof, claimed to be a trade secret is or is not a  
202 trade secret. Such trade secrets may be disclosed, however, to  
203 authorized representatives of the department or, pursuant to

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204 request, to other governmental entities in order for them to  
205 properly perform their duties, or when relevant in any  
206 proceeding under this chapter. Authorized representatives and  
207 other governmental entities receiving such trade secret  
208 information shall retain its confidentiality. Those involved in  
209 any proceeding under this chapter, including a hearing officer  
210 or judge or justice, shall retain the confidentiality of any  
211 trade secret information revealed at such proceeding.

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

216 Section 7. Subsection (2) and paragraph (b) of subsection  
217 (3) of section 403.7046, Florida Statutes, are amended to read:  
218 403.7046 Regulation of recovered materials.—

219 (2) Information reported pursuant to ~~the requirements of~~  
220 this section or any rule adopted pursuant to this section which,  
221 if disclosed, would reveal a trade secret, as defined in s.  
222 812.081 ~~812.081(1)(e)~~, is confidential and exempt from ~~the~~  
223 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
224 Constitution. For reporting or information purposes, however,  
225 the department may provide this information in such form that  
226 the names of the persons reporting such information and the  
227 specific information reported are not revealed. This subsection  
228 is subject to the Open Government Sunset Review Act in  
229 accordance with s. 119.15 and shall stand repealed on October 2,  
230 2021, unless reviewed and saved from repeal through reenactment  
231 by the Legislature.

232 (3) Except as otherwise provided in this section or



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233 pursuant to a special act in effect on or before January 1,  
234 1993, a local government may not require a commercial  
235 establishment that generates source-separated recovered  
236 materials to sell or otherwise convey its recovered materials to  
237 the local government or to a facility designated by the local  
238 government, nor may the local government restrict such a  
239 generator's right to sell or otherwise convey such recovered  
240 materials to any properly certified recovered materials dealer  
241 who has satisfied the requirements of this section. A local  
242 government may not enact any ordinance that prevents such a  
243 dealer from entering into a contract with a commercial  
244 establishment to purchase, collect, transport, process, or  
245 receive source-separated recovered materials.

246 (b)1. Before engaging in business within the jurisdiction  
247 of the local government, a recovered materials dealer must  
248 provide the local government with a copy of the certification  
249 provided for in this section. In addition, the local government  
250 may establish a registration process whereby a recovered  
251 materials dealer must register with the local government before  
252 engaging in business within the jurisdiction of the local  
253 government. Such registration process is limited to requiring  
254 the dealer to register its name, including the owner or operator  
255 of the dealer, and, if the dealer is a business entity, its  
256 general or limited partners, its corporate officers and  
257 directors, its permanent place of business, evidence of its  
258 certification under this section, and a certification that the  
259 recovered materials will be processed at a recovered materials  
260 processing facility satisfying the requirements of this section.  
261 The local government may not use the information provided in the

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262 registration application to compete unfairly with the recovered  
263 materials dealer until 90 days after receipt of the application.  
264 All counties, and municipalities whose population exceeds 35,000  
265 according to the population estimates determined pursuant to s.  
266 186.901, may establish a reporting process that must ~~which shall~~  
267 be limited to the regulations, reporting format, and reporting  
268 frequency established by the department pursuant to this  
269 section, which must ~~shall~~, at a minimum, include requiring the  
270 dealer to identify the types and approximate amount of recovered  
271 materials collected, recycled, or reused during the reporting  
272 period; the approximate percentage of recovered materials  
273 reused, stored, or delivered to a recovered materials processing  
274 facility or disposed of in a solid waste disposal facility; and  
275 the locations where any recovered materials were disposed of as  
276 solid waste. ~~Information reported under this subsection which,  
277 if disclosed, would reveal a trade secret, as defined in s.  
278 812.081(1)(c), is confidential and exempt from the provisions of  
279 s. 24(a), Art. I of the State Constitution and s. 119.07(1).~~ The  
280 local government may charge the dealer a registration fee  
281 commensurate with and no greater than the cost incurred by the  
282 local government in operating its registration program.  
283 Registration program costs are limited to those costs associated  
284 with the activities described in this subparagraph ~~paragraph~~.  
285 Any reporting or registration process established by a local  
286 government with regard to recovered materials is ~~shall be~~  
287 governed by ~~the provisions of~~ this section and department rules  
288 adopted pursuant thereto.

289 2. Information reported under this subsection which, if  
290 disclosed, would reveal a trade secret, as defined in s.

