

By Senator Gruters

23-01684A-19

20191416__

1 A bill to be entitled
2 An act relating to public records; creating s.
3 119.07135, F.S.; providing that certain information
4 related to agency contracts is not confidential or
5 exempt from public records requirements; amending s.
6 24.105, F.S.; deleting provisions relating to
7 exemptions from public records requirements for
8 certain information held by the Department of the
9 Lottery; amending s. 73.0155, F.S.; deleting
10 provisions relating to public records exemptions for
11 trade secrets held by governmental condemning
12 authorities; amending s. 119.071, F.S.; deleting a
13 provision declaring that certain data processing
14 software exempt from public records requirements is
15 considered a trade secret; removing the scheduled
16 repeal of the public record exemption; amending s.
17 119.0713, F.S.; deleting a provision exempting trade
18 secrets held by local government agencies from public
19 records requirements; amending s. 125.0104, F.S.;
20 deleting a provision exempting trade secrets held by
21 county tourism development agencies from public
22 records requirements; amending s. 163.01, F.S.;
23 deleting a provision exempting trade secrets held by
24 public agencies that are electric utilities from
25 public records requirements; amending s. 202.195,
26 F.S.; deleting a provision exempting trade secrets
27 obtained from a telecommunications company or
28 franchised cable company for certain purposes from
29 public records requirements; amending s. 215.4401,

23-01684A-19

20191416__

30 F.S.; deleting provisions relating to confidentiality
31 of trade secrets held by the State Board of
32 Administration; amending s. 252.88, F.S.; deleting
33 provisions exempting certain information from public
34 records requirements under the Florida Emergency
35 Planning and Community Right-to-Know Act; repealing s.
36 252.943, F.S., relating to a public records exemption
37 under the Florida Accidental Release Prevention and
38 Risk Management Planning Act; amending s. 287.0943,
39 F.S.; deleting provisions relating to confidentiality
40 of certain information relating to applications for
41 certification of minority business enterprises;
42 amending s. 288.047, F.S.; deleting provisions
43 exempting potential trade secrets from public records
44 requirements; amending s. 288.075, F.S.; deleting
45 provisions relating to a public records exemption for
46 trade secrets held by economic development agencies;
47 amending s. 288.1226, F.S.; deleting provisions
48 relating to a public records exemption for trade
49 secrets held by the Florida Tourism Industry Marketing
50 Corporation; amending s. 288.776, F.S.; deleting
51 provisions relating to a public records exemption for
52 trade secrets held by the Florida Export Finance
53 Corporation; amending s. 288.9520, F.S.; deleting
54 provisions relating to a public records exemption for
55 trade secrets and potential trade secrets held by
56 Enterprise Florida, Inc., and related entities;
57 amending s. 288.9607, F.S.; deleting provisions
58 relating to a public records exemption for trade

23-01684A-19

20191416__

59 secrets held by the Florida Development Finance
60 Corporation; amending s. 288.9626, F.S.; deleting
61 provisions relating to a public records exemption for
62 trade secrets and potential trade secrets held by the
63 Florida Opportunity Fund; conforming provisions to
64 changes made by the act; amending s. 288.9627, F.S.;
65 deleting provisions relating to a public records
66 exemption for trade secrets and potential trade
67 secrets held by the Institute for Commercialization of
68 Florida Technology; conforming provisions to changes
69 made by the act; amending s. 331.326, F.S.; deleting
70 provisions relating to a public records exemption for
71 trade secrets held by Space Florida; amending s.
72 334.049, F.S.; deleting provisions relating to a
73 public records exemption for trade secrets held by the
74 Department of State; amending ss. 350.121 and 364.183,
75 F.S.; deleting provisions relating to public records
76 exemptions for trade secrets held by the Florida
77 Public Service Commission; amending s. 365.174, F.S.;
78 deleting provisions relating to public records
79 exemptions for trade secrets held by the E911 Board
80 and the Technology Program within the Department of
81 Management Services; amending ss. 366.093, 367.156,
82 and 368.108, F.S.; deleting provisions relating to
83 public records exemptions for trade secrets held by
84 the Florida Public Service Commission; repealing s.
85 381.83, F.S., relating to confidentiality of certain
86 information containing trade secrets obtained by the
87 Department of Health; amending s. 395.3035, F.S.;

23-01684A-19

20191416__

88 deleting provisions relating to a public records
89 exemption for trade secrets of hospitals; amending s.
90 403.7046, F.S.; revising provisions relating to an
91 exemption for trade secrets contained in certain
92 reports to the Department of Environmental Protection;
93 repealing s. 403.73, F.S., relating to confidentiality
94 of certain information containing trade secrets
95 obtained by the Department of Environmental
96 Protection; amending s. 408.061, F.S.; deleting a
97 requirement that certain trade secret information
98 submitted to the Agency for Healthcare Administration
99 be clearly designated as such; amending s. 408.185,
100 F.S.; deleting provisions relating to public records
101 exemptions for certain trade secrets held by the
102 Office of the Attorney General; amending s. 408.910,
103 F.S.; deleting provisions relating to public records
104 exemptions for trade secrets held by the Florida
105 Health Choices Program; amending s. 409.91196, F.S.;
106 deleting provisions relating to public records
107 exemptions for trade secrets held by the Agency for
108 Health Care Administration; amending s. 440.108, F.S.;
109 deleting provisions relating to public records
110 exemptions for trade secrets held by the Department of
111 Financial Services; amending s. 494.00125, F.S.;
112 deleting provisions relating to public records
113 exemptions for trade secrets held by the Office of
114 Financial Regulation; amending s. 497.172, F.S.;
115 deleting provisions relating to public records
116 exemptions for trade secrets held by the Department of

23-01684A-19

20191416__

117 Financial Services or the Board of Funeral, Cemetery,
118 and Consumer Services; amending ss. 499.012, 499.0121,
119 499.05, and 499.051, F.S.; deleting provisions
120 relating to public records exemptions for trade
121 secrets held by the Department of Business and
122 Professional Regulation; repealing s. 499.931, F.S.,
123 relating to maintenance of information held by the
124 Department of Business and Professional Regulation
125 which is deemed to be a trade secret; amending s.
126 501.171, F.S.; deleting provisions relating to public
127 records exemptions for trade secrets held by the
128 Department of Legal Affairs; repealing s. 502.222,
129 F.S., relating to trade secrets of a dairy business
130 held by the Department of Agriculture and Consumer
131 Services; amending ss. 517.2015 and 520.9965, F.S.;
132 deleting provisions relating to public records
133 exemptions for trade secrets held by the Office of
134 Financial Regulation; amending s. 526.311, F.S.;
135 deleting provisions relating to public records
136 exemptions for trade secrets held by the Department of
137 Agriculture and Consumer Services; amending s.
138 548.062, F.S.; deleting provisions relating to public
139 records exemptions for trade secrets held by the
140 Florida State Boxing Commission; amending s. 556.113,
141 F.S.; deleting provisions relating to public records
142 exemptions for trade secrets held by Sunshine State
143 One-Call of Florida, Inc.; amending s. 559.5558, F.S.;
144 deleting provisions relating to public records
145 exemptions for trade secrets held by the Office of

23-01684A-19

20191416__

146 Financial Regulation; amending s. 559.9285, F.S.;

147 revising provisions specifying that certain

148 information provided to the Department of Agriculture

149 and Consumer Services does not constitute a trade

150 secret; amending s. 560.129, F.S.; deleting provisions

151 relating to public records exemptions for trade

152 secrets held by the Office of Financial Regulation;

153 amending s. 570.48, F.S.; deleting provisions relating

154 to public records exemptions for trade secrets held by

155 the Division of Fruit and Vegetables; amending ss.

156 570.544 and 573.123, F.S.; deleting provisions

157 relating to public records exemptions for trade

158 secrets held by the Division of Consumer Services;

159 repealing s. 581.199, F.S., relating to a prohibition

160 on the use of trade secret information obtained under

161 specified provisions for personal use or gain;

162 amending ss. 601.10, 601.15, and 601.152, F.S.;

163 deleting provisions relating to public records

164 exemptions for trade secrets held by the Department of

165 Citrus; amending s. 601.76, F.S.; deleting provisions

166 relating to a public records exemption for certain

167 formulas filed with the Department of Agriculture;

168 amending ss. 607.0505 and 617.0503, F.S.; deleting

169 provisions relating to public records exemptions for

170 certain information that might reveal trade secrets

171 held by the Department of Legal Affairs; amending s.