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291 812.081, is confidential and exempt from s. 119.07(1) and s.  
292 24(a), Art. I of the State Constitution. This subparagraph is  
293 subject to the Open Government Sunset Review Act in accordance  
294 with s. 119.15 and shall stand repealed on October 2, 2021,  
295 unless reviewed and saved from repeal through reenactment by the  
296 Legislature.

297 Section 8. Section 403.73, Florida Statutes, is amended to  
298 read:

299 403.73 Trade secrets; confidentiality.-

300 (1) Records, reports, or information obtained from any  
301 person under this part, unless otherwise provided by law, must  
302 ~~shall~~ be available to the public, except upon a showing  
303 satisfactory to the department by the person from whom the  
304 records, reports, or information is obtained that such records,  
305 reports, or information, or a particular part thereof, contains  
306 trade secrets as defined in s. 812.081 ~~812.081(1)(e)~~. Such trade  
307 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~  
308 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
309 Constitution. The person submitting such trade secret  
310 information to the department must request that it be kept  
311 confidential and must inform the department of the basis for the  
312 claim of trade secret. The department shall, subject to notice  
313 and opportunity for hearing, determine whether the information,  
314 or portions thereof, claimed to be a trade secret is or is not a  
315 trade secret. Such trade secrets may be disclosed, however, to  
316 authorized representatives of the department or, pursuant to  
317 request, to other governmental entities in order for them to  
318 properly perform their duties, or when relevant in any  
319 proceeding under this part. Authorized representatives and other

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320 governmental entities receiving such trade secret information  
321 shall retain its confidentiality. Those involved in any  
322 proceeding under this part, including an administrative law  
323 judge, a hearing officer, or a judge or justice, shall retain  
324 the confidentiality of any trade secret information revealed at  
325 such proceeding.

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

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

332 499.012 Permit application requirements.—

333 (8) An application for a permit or to renew a permit for a  
334 prescription drug wholesale distributor or an out-of-state  
335 prescription drug wholesale distributor submitted to the  
336 department must include:

337 (g)1. For an application for a new permit, the estimated  
338 annual dollar volume of prescription drug sales of the  
339 applicant, the estimated annual percentage of the applicant's  
340 total company sales that are prescription drugs, the applicant's  
341 estimated annual total dollar volume of purchases of  
342 prescription drugs, and the applicant's estimated annual total  
343 dollar volume of prescription drug purchases directly from  
344 manufacturers.

345 2. For an application to renew a permit, the total dollar  
346 volume of prescription drug sales in the previous year, the  
347 total dollar volume of prescription drug sales made in the  
348 previous 6 months, the percentage of total company sales that

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349 were prescription drugs in the previous year, the total dollar  
350 volume of purchases of prescription drugs in the previous year,  
351 and the total dollar volume of prescription drug purchases  
352 directly from manufacturers in the previous year.

353 3. Such portions of the information required pursuant to  
354 this paragraph which are a trade secret, as defined in s.  
355 812.081, shall be maintained by the department as trade secret  
356 information is required to be maintained under s. 499.051. This  
357 subparagraph is subject to the Open Government Sunset Review Act  
358 in accordance with s. 119.15 and shall stand repealed on October  
359 2, 2021, unless reviewed and saved from repeal through  
360 reenactment by the Legislature.

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

363 1. A personal background information statement containing  
364 the background information and fingerprints required pursuant to  
365 subsection (9) for each person named in the applicant's response  
366 to paragraphs (k) and (l) and for each affiliated party of the  
367 applicant.

368 2. If any of the five largest shareholders of the  
369 corporation seeking the permit is a corporation, the name,  
370 address, and title of each corporate officer and director of  
371 each such corporation; the name and address of such corporation;  
372 the name of such corporation's resident agent, such  
373 corporation's resident agent's address, and such corporation's  
374 state of its incorporation; and the name and address of each  
375 shareholder of such corporation who ~~that~~ owns 5 percent or more  
376 of the stock of such corporation.

377 3.a. The name and address of all financial institutions in

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378 which the applicant has an account that ~~which~~ is used to pay for  
379 the operation of the establishment or to pay for drugs purchased  
380 for the establishment, together with the names of all persons  
381 who ~~that~~ are authorized signatories on such accounts.

382 b. The portions of the information required pursuant to  
383 this subparagraph which are a trade secret, as defined in s.  
384 812.081, shall be maintained by the department as trade secret  
385 information is required to be maintained under s. 499.051. This  
386 sub-subparagraph is subject to the Open Government Sunset Review  
387 Act in accordance with s. 119.15 and shall stand repealed on  
388 October 2, 2021, unless reviewed and saved from repeal through  
389 reenactment by the Legislature.