172 624.307, F.S.; authorizing the Office of Insurance

173 Regulation to report certain information on an

174 aggregate basis; amending s. 624.315, F.S.;

23-01684A-19

20191416__

175 authorizing the Office of Insurance Regulation to make
176 certain information available on an aggregate basis;
177 amending s. 624.4212, F.S.; deleting provisions
178 relating to public records exemptions for trade
179 secrets held by the Office of Insurance Regulation;
180 revising a cross-reference; repealing s. 624.4213,
181 F.S., relating to trade secret documents submitted to
182 the Department of Financial Services or the Office of
183 Insurance Regulation; amending ss. 626.84195 and
184 626.884, F.S.; deleting provisions relating to public
185 records exemptions for trade secrets held by the
186 Office of Insurance Regulation; amending s. 626.9936,
187 F.S.; revising provisions relating to a public records
188 exemption for trade secrets held by the Office of
189 Insurance Regulation; amending ss. 627.0628 and
190 627.3518, F.S.; deleting provisions relating to public
191 records exemptions for trade secrets held by the
192 Department of Financial Services or the Office of
193 Insurance Regulation; amending s. 655.057, F.S.;
194 revising provisions relating to a public records
195 exemption for trade secrets held by the Office of
196 Financial Regulation; repealing s. 655.0591, F.S.,
197 relating to trade secret documents held by the Office
198 of Financial Regulation; amending s. 663.533, F.S.;
199 revising a cross-reference; repealing s. 721.071,
200 F.S., relating to trade secret material filed with the
201 Division of Florida Condominiums, Timeshares, and
202 Mobile Homes of the Department of Business and
203 Professional Regulation; amending s. 815.04, F.S.;

23-01684A-19

20191416__

204 deleting a public records exemption for certain trade
205 secret information relating to offenses against
206 intellectual property; repealing s. 815.045, F.S.,
207 relating to trade secret information; amending s.
208 1004.22, F.S.; revising provisions relating to public
209 records exemptions for trade secrets and potential
210 trade secrets received, generated, ascertained, or
211 discovered during the course of research conducted
212 within the state universities; amending s. 1004.30,
213 F.S.; revising provisions relating to public records
214 exemptions for trade secrets held by state university
215 health support organizations; amending s. 1004.43,
216 F.S.; revising provisions relating to public records
217 exemptions for trade secrets and potential trade
218 secrets held by the H. Lee Moffitt Cancer Center and
219 Research Institute; amending s. 1004.4472, F.S.;
220 revising provisions relating to public records
221 exemptions for trade secrets and potential trade
222 secrets held by the Florida Institute for Human and
223 Machine Cognition, Inc.; amending s. 1004.78, F.S.;
224 revising provisions relating to public records
225 exemptions for trade secrets and potential trade
226 secrets held by the technology transfers centers at
227 Florida College System institutions; amending s.
228 601.80, F.S.; correcting a cross-reference; amending
229 ss. 663.533, 721.13, and 921.0022, F.S.; conforming
230 provisions to changes made by the act; providing a
231 contingent effective date.
232

23-01684A-19

20191416__

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

234
235 Section 1. Section 119.07135, Florida Statutes, is created
236 to read:

237 119.07135 Agency contracts; public records.-

238 (1) Any contract or agreement, or an addendum thereto, to
239 which an agency or an entity subject to this chapter is a party,
240 is a public record, except that confidential or exempt
241 information contained therein may be redacted before release of
242 the contract or agreement, or an addendum thereto, if the
243 specific statutory exemption is identified.

244 (2) Notwithstanding any other provision of law, the
245 following information related to any contract or agreement, or
246 an addendum thereto, with an agency or an entity subject to this
247 chapter is not confidential or exempt from s. 119.07(1) and s.
248 24(a), Art. I of the State Constitution:

249 (a) The parties to the contract or agreement, or an
250 addendum thereto, if the contract or agreement, or the addendum
251 thereto, includes a provision requiring the agency or an entity
252 subject to this chapter to expend funds.

253 (b) The amount of money paid, any payment structure or
254 plan, expenditures, incentives, bonuses, fees, or penalties.

255 (c) The nature or type of the commodities or services
256 purchased.

257 (d) Applicable contract unit prices and deliverables.

258 Section 2. Subsection (12) of section 24.105, Florida
259 Statutes, is amended to read:

260 24.105 Powers and duties of department.—The department
261 shall:

23-01684A-19

20191416__

262 ~~(12) (a) Determine by rule information relating to the~~
263 ~~operation of the lottery which is confidential and exempt from~~
264 ~~the provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
265 ~~Constitution. Such information includes trade secrets; security~~
266 ~~measures, systems, or procedures; security reports; information~~
267 ~~concerning bids or other contractual data, the disclosure of~~
268 ~~which would impair the efforts of the department to contract for~~
269 ~~goods or services on favorable terms; employee personnel~~
270 ~~information unrelated to compensation, duties, qualifications,~~
271 ~~or responsibilities; and information obtained by the Division of~~
272 ~~Security pursuant to its investigations which is otherwise~~
273 ~~confidential. To be deemed confidential, the information must be~~
274 ~~necessary to the security and integrity of the lottery.~~
275 ~~Confidential information may be released to other governmental~~
276 ~~entities as needed in connection with the performance of their~~
277 ~~duties. The receiving governmental entity shall retain the~~
278 ~~confidentiality of such information as provided for in this~~
279 ~~subsection.~~

280 (a)~~(b)~~ Maintain the confidentiality of the street address
281 and the telephone number of a winner, in that such information
282 is confidential and exempt from the provisions of s. 119.07(1)
283 and s. 24(a), Art. I of the State Constitution, unless the
284 winner consents to the release of such information or as
285 provided for in s. 24.115(4) or s. 409.2577.

286 (b)~~(c)~~ Any information made confidential and exempt from
287 the provisions of s. 119.07(1) under this subsection shall be
288 disclosed to the Auditor General, to the Office of Program
289 Policy Analysis and Government Accountability, or to the
290 independent auditor selected under s. 24.123 upon such person's

23-01684A-19

20191416__

291 request therefor. If the President of the Senate or the Speaker
 292 of the House of Representatives certifies that information made
 293 confidential under this subsection is necessary for effecting
 294 legislative changes, the requested information shall be
 295 disclosed to him or her, and he or she may disclose such
 296 information to members of the Legislature and legislative staff
 297 as necessary to effect such purpose.

298 Section 3. Paragraph (e) of subsection (1) of section
 299 73.0155, Florida Statutes, is amended to read:

300 73.0155 Confidentiality; business information provided to a
 301 governmental condemning authority.—

302 (1) The following business information provided by the
 303 owner of a business to a governmental condemning authority as
 304 part of an offer of business damages under s. 73.015 is
 305 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 306 of the State Constitution if the owner requests in writing that
 307 the business information be held confidential and exempt:

308 (e) Materials that relate to methods of manufacture or
 309 production or, ~~potential trade secrets~~, patentable material, ~~or~~
 310 ~~actual trade secrets as defined in s. 688.002.~~

311 Section 4. Paragraph (f) of subsection (1) of section
 312 119.071, Florida Statutes, is amended to read:

313 119.071 General exemptions from inspection or copying of
 314 public records.—

315 (1) AGENCY ADMINISTRATION.—

316 (f) ~~Data processing software obtained by an agency under a~~
 317 ~~licensing agreement that prohibits its disclosure and which~~
 318 ~~software is a trade secret, as defined in s. 812.081, and~~
 319 Agency-produced data processing software that is sensitive is

23-01684A-19

20191416__

320 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
321 Constitution. The designation of agency-produced software as
322 sensitive does not prohibit an agency head from sharing or
323 exchanging such software with another public agency. ~~This~~
324 ~~paragraph is subject to the Open Government Sunset Review Act in~~
325 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
326 ~~2021, unless reviewed and saved from repeal through reenactment~~
327 ~~by the Legislature.~~

328 Section 5. Paragraph (a) of subsection (4) of section
329 119.0713, Florida Statutes, is amended to read:

330 119.0713 Local government agency exemptions from inspection
331 or copying of public records.—

332 (4) (a) Proprietary confidential business information means
333 information, regardless of form or characteristics, which is
334 held by an electric utility that is subject to this chapter, is
335 intended to be and is treated by the entity that provided the
336 information to the electric utility as private in that the
337 disclosure of the information would cause harm to the entity
338 providing the information or its business operations, and has
339 not been disclosed unless disclosed pursuant to a statutory
340 provision, an order of a court or administrative body, or a
341 private agreement that provides that the information will not be
342 released to the public. Proprietary confidential business
343 information includes:

344 ~~1. Trade secrets, as defined in s. 688.002.~~

345 ~~2.~~ Internal auditing controls and reports of internal
346 auditors.

347 2.3. Security measures, systems, or procedures.

348 3.4. Information concerning bids or other contractual data,

23-01684A-19

20191416__

349 the disclosure of which would impair the efforts of the electric
350 utility to contract for goods or services on favorable terms.

351 ~~4.5.~~ Information relating to competitive interests, the
352 disclosure of which would impair the competitive business of the
353 provider of the information.

354 Section 6. Paragraph (d) of subsection (9) of section
355 125.0104, Florida Statutes, is amended to read:

356 125.0104 Tourist development tax; procedure for levying;
357 authorized uses; referendum; enforcement.—

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

362 (d) Undertake marketing research and advertising research
363 studies and provide reservations services and convention and
364 meetings booking services consistent with the authorized uses of
365 revenue as set forth in subsection (5).