390 4. The sources of all funds and the amounts of such funds  
391 used to purchase or finance purchases of prescription drugs or  
392 to finance the premises on which the establishment is to be  
393 located.

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

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

399 499.0121 Storage and handling of prescription drugs;  
400 recordkeeping.—The department shall adopt rules to implement  
401 this section as necessary to protect the public health, safety,  
402 and welfare. Such rules shall include, but not be limited to,  
403 requirements for the storage and handling of prescription drugs  
404 and for the establishment and maintenance of prescription drug  
405 distribution records.

406 (7) PRESCRIPTION DRUG PURCHASE LIST.—

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407        (a) Each wholesale distributor, except for a manufacturer,  
408 shall annually provide the department with a written list of all  
409 wholesale distributors and manufacturers from whom the wholesale  
410 distributor purchases prescription drugs. A wholesale  
411 distributor, except a manufacturer, shall notify the department  
412 not later than 10 days after any change to either list.

413        (b) Such portions of the information required pursuant to  
414 this subsection which are a trade secret, as defined in s.  
415 812.081, shall be maintained by the department as trade secret  
416 information is required to be maintained under s. 499.051. This  
417 paragraph is subject to the Open Government Sunset Review Act in  
418 accordance with s. 119.15 and shall stand repealed on October 2,  
419 2021, unless reviewed and saved from repeal through reenactment  
420 by the Legislature.

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

423        499.051 Inspections and investigations.—

424        (7) (a) The complaint and all information obtained pursuant  
425 to the investigation by the department are confidential and  
426 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
427 Constitution until the investigation and the enforcement action  
428 are completed.

429        (b) Information that constitutes a ~~However,~~ trade secret,  
430 as defined in s. 812.081, contained in the complaint or obtained  
431 by the department pursuant to the investigation must ~~information~~  
432 contained therein as defined by s. 812.081(1)(c) shall remain  
433 confidential and exempt from ~~the provisions of~~ s. 119.07(1) and  
434 s. 24(a), Art. I of the State Constitution, as long as the  
435 information is held by ~~retained~~ by the department. This

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436 paragraph is subject to the Open Government Sunset Review Act in  
437 accordance with s. 119.15 and shall stand repealed on October 2,  
438 2021, unless reviewed and saved from repeal through reenactment  
439 by the Legislature.

440 (c) This subsection does not prohibit the department from  
441 using such information for regulatory or enforcement proceedings  
442 under this chapter or from providing such information to any law  
443 enforcement agency or any other regulatory agency. However, the  
444 receiving agency shall keep such records confidential and exempt  
445 as provided in this subsection. In addition, this subsection is  
446 not intended to prevent compliance with ~~the provisions of s.~~  
447 499.01212, and the pedigree papers required in that section are  
448 ~~shall~~ not be deemed a trade secret.

449 Section 12. Section 499.931, Florida Statutes, is amended  
450 to read:

451 499.931 Trade secret information.—Information required to  
452 be submitted under this part which is a trade secret as defined  
453 in s. 812.081 ~~812.081(1)(c)~~ and designated as a trade secret by  
454 an applicant or permitholder must be maintained as required  
455 under s. 499.051. This section is subject to the Open Government  
456 Sunset Review Act in accordance with s. 119.15 and shall stand  
457 repealed on October 2, 2021, unless reviewed and saved from  
458 repeal through reenactment by the Legislature.

459 Section 13. Section 502.222, Florida Statutes, is amended  
460 to read:

461 502.222 Information relating to trade secrets  
462 confidential.—The records of the department regarding matters  
463 encompassed by this chapter are public records, subject to ~~the~~  
464 ~~provisions of~~ chapter 119, except that any information that



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465 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of  
466 a dairy industry business is confidential and exempt from ~~the~~  
467 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
468 Constitution. If the department determines that any information  
469 requested by the public will reveal a trade secret, it shall, in  
470 writing, inform the person making the request of that  
471 determination. The determination is a final order as defined in  
472 s. 120.52. This section is subject to the Open Government Sunset  
473 Review Act in accordance with s. 119.15 and shall stand repealed  
474 on October 2, 2021, unless reviewed and saved from repeal  
475 through reenactment by the Legislature.

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

478 570.48 Division of Fruit and Vegetables; powers and duties;  
479 records.—The duties of the Division of Fruit and Vegetables  
480 include, but are not limited to:

481 (3) Maintaining the records of the division. The records of  
482 the division are public records; however, trade secrets as  
483 defined in s. 812.081 are confidential and exempt from ~~the~~  
484 ~~provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~  
485 Constitution. This subsection is subject to the Open Government  
486 Sunset Review Act in accordance with s. 119.15 and shall stand  
487 repealed on October 2, 2021, unless reviewed and saved from  
488 repeal through reenactment by the Legislature. This section may  
489 ~~shall~~ not be construed to prohibit:

490 (a) A disclosure necessary to enforcement procedures.

491 (b) The department from releasing information to other  
492 governmental agencies. Other governmental agencies that receive  
493 confidential information from the department under this

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494 subsection shall maintain the confidentiality of that  
495 information.

496 (c) The department or other agencies from compiling and  
497 publishing appropriate data regarding procedures, yield,  
498 recovery, quality, and related matters, provided such released  
499 data do not reveal by whom the activity to which the data relate  
500 was conducted.

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

503 573.123 Maintenance and production of records.—

504 (2) Information that, if disclosed, would reveal a trade  
505 secret, as defined in s. 812.081, of any person subject to a  
506 marketing order is confidential and exempt from ~~the provisions~~  
507 ~~of s. 119.07(1) and s. 24(a), Art. I of the State Constitution~~  
508 and may ~~shall~~ not be disclosed except to an attorney who  
509 provides legal advice to the division about enforcing a  
510 marketing market order or by court order. A person who receives  
511 confidential information under this subsection shall maintain  
512 the confidentiality of that information. This subsection is  
513 subject to the Open Government Sunset Review Act in accordance  
514 with s. 119.15 and shall stand repealed on October 2, 2021,  
515 unless reviewed and saved from repeal through reenactment by the  
516 Legislature.

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

519 601.10 Powers of the Department of Citrus.—The department  
520 shall have and shall exercise such general and specific powers  
521 as are delegated to it by this chapter and other statutes of the  
522 state, which powers shall include, but are not limited to, the

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523 following:

524 (8) (a) To prepare and disseminate information of importance  
525 to citrus growers, handlers, shippers, processors, and industry-  
526 related and interested persons and organizations relating to  
527 department activities and the production, handling, shipping,  
528 processing, and marketing of citrus fruit and processed citrus  
529 products. ~~Any information that constitutes a trade secret as~~  
530 ~~defined in s. 812.081(1)(c) is confidential and exempt from s.~~  
531 ~~119.07(1) and shall not be disclosed.~~ For referendum and other  
532 notice and informational purposes, the department may prepare  
533 and maintain, from the best available sources, a citrus grower  
534 mailing list. Such list shall be a public record available as  
535 other public records, but is it shall not be subject to the  
536 purging provisions of s. 283.55.

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

544 (c) ~~(b)~~ Any nonpublished reports or data related to studies  
545 or research conducted, caused to be conducted, or funded by the  
546 department under s. 601.13 is confidential and exempt from s.  
547 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
548 paragraph is subject to the Open Government Sunset Review Act in  
549 accordance with s. 119.15 and shall stand repealed on October 2,  
550 2017, unless reviewed and saved from repeal through reenactment  
551 by the Legislature.

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552 Section 17. Paragraph (d) of subsection (7) of section  
553 601.15, Florida Statutes, is amended to read:

554 601.15 Advertising campaign; methods of conducting;  
555 assessments; emergency reserve fund; citrus research.—

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

562 (d)1. The pro rata portion of moneys allocated to each type  
563 of citrus product in noncommodity programs shall be used by the  
564 department to encourage substantial increases in the  
565 effectiveness, frequency, and volume of noncommodity  
566 advertising, merchandising, publicity, and sales promotion of  
567 such citrus products through rebates and incentive payments to  
568 handlers and trade customers for these activities. The  
569 department shall adopt rules providing for the use of such  
570 moneys. The rules shall establish alternate incentive programs,  
571 including at least one incentive program for product sold under  
572 advertised brands, one incentive program for product sold under  
573 private label brands, and one incentive program for product sold  
574 in bulk. For each incentive program, the rules must ~~shall~~  
575 establish eligibility and performance requirements and must  
576 ~~shall~~ provide appropriate limitations on amounts payable to a  
577 handler or trade customer for a particular season. Such  
578 limitations may relate to the amount of citrus assessments  
579 levied and collected on the citrus product handled by such  
580 handler or trade customer during a 12-month representative

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581 period.