366 1. Information given to a county tourism promotion agency
367 which, if released, would reveal the identity of persons or
368 entities who provide data or other information as a response to
369 a sales promotion effort, an advertisement, or a research
370 project or whose names, addresses, meeting or convention plan
371 information or accommodations or other visitation needs become
372 booking or reservation list data, is exempt from s. 119.07(1)
373 and s. 24(a), Art. I of the State Constitution.

374 2. ~~The following information,~~ When held by a county tourism
375 promotion agency, booking business records, as defined in s.
376 255.047, are ~~is~~ exempt from s. 119.07(1) and s. 24(a), Art. I of
377 the State Constitution.±

23-01684A-19

20191416__

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

379 ~~b. Trade secrets and commercial or financial information~~
380 ~~gathered from a person and privileged or confidential, as~~
381 ~~defined and interpreted under 5 U.S.C. s. 552(b)(4), or any~~
382 ~~amendments thereto.~~

383 ~~3. A trade secret, as defined in s. 812.081, held by a~~
384 ~~county tourism promotion agency is exempt from s. 119.07(1) and~~
385 ~~s. 24(a), Art. I of the State Constitution. This subparagraph is~~
386 ~~subject to the Open Government Sunset Review Act in accordance~~
387 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
388 ~~unless reviewed and saved from repeal through reenactment by the~~
389 ~~Legislature.~~

390 Section 7. Paragraph (m) of subsection (15) of section
391 163.01, Florida Statutes, is amended to read:

392 163.01 Florida Interlocal Cooperation Act of 1969.—

393 (15) Notwithstanding any other provision of this section or
394 of any other law except s. 361.14, any public agency of this
395 state which is an electric utility, or any separate legal entity
396 created pursuant to the provisions of this section, the
397 membership of which consists only of electric utilities, and
398 which exercises or proposes to exercise the powers granted by
399 part II of chapter 361, the Joint Power Act, may exercise any or
400 all of the following powers:

401 (m) In the event that any public agency or any such legal
402 entity, or both, should receive, in connection with its joint
403 ownership or right to the services, output, capacity, or energy
404 of an electric project, as defined in paragraph (3)(d), any
405 material which is designated by the person supplying such
406 material as proprietary confidential business information or

23-01684A-19

20191416__

407 which a court of competent jurisdiction has designated as
408 confidential or secret shall be kept confidential and shall be
409 exempt from the provisions of s. 119.07(1). As used in this
410 paragraph, "proprietary confidential business information"
411 ~~includes, but is not limited to, trade secrets;~~ internal
412 auditing controls and reports of internal auditors; security
413 measures, systems, or procedures; ~~information concerning bids or~~
414 ~~other contractual data, the disclosure of which would impair the~~
415 ~~efforts of the utility to contract for services on favorable~~
416 ~~terms;~~ employee personnel information unrelated to compensation,
417 duties, qualifications, or responsibilities; and formulas,
418 patterns, devices, combinations of devices, ~~contract costs,~~ or
419 other information the disclosure of which would injure the
420 affected entity in the marketplace.

421 Section 8. Subsection (2) of section 202.195, Florida
422 Statutes, is amended to read:

423 202.195 Proprietary confidential business information;
424 public records exemption.—

425 (2) For the purposes of this exemption, "proprietary
426 confidential business information" includes maps, plans, billing
427 and payment records, ~~trade secrets,~~ or other information
428 relating to the provision of or facilities for communications
429 service:

430 (a) That is intended to be and is treated by the company as
431 confidential;

432 (b) The disclosure of which would be reasonably likely to
433 be used by a competitor to harm the business interests of the
434 company; and

435 (c) That is not otherwise readily ascertainable or publicly

23-01684A-19

20191416__

436 available by proper means by other persons from another source
437 in the same configuration as requested by the local governmental
438 entity.

439
440 Proprietary confidential business information does not include
441 schematics indicating the location of facilities for a specific
442 site that are provided in the normal course of the local
443 governmental entity's permitting process.

444 Section 9. Paragraphs (a), (c), and (d) of subsection (3)
445 of section 215.4401, Florida Statutes, are amended to read:

446 215.4401 Board of Administration; public record
447 exemptions.—

448 (3) (a) As used in this subsection, the term:

449 1. "Alternative investment" means an investment by the
450 State Board of Administration in a private equity fund, venture
451 fund, hedge fund, or distress fund or a direct investment in a
452 portfolio company through an investment manager.

453 2. "Alternative investment vehicle" means the limited
454 partnership, limited liability company, or similar legal
455 structure or investment manager through which the State Board of
456 Administration invests in a portfolio company.

457 3. "Portfolio company" means a corporation or other issuer,
458 any of whose securities are owned by an alternative investment
459 vehicle or the State Board of Administration and any subsidiary
460 of such corporation or other issuer.

461 4. "Portfolio positions" means individual investments in
462 portfolio companies which are made by the alternative investment
463 vehicles, including information or specific investment terms
464 associated with any portfolio company investment.

23-01684A-19

20191416__

465 5. "Proprietor" means an alternative investment vehicle, a
466 portfolio company in which the alternative investment vehicle is
467 invested, or an outside consultant, including the respective
468 authorized officers, employees, agents, or successors in
469 interest, which controls or owns information provided to the
470 State Board of Administration.

471 6. "Proprietary confidential business information" means
472 information that has been designated by the proprietor when
473 provided to the State Board of Administration as information
474 that is owned or controlled by a proprietor; that is intended to
475 be and is treated by the proprietor as private, the disclosure
476 of which would harm the business operations of the proprietor
477 and has not been intentionally disclosed by the proprietor
478 unless pursuant to a private agreement that provides that the
479 information will not be released to the public except as
480 required by law or legal process, or pursuant to law or an order
481 of a court or administrative body; and that concerns:

482 ~~a. Trade secrets as defined in s. 688.002.~~

483 ~~b.~~ Information provided to the State Board of
484 Administration regarding a prospective investment in a private
485 equity fund, venture fund, hedge fund, distress fund, or
486 portfolio company which is proprietary to the provider of the
487 information.

488 ~~b.e.~~ Financial statements and auditor reports of an
489 alternative investment vehicle.

490 ~~c.d.~~ Meeting materials of an alternative investment vehicle
491 relating to financial, operating, or marketing information of
492 the alternative investment vehicle.

493 ~~d.e.~~ Information regarding the portfolio positions in which

23-01684A-19

20191416__

494 the alternative investment vehicles invest.

495 ~~e.f.~~ Capital call and distribution notices to investors of
496 an alternative investment vehicle.

497 ~~f.g.~~ Alternative investment agreements and related records.

498 ~~g.h.~~ Information concerning investors, other than the State
499 Board of Administration, in an alternative investment vehicle.

500 7. "Proprietary confidential business information" does not
501 include:

502 a. The name, address, and vintage year of an alternative
503 investment vehicle and the identity of the principals involved
504 in the management of the alternative investment vehicle.

505 b. The dollar amount of the commitment made by the State
506 Board of Administration to each alternative investment vehicle
507 since inception.

508 c. The dollar amount and date of cash contributions made by
509 the State Board of Administration to each alternative investment
510 vehicle since inception.

511 d. The dollar amount, on a fiscal-year-end basis, of cash
512 distributions received by the State Board of Administration from
513 each alternative investment vehicle.

514 e. The dollar amount, on a fiscal-year-end basis, of cash
515 distributions received by the State Board of Administration plus
516 the remaining value of alternative-vehicle assets that are
517 attributable to the State Board of Administration's investment
518 in each alternative investment vehicle.

519 f. The net internal rate of return of each alternative
520 investment vehicle since inception.

521 g. The investment multiple of each alternative investment
522 vehicle since inception.

23-01684A-19

20191416__

523 h. The dollar amount of the total management fees and costs
524 paid on an annual fiscal-year-end basis by the State Board of
525 Administration to each alternative investment vehicle.

526 i. The dollar amount of cash profit received by the State
527 Board of Administration from each alternative investment vehicle
528 on a fiscal-year-end basis.

529 j. A description of any compensation, fees, or expenses,
530 including the amount or value, paid or agreed to be paid by a
531 proprietor to any person to solicit the board to make an
532 alternative investment or investment through an alternative
533 investment vehicle. This does not apply to an executive officer,
534 general partner, managing member, or other employee of the
535 proprietor, who is paid by the proprietor to solicit the board
536 to make such investments.

537 (c)1. Notwithstanding the provisions of paragraph (b), a
538 request to inspect or copy a record under s. 119.07(1) that
539 contains proprietary confidential business information shall be
540 granted if the proprietor of the information fails, within a
541 reasonable period of time after the request is received by the
542 State Board of Administration, to verify the following to the
543 State Board of Administration through a written declaration in
544 the manner provided by s. 92.525:

545 a. That the requested record contains proprietary
546 confidential business information and the specific location of
547 such information within the record;

548 ~~b. If the proprietary confidential business information is~~
549 ~~a trade secret, a verification that it is a trade secret as~~
550 ~~defined in s. 688.002;~~

551 ~~e.~~ That the proprietary confidential business information

23-01684A-19

20191416__

552 is intended to be and is treated by the proprietor as private,
553 is the subject of efforts of the proprietor to maintain its
554 privacy, and is not readily ascertainable or publicly available
555 from any other source; and

556 ~~c.d.~~ That the disclosure of the proprietary confidential
557 business information to the public would harm the business
558 operations of the proprietor.

559 2. The State Board of Administration shall maintain a list
560 and a description of the records covered by any verified,
561 written declaration made under this paragraph.

562 (d) Any person may petition a court of competent
563 jurisdiction for an order for the public release of those
564 portions of any record made confidential and exempt by paragraph
565 (b). Any action under this paragraph must be brought in Leon
566 County, Florida, and the petition or other initial pleading
567 shall be served on the State Board of Administration and, if
568 determinable upon diligent inquiry, on the proprietor of the
569 information sought to be released. In any order for the public
570 release of a record under this paragraph, the court shall make a
571 finding ~~that the record or portion thereof is not a trade secret~~
572 ~~as defined in s. 688.002,~~ that a compelling public interest is
573 served by the release of the record or portions thereof which
574 exceed the public necessity for maintaining the confidentiality
575 of such record, and that the release of the record will not
576 cause damage to or adversely affect the interests of the
577 proprietor of the released information, other private persons or
578 business entities, the State Board of Administration, or any
579 trust fund, the assets of which are invested by the State Board
580 of Administration.

23-01684A-19

20191416__

581 Section 10. Subsection (1) of section 252.88, Florida
582 Statutes, is amended to read:

583 252.88 Public records.—

584 (1) Whenever EPCRA authorizes an employer to exclude trade
585 secret information from its submittals, the employer shall
586 furnish the information so excluded to the commission upon
587 request. ~~Such information shall be confidential and exempt from~~
588 ~~the provisions of s. 119.07(1). The commission shall not~~
589 ~~disclose such information except pursuant to a final~~
590 ~~determination under s. 322 of EPCRA by the Administrator of the~~
591 ~~Environmental Protection Agency that such information is not~~
592 ~~entitled to trade secret protection, or pursuant to an order of~~
593 ~~court.~~

594 Section 11. Section 252.943, Florida Statutes, is repealed.

595 Section 12. Paragraph (h) of subsection (2) of section
596 287.0943, Florida Statutes, is amended to read:

597 287.0943 Certification of minority business enterprises.—

598 (2)

599 (h) The certification procedures should allow an applicant
600 seeking certification to designate on the application form the
601 information the applicant considers to be proprietary,
602 confidential business information. As used in this paragraph,
603 "proprietary, confidential business information" includes, ~~but~~
604 ~~is not limited to,~~ any information that would be exempt from
605 public inspection pursuant to the provisions of chapter 119;
606 ~~trade secrets;~~ internal auditing controls and reports; ~~contract~~
607 ~~costs;~~ or other information the disclosure of which would injure
608 the affected party in the marketplace or otherwise violate s.
609 286.041. The executor in receipt of the application shall issue

23-01684A-19

20191416__

610 written and final notice of any information for which
611 noninspection is requested but not provided for by law.

612 Section 13. Subsection (7) of section 288.047, Florida
613 Statutes, is amended to read:

614 288.047 Quick-response training for economic development.—

615 (7) In providing instruction pursuant to this section,
616 materials that relate to methods of manufacture or production,
617 ~~potential trade secrets,~~ business transactions, or proprietary
618 information received, produced, ascertained, or discovered by
619 employees of the respective departments, district school boards,
620 community college district boards of trustees, or other
621 personnel employed for the purposes of this section is
622 confidential and exempt from the provisions of s. 119.07(1). The
623 state may seek copyright protection for instructional materials
624 and ancillary written documents developed wholly or partially
625 with state funds as a result of instruction provided pursuant to
626 this section, except for materials that are confidential and
627 exempt from the provisions of s. 119.07(1).

628 Section 14. Paragraph (c) of subsection (1) and subsection
629 (3) of section 288.075, Florida Statutes, are amended, and
630 present subsections (4) through (7) of that section are
631 renumbered as subsections (3) through (6), respectively, to
632 read:

633 288.075 Confidentiality of records.—

634 (1) DEFINITIONS.—As used in this section, the term:

635 ~~(c) "Trade secret" has the same meaning as in s. 688.002.~~

636 ~~(3) TRADE SECRETS. Trade secrets held by an economic~~
637 ~~development agency are confidential and exempt from s. 119.07(1)~~
638 ~~and s. 24(a), Art. I of the State Constitution.~~

23-01684A-19

20191416__

639 Section 15. Subsection (9) of section 288.1226, Florida
640 Statutes, is amended to read:

641 288.1226 Florida Tourism Industry Marketing Corporation;
642 use of property; board of directors; duties; audit.—

643 (9) PUBLIC RECORDS EXEMPTION.—The identity of any person
644 who responds to a marketing project or advertising research
645 project conducted by the corporation in the performance of its
646 duties on behalf of Enterprise Florida, Inc., is ~~or trade~~
647 ~~secrets as defined by s. 812.081 obtained pursuant to such~~
648 ~~activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of~~
649 ~~the State Constitution. This subsection is subject to the Open~~
650 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
651 ~~shall stand repealed on October 2, 2021, unless reviewed and~~
652 ~~saved from repeal through reenactment by the Legislature.~~

653 Section 16. Paragraph (d) of subsection (3) of section
654 288.776, Florida Statutes, is amended to read:

655 288.776 Board of directors; powers and duties.—

656 (3) The board shall:

657 (d) Adopt policies, including criteria, establishing which
658 exporters and export transactions shall be eligible for
659 insurance, coinsurance, loan guarantees, and direct, guaranteed,
660 or collateralized loans which may be extended by the
661 corporation. Pursuant to this subsection, the board shall
662 include the following criteria:

663 1. Any individual signing any corporation loan application
664 and loan or guarantee agreement shall have an equity in the
665 business applying for financial assistance.

666 2. Each program shall exclusively support the export of
667 goods and services by small and medium-sized businesses which

23-01684A-19

20191416__

668 are domiciled in this state. Priority shall be given to goods
669 which have value added in this state.

670 3. Financial assistance shall only be extended when at
671 least one of the following circumstances exists:

672 a. The assistance is required to secure the participation
673 of small and medium-sized export businesses in federal, state,
674 or private financing programs.

675 b. No conventional source of lender support is available
676 for the business from public or private financing sources.

677

678 Personal financial records, ~~trade secrets~~, or proprietary
679 information of applicants shall be confidential and exempt from
680 the provisions of s. 119.07(1).

681 Section 17. Section 288.9520, Florida Statutes, is amended
682 to read:

683 288.9520 Public records exemption.—Materials that relate to
684 methods of manufacture or production, ~~potential trade secrets~~,
685 potentially patentable material, ~~actual trade secrets~~, business
686 transactions, financial and proprietary information, and
687 agreements or proposals to receive funding that are received,
688 generated, ascertained, or discovered by Enterprise Florida,
689 Inc., including its affiliates or subsidiaries and partnership
690 participants, such as private enterprises, educational
691 institutions, and other organizations, are confidential and
692 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
693 of the State Constitution, except that a recipient of Enterprise
694 Florida, Inc., research funds shall make available, upon
695 request, the title and description of the research project, the
696 name of the researcher, and the amount and source of funding

23-01684A-19

20191416__

697 provided for the project.

698 Section 18. Subsection (5) of section 288.9607, Florida
699 Statutes, is amended to read:

700 288.9607 Guaranty of bond issues.—

701 (5) Personal financial records, ~~trade secrets~~, or
702 proprietary information of applicants delivered to or obtained
703 by the corporation shall be confidential and exempt from the
704 provisions of s. 119.07(1).

705 Section 19. Paragraph (f) of subsection (1), paragraph (a)
706 of subsection (2), paragraph (a) of subsection (3), and
707 paragraphs (b) and (c) of subsection (4) of section 288.9626,
708 Florida Statutes, are amended to read:

709 288.9626 Exemptions from public records and public meetings
710 requirements for the Florida Opportunity Fund.—

711 (1) DEFINITIONS.—As used in this section, the term:

712 (f)1. "Proprietary confidential business information" means
713 information that has been designated by the proprietor when
714 provided to the Florida Opportunity Fund as information that is
715 owned or controlled by a proprietor; that is intended to be and
716 is treated by the proprietor as private, the disclosure of which
717 would harm the business operations of the proprietor and has not
718 been intentionally disclosed by the proprietor unless pursuant
719 to a private agreement that provides that the information will
720 not be released to the public except as required by law or legal
721 process, or pursuant to law or an order of a court or
722 administrative body; and that concerns:

723 a. ~~Trade secrets as defined in s. 688.002.~~

724 ~~b.~~ Information provided to the Florida Opportunity Fund
725 regarding an existing or prospective alternative investment in a

23-01684A-19

20191416__

726 private equity fund, venture capital fund, angel fund, or
727 portfolio company that is proprietary to the provider of the
728 information.

729 ~~b.e.~~ Financial statements and auditor reports of an
730 alternative investment vehicle or portfolio company, unless
731 publicly released by the alternative investment vehicle or
732 portfolio company.