582 2. The department may require from participants in  
583 noncommodity advertising and promotional programs commercial  
584 information necessary to determine eligibility for and  
585 performance in such programs. Any information ~~so~~ required which  
586 ~~that~~ constitutes a "trade secret" as defined in s. 812.081 is  
587 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
588 of the State Constitution. This subparagraph is subject to the  
589 Open Government Sunset Review Act in accordance with s. 119.15  
590 and shall stand repealed on October 2, 2021, unless reviewed and  
591 saved from repeal through reenactment by the Legislature.

592 Section 18. Paragraph (c) of subsection (8) of section  
593 601.152, Florida Statutes, is amended to read:

594 601.152 Special marketing orders.—

595 (8)

596 (c)1. Every handler shall, at such times as the department  
597 may require, file with the department a return, not under oath,  
598 on forms to be prescribed and furnished by the department,  
599 certified as true and correct, stating the quantity of the type,  
600 variety, and form of citrus fruit or citrus product specified in  
601 the marketing order first handled in the primary channels of  
602 trade in the state by such handler during the period of time  
603 specified in the marketing order. Such returns must ~~shall~~  
604 contain any further information deemed by the department to be  
605 reasonably necessary to properly administer or enforce this  
606 section or any marketing order implemented under this section.

607 2. Information that, if disclosed, would reveal a trade  
608 secret, as defined in s. 812.081, of any person subject to a  
609 marketing order is confidential and exempt from s. 119.07(1) and

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610 s. 24(a), Art. I of the State Constitution. This subparagraph is  
611 subject to the Open Government Sunset Review Act in accordance  
612 with s. 119.15 and shall stand repealed on October 2, 2021,  
613 unless reviewed and saved from repeal through reenactment by the  
614 Legislature.

615 Section 19. Section 601.76, Florida Statutes, is amended to  
616 read:

617 601.76 Manufacturer to furnish formula and other  
618 information.—Any formula required to be filed with the  
619 Department of Agriculture shall be deemed a trade secret as  
620 defined in s. 812.081, is confidential and exempt from s.  
621 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
622 may shall only be divulged only to the Department of Agriculture  
623 or to its duly authorized representatives or upon court order  
624 ~~orders of a court of competent jurisdiction~~ when necessary in  
625 the enforcement of this law. A person who receives such a  
626 formula from the Department of Agriculture under this section  
627 shall maintain the confidentiality of the formula. This section  
628 is subject to the Open Government Sunset Review Act in  
629 accordance with s. 119.15 and shall stand repealed on October 2,  
630 2021, unless reviewed and saved from repeal through reenactment  
631 by the Legislature.

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

634 815.04 Offenses against intellectual property; public  
635 records exemption.—

636 (3) Data, programs, or supporting documentation that is a  
637 trade secret as defined in s. 812.081, that is held by an agency  
638 as defined in chapter 119, and that resides or exists internal

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639 or external to a computer, computer system, computer network, or  
640 electronic device is confidential and exempt from the provisions  
641 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
642 This subsection is subject to the Open Government Sunset Review  
643 Act in accordance with s. 119.15 and shall stand repealed on  
644 October 2, 2021, unless reviewed and saved from repeal through  
645 reenactment by the Legislature.

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

650 Section 21. The Legislature finds that it is a public  
651 necessity that financial information comprising a trade secret  
652 as defined in s. 812.081, Florida Statutes, be made exempt or  
653 confidential and exempt from s. 119.07(1), Florida Statutes, and  
654 s. 24(a), Article I of the State Constitution. The Legislature  
655 also finds that it is a public necessity that any portion of a  
656 meeting in which a trade secret as defined in s. 812.081,  
657 Florida Statutes, is discussed be made exempt from s. 286.011,  
658 Florida Statutes, and s. 24(b), Article I of the State  
659 Constitution. The Legislature recognizes that, in many  
660 instances, businesses are required to provide financial  
661 information for regulatory or other purposes to public entities  
662 and that disclosure of such information to competitors of those  
663 businesses would be detrimental to the businesses. The  
664 Legislature's intent is to protect trade secret information of a  
665 confidential nature which includes, but is not limited to, a  
666 formula, a pattern, a device, a combination of devices, or a  
667 compilation of information used to protect or further a business

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668 advantage over those who do not know or use the information, the  
669 disclosure of which would injure the affected business in the  
670 marketplace. Therefore, the Legislature finds that the need to  
671 protect trade secret financial information is sufficiently  
672 compelling to override this state's public policy of open  
673 government and that the protection of such information cannot be  
674 accomplished without these exemptions.

675       Section 22. This act shall take effect on the same date  
676 that SB 180 or similar legislation relating to trade secrets  
677 takes effect, if such legislation is adopted in the same  
678 legislative session or an extension thereof and becomes a law.