733 ~~c.d.~~ Meeting materials of an alternative investment vehicle
734 or portfolio company relating to financial, operating, or
735 marketing information of the alternative investment vehicle or
736 portfolio company.

737 ~~d.e.~~ Information regarding the portfolio positions in which
738 the alternative investment vehicles or Florida Opportunity Fund
739 invest.

740 ~~e.f.~~ Capital call and distribution notices to investors or
741 the Florida Opportunity Fund of an alternative investment
742 vehicle.

743 ~~f.g.~~ Alternative investment agreements and related records.

744 ~~g.h.~~ Information concerning investors, other than the
745 Florida Opportunity Fund, in an alternative investment vehicle
746 or portfolio company.

747 2. "Proprietary confidential business information" does not
748 include:

749 a. The name, address, and vintage year of an alternative
750 investment vehicle or Florida Opportunity Fund and the identity
751 of the principals involved in the management of the alternative
752 investment vehicle or Florida Opportunity Fund.

753 b. The dollar amount of the commitment made by the Florida
754 Opportunity Fund to each alternative investment vehicle since

23-01684A-19

20191416__

755 inception, if any.

756 c. The dollar amount and date of cash contributions made by
757 the Florida Opportunity Fund to each alternative investment
758 vehicle since inception, if any.

759 d. The dollar amount, on a fiscal-year-end basis, of cash
760 or other fungible distributions received by the Florida
761 Opportunity Fund from each alternative investment vehicle.

762 e. The dollar amount, on a fiscal-year-end basis, of cash
763 or other fungible distributions received by the Florida
764 Opportunity Fund plus the remaining value of alternative-vehicle
765 assets that are attributable to the Florida Opportunity Fund's
766 investment in each alternative investment vehicle.

767 f. The net internal rate of return of each alternative
768 investment vehicle since inception.

769 g. The investment multiple of each alternative investment
770 vehicle since inception.

771 h. The dollar amount of the total management fees and costs
772 paid on an annual fiscal-year-end basis by the Florida
773 Opportunity Fund to each alternative investment vehicle.

774 i. The dollar amount of cash profit received by the Florida
775 Opportunity Fund from each alternative investment vehicle on a
776 fiscal-year-end basis.

777 (2) PUBLIC RECORDS EXEMPTION.—

778 (a) The following records held by the Florida Opportunity
779 Fund are confidential and exempt from s. 119.07(1) and s. 24(a),
780 Art. I of the State Constitution:

781 1. Materials that relate to methods of manufacture or
782 production, ~~potential trade secrets,~~ or patentable material
783 received, generated, ascertained, or discovered during the

23-01684A-19

20191416__

784 course of research or through research projects and that are
785 provided by a proprietor.

786 2. Information that would identify an investor or potential
787 investor who desires to remain anonymous in projects reviewed by
788 the Florida Opportunity Fund.

789 3. Proprietary confidential business information regarding
790 alternative investments for 7 years after the termination of the
791 alternative investment.

792 (3) PUBLIC MEETINGS EXEMPTION.—

793 (a) That portion of a meeting of the board of directors of
794 the Florida Opportunity Fund at which information is discussed
795 which is confidential and exempt under subsection (2) or s.
796 688.01 is exempt from s. 286.011 and s. 24(b), Art. I of the
797 State Constitution.

798 (4) REQUEST TO INSPECT OR COPY A RECORD.—

799 (b) Notwithstanding the provisions of paragraph (2)(a), a
800 request to inspect or copy a public record that contains
801 proprietary confidential business information shall be granted
802 if the proprietor of the information fails, within a reasonable
803 period of time after the request is received by the Florida
804 Opportunity Fund, to verify the following to the Florida
805 Opportunity Fund through a written declaration in the manner
806 provided by s. 92.525:

807 1. That the requested record contains proprietary
808 confidential business information and the specific location of
809 such information within the record;

810 ~~2. If the proprietary confidential business information is~~
811 ~~a trade secret, a verification that it is a trade secret as~~
812 ~~defined in s. 688.002;~~

23-01684A-19

20191416__

813 ~~3.~~ That the proprietary confidential business information
814 is intended to be and is treated by the proprietor as private,
815 is the subject of efforts of the proprietor to maintain its
816 privacy, and is not readily ascertainable or publicly available
817 from any other source; and

818 3.4. That the disclosure of the proprietary confidential
819 business information to the public would harm the business
820 operations of the proprietor.

821 (c)1. Any person may petition a court of competent
822 jurisdiction for an order for the public release of those
823 portions of any record made confidential and exempt by
824 subsection (2).

825 2. Any action under this subsection must be brought in
826 Orange County, and the petition or other initial pleading shall
827 be served on the Florida Opportunity Fund and, if determinable
828 upon diligent inquiry, on the proprietor of the information
829 sought to be released.

830 3. In any order for the public release of a record under
831 this subsection, the court shall make a finding that:

832 a. ~~The record or portion thereof is not a trade secret as~~
833 ~~defined in s. 688.002;~~

834 ~~b.~~ A compelling public interest is served by the release of
835 the record or portions thereof which exceed the public necessity
836 for maintaining the confidentiality of such record; and

837 b.e. The release of the record will not cause damage to or
838 adversely affect the interests of the proprietor of the released
839 information, other private persons or business entities, or the
840 Florida Opportunity Fund.

841 Section 20. Paragraph (b) of subsection (1), paragraph (a)

23-01684A-19

20191416__

842 of subsection (2), paragraph (a) of subsection (3), and
843 paragraphs (b) and (c) of subsection (4) of section 288.9627,
844 Florida Statutes, are amended to read:

845 288.9627 Exemptions from public records and public meetings
846 requirements for the Institute for Commercialization of Florida
847 Technology.—

848 (1) DEFINITIONS.—As used in this section, the term:

849 (b)1. "Proprietary confidential business information" means
850 information that has been designated by the proprietor when
851 provided to the institute as information that is owned or
852 controlled by a proprietor; that is intended to be and is
853 treated by the proprietor as private, the disclosure of which
854 would harm the business operations of the proprietor and has not
855 been intentionally disclosed by the proprietor unless pursuant
856 to a private agreement that provides that the information will
857 not be released to the public except as required by law or legal
858 process, or pursuant to law or an order of a court or
859 administrative body; and that concerns:

860 a. ~~Trade secrets as defined in s. 688.002.~~

861 ~~b.~~ Financial statements and internal or external auditor
862 reports of a proprietor corporation, partnership, or person
863 requesting confidentiality under this statute, unless publicly
864 released by the proprietor.

865 ~~b.e.~~ Meeting materials related to financial, operating,
866 investment, or marketing information of the proprietor
867 corporation, partnership, or person.

868 ~~c.d.~~ Information concerning private investors in the
869 proprietor corporation, partnership, or person.

870 2. "Proprietary confidential business information" does not

23-01684A-19

20191416__

871 include:

872 a. The identity and primary address of the proprietor's
873 principals.

874 b. The dollar amount and date of the financial commitment
875 or contribution made by the institute.

876 c. The dollar amount, on a fiscal-year-end basis, of cash
877 repayments or other fungible distributions received by the
878 institute from each proprietor.

879 d. The dollar amount, if any, of the total management fees
880 and costs paid on an annual fiscal-year-end basis by the
881 institute.

882 (2) PUBLIC RECORDS EXEMPTION.—

883 (a) The following records held by the institute are
884 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
885 of the State Constitution:

886 1. Materials that relate to methods of manufacture or
887 production, ~~potential trade secrets,~~ or patentable material
888 received, generated, ascertained, or discovered during the
889 course of research or through research projects conducted by
890 universities and other publicly supported organizations in this
891 state and that are provided to the institute by a proprietor.

892 2. Information that would identify an investor or potential
893 investor who desires to remain anonymous in projects reviewed by
894 the institute for assistance.

895 3. Any information received from a person from another
896 state or nation or the Federal Government which is otherwise
897 confidential or exempt pursuant to the laws of that state or
898 nation or pursuant to federal law.

899 4. Proprietary confidential business information for 7

23-01684A-19

20191416__

900 years after the termination of the institute's financial
 901 commitment to the company.

902 (3) PUBLIC MEETINGS EXEMPTION.—

903 (a) That portion of a meeting of the institute's board of
 904 directors at which information is discussed which is
 905 confidential and exempt under subsection (2) or s. 688.01 is
 906 exempt from s. 286.011 and s. 24(b), Art. I of the State
 907 Constitution.

908 (4) REQUEST TO INSPECT OR COPY A RECORD.—

909 (b) Notwithstanding the provisions of paragraph (2)(a), a
 910 request to inspect or copy a public record that contains
 911 proprietary confidential business information shall be granted
 912 if the proprietor of the information fails, within a reasonable
 913 period of time after the request is received by the institute,
 914 to verify the following to the institute through a written
 915 declaration in the manner provided by s. 92.525:

916 1. That the requested record contains proprietary
 917 confidential business information and the specific location of
 918 such information within the record;

919 ~~2. If the proprietary confidential business information is~~
 920 ~~a trade secret, a verification that it is a trade secret as~~
 921 ~~defined in s. 688.002;~~

922 ~~3.~~ That the proprietary confidential business information
 923 is intended to be and is treated by the proprietor as private,
 924 is the subject of efforts of the proprietor to maintain its
 925 privacy, and is not readily ascertainable or publicly available
 926 from any other source; and

927 3.4. That the disclosure of the proprietary confidential
 928 business information to the public would harm the business

23-01684A-19

20191416__

929 operations of the proprietor.

930 (c)1. Any person may petition a court of competent
931 jurisdiction for an order for the public release of those
932 portions of any record made confidential and exempt by
933 subsection (2).

934 2. Any action under this subsection must be brought in Palm
935 Beach County or Alachua County, and the petition or other
936 initial pleading shall be served on the institute and, if
937 determinable upon diligent inquiry, on the proprietor of the
938 information sought to be released.

939 3. In any order for the public release of a record under
940 this subsection, the court shall make a finding that:

941 ~~a. The record or portion thereof is not a trade secret as~~
942 ~~defined in s. 688.002;~~

943 ~~b.~~ A compelling public interest is served by the release of
944 the record or portions thereof which exceed the public necessity
945 for maintaining the confidentiality of such record; and

946 ~~b.e.~~ The release of the record will not cause damage to or
947 adversely affect the interests of the proprietor of the released
948 information, other private persons or business entities, or the
949 institute.

950 Section 21. Section 331.326, Florida Statutes, is amended
951 to read:

952 331.326 Information relating to trade secrets
953 confidential.—The records of Space Florida regarding matters
954 encompassed by this act are public records subject to chapter
955 119. ~~Any information held by Space Florida which is a trade~~
956 ~~secret, as defined in s. 812.081, including trade secrets of~~
957 ~~Space Florida, any spaceport user, or the space industry~~

23-01684A-19

20191416__

958 ~~business, is confidential and exempt from s. 119.07(1) and s.~~
 959 ~~24(a), Art. I of the State Constitution and may not be~~
 960 ~~disclosed. If Space Florida determines that any information~~
 961 ~~requested by the public will reveal a trade secret, it shall, in~~
 962 ~~writing, inform the person making the request of that~~
 963 ~~determination. The determination is a final order as defined in~~
 964 ~~s. 120.52. Any meeting or portion of a meeting of Space~~
 965 ~~Florida's board is exempt from s. 286.011 and s. 24(b), Art. I~~
 966 ~~of the State Constitution when the board is discussing trade~~
 967 ~~secrets as defined in s. 688.01. Any public record generated~~
 968 ~~during the closed portions of the meetings, such as minutes,~~
 969 ~~tape recordings, and notes, is confidential and exempt from s.~~
 970 ~~119.07(1) and s. 24(a), Art. I of the State Constitution. This~~
 971 ~~section is subject to the Open Government Sunset Review Act in~~
 972 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
 973 ~~2021, unless reviewed and saved from repeal through reenactment~~
 974 ~~by the Legislature.~~

975 Section 22. Present subsection (4) of section 334.049,
 976 Florida Statutes, is amended, and present subsection (5) of that
 977 section is renumbered as subsection (4), to read:

978 334.049 Patents, copyrights, trademarks; notice to
 979 Department of State; ~~confidentiality of trade secrets.-~~

980 ~~(4) Any information obtained by the department as a result~~
 981 ~~of research and development projects and revealing a method of~~
 982 ~~process, production, or manufacture which is a trade secret as~~
 983 ~~defined in s. 688.002, is confidential and exempt from the~~
 984 ~~provisions of s. 119.07(1).~~

985 Section 23. Section 350.121, Florida Statutes, is amended
 986 to read:

23-01684A-19

20191416__

987 350.121 Commission inquiries; confidentiality of business
988 material.—If the commission undertakes an inquiry, any records,
989 documents, papers, maps, books, tapes, photographs, files, sound
990 recordings, or other business material, regardless of form or
991 characteristics, obtained by the commission incident to the
992 inquiry are considered confidential and exempt from s. 119.07(1)
993 while the inquiry is pending. If at the conclusion of an inquiry
994 the commission undertakes a formal proceeding, any matter
995 determined by the commission or by a judicial or administrative
996 body, federal or state, to be ~~trade secrets or~~ proprietary
997 confidential business information coming into its possession
998 pursuant to such inquiry shall be considered confidential and
999 exempt from s. 119.07(1). Such material may be used in any
1000 administrative or judicial proceeding so long as the
1001 confidential or proprietary nature of the material is
1002 maintained.

1003 Section 24. Subsection (3) of section 364.183, Florida
1004 Statutes, is amended to read:

1005 364.183 Access to company records.—

1006 (3) The term "proprietary confidential business
1007 information" means information, regardless of form or
1008 characteristics, which is owned or controlled by the person or
1009 company, is intended to be and is treated by the person or
1010 company as private in that the disclosure of the information
1011 would cause harm to the ratepayers or the person's or company's
1012 business operations, and has not been disclosed unless disclosed
1013 pursuant to a statutory provision, an order of a court or
1014 administrative body, or private agreement that provides that the
1015 information will not be released to the public. The term

23-01684A-19

20191416__

1016 includes, ~~but is not limited to:~~

1017 (a) ~~Trade secrets.~~

1018 ~~(b)~~ Internal auditing controls and reports of internal
1019 auditors.

1020 **(b)** ~~(e)~~ Security measures, systems, or procedures.

1021 **(c)** ~~(d)~~ Information concerning bids or other contractual
1022 data, the disclosure of which would impair the efforts of the
1023 company or its affiliates to contract for goods or services on
1024 favorable terms.

1025 **(d)** ~~(e)~~ Information relating to competitive interests, the
1026 disclosure of which would impair the competitive business of the
1027 provider of information.

1028 **(e)** ~~(f)~~ Employee personnel information unrelated to
1029 compensation, duties, qualifications, or responsibilities.

1030 Section 25. Subsection (3) of section 365.174, Florida
1031 Statutes, is amended to read:

1032 365.174 Proprietary confidential business information.—

1033 (3) As used in this section, the term "proprietary
1034 confidential business information" means customer lists,
1035 customer numbers, individual or aggregate customer data by
1036 location, usage and capacity data, network facilities used to
1037 serve subscribers, technology descriptions, or technical
1038 information, ~~or trade secrets, including trade secrets as~~
1039 ~~defined in s. 812.081~~, and the actual or developmental costs of
1040 E911 systems that are developed, produced, or received
1041 internally by a provider or by a provider's employees,
1042 directors, officers, or agents.

1043 Section 26. Subsection (3) of section 366.093, Florida
1044 Statutes, is amended to read:

23-01684A-19

20191416__

1045 366.093 Public utility records; confidentiality.-

1046 (3) Proprietary confidential business information means

1047 information, regardless of form or characteristics, which is

1048 owned or controlled by the person or company, is intended to be

1049 and is treated by the person or company as private in that the

1050 disclosure of the information would cause harm to the ratepayers

1051 or the person's or company's business operations, and has not

1052 been disclosed unless disclosed pursuant to a statutory

1053 provision, an order of a court or administrative body, or

1054 private agreement that provides that the information will not be

1055 released to the public. Proprietary confidential business

1056 information includes, ~~but is not limited to:~~

1057 (a) ~~Trade secrets.~~

1058 ~~(b)~~ Internal auditing controls and reports of internal

1059 auditors.

1060 (b) ~~(e)~~ Security measures, systems, or procedures.

1061 (c) ~~(d)~~ Information concerning bids or other contractual

1062 data, the disclosure of which would impair the efforts of the

1063 public utility or its affiliates to contract for goods or

1064 services on favorable terms.

1065 (d) ~~(e)~~ Information relating to competitive interests, the

1066 disclosure of which would impair the competitive business of the

1067 provider of the information.

1068 (e) ~~(f)~~ Employee personnel information unrelated to

1069 compensation, duties, qualifications, or responsibilities.

1070 Section 27. Subsection (3) of section 367.156, Florida

1071 Statutes, is amended to read:

1072 367.156 Public utility records; confidentiality.-

1073 (3) Proprietary confidential business information means

23-01684A-19

20191416__

1074 information, regardless of form or characteristics, which is
1075 owned or controlled by the person or company, is intended to be
1076 and is treated by the person or company as private in that the
1077 disclosure of the information would cause harm to the ratepayers
1078 or the person's or company's business operations, and has not
1079 been disclosed unless disclosed pursuant to a statutory
1080 provision, an order of a court or administrative body, or a
1081 private agreement that provides that the information will not be
1082 released to the public. Proprietary business information
1083 includes, ~~but is not limited to:~~

1084 (a) ~~Trade secrets.~~

1085 ~~(b)~~ Internal auditing controls and reports of internal
1086 auditors.

1087 **(b)** ~~(e)~~ Security measures, systems, or procedures.

1088 **(c)** ~~(d)~~ Information concerning bids or other contractual
1089 data, the disclosure of which would impair the efforts of the
1090 utility or its affiliates to contract for goods or services on
1091 favorable terms.

1092 **(d)** ~~(e)~~ Information relating to competitive interests, the
1093 disclosure of which would impair the competitive businesses of
1094 the provider of the information.

1095 **(e)** ~~(f)~~ Employee personnel information unrelated to
1096 compensation, duties, qualifications, or responsibilities.

1097 Section 28. Subsection (3) of section 368.108, Florida
1098 Statutes, is amended to read:

1099 368.108 Confidentiality; discovery.—

1100 (3) "Proprietary confidential business information" means
1101 information, regardless of form or characteristics, which is
1102 owned or controlled by the person or company, is intended to be

23-01684A-19

20191416__

1103 and is treated by the person or company as private in that the
 1104 disclosure of the information would cause harm to the ratepayers
 1105 or the person's or company's business operations, and has not
 1106 been disclosed unless disclosed pursuant to a statutory
 1107 provision, an order of a court or administrative body, or a
 1108 private agreement that provides that the information will not be
 1109 released to the public. "Proprietary confidential business
 1110 information" includes, ~~but is not limited to:~~

1111 ~~(a) Trade secrets.~~

1112 ~~(b)~~ Internal auditing controls and reports of internal
 1113 auditors.

1114 ~~(b)(e)~~ Security measures, systems, or procedures.

1115 ~~(c)(d)~~ Information concerning bids or other contractual
 1116 data, the disclosure of which would impair the efforts of the
 1117 natural gas transmission company or its affiliates to contract
 1118 for goods or services on favorable terms.

1119 ~~(d)(e)~~ Information relating to competitive interests, the
 1120 disclosure of which would impair the competitive business of the
 1121 provider of the information.

1122 ~~(e)(f)~~ Employee personnel information unrelated to
 1123 compensation, duties, qualifications, or responsibilities.

1124 Section 29. Section 381.83, Florida Statutes, is repealed.

1125 Section 30. Paragraph (c) of subsection (2) of section
 1126 395.3035, Florida Statutes, is amended to read:

1127 395.3035 Confidentiality of hospital records and meetings.—

1128 (2) The following records and information of any hospital
 1129 that is subject to chapter 119 and s. 24(a), Art. I of the State
 1130 Constitution are confidential and exempt from the provisions of
 1131 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

23-01684A-19

20191416__

1132 (c) ~~Trade secrets, as defined in s. 688.002, including~~
1133 Reimbursement methodologies and rates.

1134 Section 31. Subsection (2) and paragraph (b) of subsection
1135 (3) of section 403.7046, Florida Statutes, are amended to read:
1136 403.7046 Regulation of recovered materials.—

1137 (2) Notwithstanding s. 688.01, information reported
1138 pursuant to this section or any rule adopted pursuant to this
1139 section which, if disclosed, would reveal a trade secret, as
1140 defined in s. 688.01, may be provided by the department ~~s.~~
1141 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~
1142 ~~24(a), Art. I of the State Constitution. For reporting or~~
1143 ~~information purposes, however, the department may provide this~~
1144 ~~information~~ in such form that the names of the persons reporting
1145 such information and the specific information reported are not
1146 revealed. ~~This subsection is subject to the Open Government~~
1147 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
1148 ~~repealed on October 2, 2021, unless reviewed and saved from~~
1149 ~~repeal through reenactment by the Legislature.~~

1150 (3) Except as otherwise provided in this section or
1151 pursuant to a special act in effect on or before January 1,
1152 1993, a local government may not require a commercial
1153 establishment that generates source-separated recovered
1154 materials to sell or otherwise convey its recovered materials to
1155 the local government or to a facility designated by the local
1156 government, nor may the local government restrict such a
1157 generator's right to sell or otherwise convey such recovered
1158 materials to any properly certified recovered materials dealer
1159 who has satisfied the requirements of this section. A local
1160 government may not enact any ordinance that prevents such a

23-01684A-19

20191416__

1161 dealer from entering into a contract with a commercial
1162 establishment to purchase, collect, transport, process, or
1163 receive source-separated recovered materials.

1164 (b)~~1~~. Before engaging in business within the jurisdiction
1165 of the local government, a recovered materials dealer or
1166 pyrolysis facility must provide the local government with a copy
1167 of the certification provided for in this section. In addition,
1168 the local government may establish a registration process
1169 whereby a recovered materials dealer or pyrolysis facility must
1170 register with the local government before engaging in business
1171 within the jurisdiction of the local government. Such
1172 registration process is limited to requiring the dealer or
1173 pyrolysis facility to register its name, including the owner or
1174 operator of the dealer or pyrolysis facility, and, if the dealer
1175 or pyrolysis facility is a business entity, its general or
1176 limited partners, its corporate officers and directors, its
1177 permanent place of business, evidence of its certification under
1178 this section, and a certification that the recovered materials
1179 or post-use polymers will be processed at a recovered materials
1180 processing facility or pyrolysis facility satisfying the
1181 requirements of this section. The local government may not use
1182 the information provided in the registration application to
1183 compete unfairly with the recovered materials dealer until 90
1184 days after receipt of the application. All counties, and
1185 municipalities whose population exceeds 35,000 according to the
1186 population estimates determined pursuant to s. 186.901, may
1187 establish a reporting process that must be limited to the
1188 regulations, reporting format, and reporting frequency
1189 established by the department pursuant to this section, which

23-01684A-19

20191416__

1190 must, at a minimum, include requiring the dealer or pyrolysis
1191 facility to identify the types and approximate amount of
1192 recovered materials or post-use polymers collected, recycled, or
1193 reused during the reporting period; the approximate percentage
1194 of recovered materials or post-use polymers reused, stored, or
1195 delivered to a recovered materials processing facility or
1196 pyrolysis facility or disposed of in a solid waste disposal
1197 facility; and the locations where any recovered materials or
1198 post-use polymers were disposed of as solid waste. The local
1199 government may charge the dealer or pyrolysis facility a
1200 registration fee commensurate with and no greater than the cost
1201 incurred by the local government in operating its registration
1202 program. Registration program costs are limited to those costs
1203 associated with the activities described in this paragraph
1204 ~~subparagraph~~. Any reporting or registration process established
1205 by a local government with regard to recovered materials or
1206 post-use polymers is governed by this section and department
1207 rules adopted pursuant thereto.

1208 ~~2. Information reported under this subsection which, if~~
1209 ~~disclosed, would reveal a trade secret, as defined in s.~~
1210 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~
1211 ~~24(a), Art. I of the State Constitution. This subparagraph is~~
1212 ~~subject to the Open Government Sunset Review Act in accordance~~
1213 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
1214 ~~unless reviewed and saved from repeal through reenactment by the~~
1215 ~~Legislature.~~

1216 Section 32. Section 403.73, Florida Statutes, is repealed.

1217 Section 33. Paragraph (c) of subsection (1) of section
1218 408.061, Florida Statutes, is amended to read:

23-01684A-19

20191416__

1219 408.061 Data collection; uniform systems of financial
 1220 reporting; information relating to physician charges;
 1221 confidential information; immunity.—

1222 (1) The agency shall require the submission by health care
 1223 facilities, health care providers, and health insurers of data
 1224 necessary to carry out the agency's duties and to facilitate
 1225 transparency in health care pricing data and quality measures.
 1226 Specifications for data to be collected under this section shall
 1227 be developed by the agency and applicable contract vendors, with
 1228 the assistance of technical advisory panels including
 1229 representatives of affected entities, consumers, purchasers, and
 1230 such other interested parties as may be determined by the
 1231 agency.

1232 (c) Data to be submitted by health insurers may include,
 1233 but are not limited to: claims, payments to health care
 1234 facilities and health care providers as specified by rule,
 1235 premium, administration, and financial information. Data
 1236 submitted shall be certified by the chief financial officer, an
 1237 appropriate and duly authorized representative, or an employee
 1238 of the insurer that the information submitted is true and
 1239 accurate. ~~Information that is considered a trade secret under s.~~
 1240 ~~812.081 shall be clearly designated.~~

1241 Section 34. Present subsection (1) of section 408.185,
 1242 Florida Statutes, is amended, and present subsections (2)
 1243 through (5) of that section are renumbered as subsections (1)
 1244 through (4), respectively, to read:

1245 408.185 Information submitted for review of antitrust
 1246 issues; confidentiality.—The following information held by the
 1247 Office of the Attorney General, which is submitted by a member

23-01684A-19

20191416__

1248 of the health care community pursuant to a request for an
 1249 antitrust no-action letter shall be confidential and exempt from
 1250 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1251 Constitution for 1 year after the date of submission.

1252 ~~(1) Documents that reveal trade secrets as defined in s.~~
 1253 ~~688.002.~~

1254 Section 35. Paragraph (a) of subsection (14) of section
 1255 408.910, Florida Statutes, is amended to read:

1256 408.910 Florida Health Choices Program.—

1257 (14) EXEMPTION FROM PUBLIC RECORDS REQUIREMENTS.—

1258 (a) *Definitions.*—For purposes of this subsection, the term:

1259 1. "Buyer's representative" means a participating insurance
 1260 agent as described in paragraph (4) (g).

1261 2. "Enrollee" means an employer who is eligible to enroll
 1262 in the program pursuant to paragraph (4) (a).

1263 3. "Participant" means an individual who is eligible to
 1264 participate in the program pursuant to paragraph (4) (b).

1265 4. "Proprietary confidential business information" means
 1266 information, regardless of form or characteristics, that is
 1267 owned or controlled by a vendor requesting confidentiality under
 1268 this section; that is intended to be and is treated by the
 1269 vendor as private in that the disclosure of the information
 1270 would cause harm to the business operations of the vendor; that
 1271 has not been disclosed unless disclosed pursuant to a statutory
 1272 provision, an order of a court or administrative body, or a
 1273 private agreement providing that the information may be released
 1274 to the public; and that is information concerning:

1275 a. Business plans.

1276 b. Internal auditing controls and reports of internal

23-01684A-19

20191416__

1277 auditors.

1278 c. Reports of external auditors for privately held

1279 companies.

1280 d. Client and customer lists.

1281 e. Potentially patentable material.

1282 ~~f. A trade secret as defined in s. 688.002.~~

1283 5. "Vendor" means a participating insurer or other provider

1284 of services as described in paragraph (4) (d).

1285 Section 36. Section 409.91196, Florida Statutes, is amended

1286 to read:

1287 409.91196 Supplemental rebate agreements; public records

1288 and public meetings exemption.—

1289 (1) The rebate amount, percent of rebate, manufacturer's

1290 pricing, and supplemental rebate, ~~and other trade secrets as~~

1291 ~~defined in s. 688.002 that the agency has identified for use in~~

1292 ~~negotiations,~~ held by the Agency for Health Care Administration

1293 under s. 409.912(5) (a)7. are confidential and exempt from s.

1294 119.07(1) and s. 24(a), Art. I of the State Constitution.

1295 (2) That portion of a meeting of the Medicaid

1296 Pharmaceutical and Therapeutics Committee at which the rebate

1297 amount, percent of rebate, manufacturer's pricing, or

1298 supplemental rebate, or confidential and exempt other trade

1299 secrets as provided for in s. 688.01 ~~defined in s. 688.002~~ that

1300 the agency has identified for use in negotiations, are discussed

1301 is exempt from s. 286.011 and s. 24(b), Art. I of the State

1302 Constitution. A record shall be made of each exempt portion of a

1303 meeting. Such record must include the times of commencement and

1304 termination, all discussions and proceedings, the names of all

1305 persons present at any time, and the names of all persons

23-01684A-19

20191416__

1306 speaking. No exempt portion of a meeting may be held off the
1307 record.

1308 Section 37. Subsection (2) of section 440.108, Florida
1309 Statutes, is amended to read:

1310 440.108 Investigatory records relating to workers'
1311 compensation employer compliance; confidentiality.—

1312 (2) After an investigation is completed or ceases to be
1313 active, information in records relating to the investigation
1314 remains confidential and exempt from the provisions of s.
1315 119.07(1) and s. 24(a), Art. I of the State Constitution if
1316 disclosure of that information would:

1317 (a) Jeopardize the integrity of another active
1318 investigation;

1319 (b) ~~Reveal a trade secret, as defined in s. 688.002;~~

1320 ~~(e)~~ Reveal business or personal financial information;

1321 (c) ~~(d)~~ Reveal personal identifying information regarding
1322 the identity of a confidential source;

1323 (d) ~~(e)~~ Defame or cause unwarranted damage to the good name
1324 or reputation of an individual or jeopardize the safety of an
1325 individual; or

1326 (e) ~~(f)~~ Reveal investigative techniques or procedures.

1327 Section 38. Paragraph (c) of subsection (1) of section
1328 494.00125, Florida Statutes, is amended to read:

1329 494.00125 Public records exemptions.—

1330 (1) INVESTIGATIONS OR EXAMINATIONS.—

1331 (c) Except as necessary for the office to enforce the
1332 provisions of this chapter, a consumer complaint and other
1333 information relative to an investigation or examination shall
1334 remain confidential and exempt from s. 119.07(1) after the

23-01684A-19

20191416__

1335 investigation or examination is completed or ceases to be active
1336 to the extent disclosure would:

1337 1. Jeopardize the integrity of another active investigation
1338 or examination.

1339 2. Reveal the name, address, telephone number, social
1340 security number, or any other identifying number or information
1341 of any complainant, customer, or account holder.

1342 3. Disclose the identity of a confidential source.

1343 4. Disclose investigative techniques or procedures.

1344 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1345 Section 39. Subsection (4) of section 497.172, Florida
1346 Statutes, is amended to read:

1347 497.172 Public records exemptions; public meetings
1348 exemptions.—

1349 ~~(4) TRADE SECRETS. Trade secrets, as defined in s. 688.002,~~
1350 ~~held by the department or board, are confidential and exempt~~
1351 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
1352 ~~Constitution.~~

1353 Section 40. Paragraph (c) of subsection (3) of section
1354 499.012, Florida Statutes, is amended to read:

1355 499.012 Permit application requirements.—

1356 (3)

1357 ~~(c) Information submitted by an applicant on an application~~
1358 ~~required pursuant to this subsection which is a trade secret, as~~
1359 ~~defined in s. 812.081, shall be maintained by the department as~~
1360 ~~trade secret information pursuant to s. 499.051(7).~~

1361 Section 41. Subsection (7) of section 499.0121, Florida
1362 Statutes, is amended to read:

1363 499.0121 Storage and handling of prescription drugs;

23-01684A-19

20191416__

1364 recordkeeping.—The department shall adopt rules to implement
1365 this section as necessary to protect the public health, safety,
1366 and welfare. Such rules shall include, but not be limited to,
1367 requirements for the storage and handling of prescription drugs
1368 and for the establishment and maintenance of prescription drug
1369 distribution records.

1370 (7) PRESCRIPTION DRUG PURCHASE LIST.—

1371 ~~(a)~~ Each wholesale distributor, except for a manufacturer,
1372 shall annually provide the department with a written list of all
1373 wholesale distributors and manufacturers from whom the wholesale
1374 distributor purchases prescription drugs. A wholesale
1375 distributor, except a manufacturer, shall notify the department
1376 not later than 10 days after any change to either list.

1377 ~~(b) Such portions of the information required pursuant to~~
1378 ~~this subsection which are a trade secret, as defined in s.~~
1379 ~~812.081, shall be maintained by the department as trade secret~~
1380 ~~information is required to be maintained under s. 499.051. This~~
1381 ~~paragraph is subject to the Open Government Sunset Review Act in~~
1382 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
1383 ~~2021, unless reviewed and saved from repeal through reenactment~~
1384 ~~by the Legislature.~~

1385 Section 42. Paragraph (g) of subsection (1) of section
1386 499.05, Florida Statutes, is amended to read:

1387 499.05 Rules.—

1388 (1) The department shall adopt rules to implement and
1389 enforce this chapter with respect to:

1390 (g) Inspections and investigations conducted under s.
1391 499.051 or s. 499.93, ~~and the identification of information~~
1392 ~~claimed to be a trade secret and exempt from the public records~~

23-01684A-19

20191416__

1393 ~~law as provided in s. 499.051(7).~~

1394 Section 43. Subsection (7) of section 499.051, Florida
1395 Statutes, is amended to read:

1396 499.051 Inspections and investigations.—

1397 (7) (a) The complaint and all information obtained pursuant
1398 to the investigation by the department are confidential and
1399 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1400 Constitution until the investigation and the enforcement action
1401 are completed.

1402 ~~(b) Information that constitutes a trade secret, as defined~~
1403 ~~in s. 812.081, contained in the complaint or obtained by the~~
1404 ~~department pursuant to the investigation must remain~~
1405 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
1406 ~~of the State Constitution as long as the information is held by~~
1407 ~~the department. This paragraph is subject to the Open Government~~
1408 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
1409 ~~repealed on October 2, 2021, unless reviewed and saved from~~
1410 ~~repeal through reenactment by the Legislature.~~

1411 ~~(c)~~ This subsection does not prohibit the department from
1412 using such information for regulatory or enforcement proceedings
1413 under this chapter or from providing such information to any law
1414 enforcement agency or any other regulatory agency. However, the
1415 receiving agency shall keep such records confidential and exempt
1416 as provided in this subsection.

1417 Section 44. Section 499.931, Florida Statutes, is repealed.

1418 Section 45. Paragraph (d) of subsection (11) of section
1419 501.171, Florida Statutes, is amended to read:

1420 501.171 Security of confidential personal information.—

1421 (11) PUBLIC RECORDS EXEMPTION.—

23-01684A-19

20191416__

1422 (d) For purposes of this subsection, the term "proprietary
1423 information" means information that:

1424 1. Is owned or controlled by the covered entity.

1425 2. Is intended to be private and is treated by the covered
1426 entity as private because disclosure would harm the covered
1427 entity or its business operations.

1428 3. Has not been disclosed except as required by law or a
1429 private agreement that provides that the information will not be
1430 released to the public.

1431 4. Is not publicly available or otherwise readily
1432 ascertainable through proper means from another source in the
1433 same configuration as received by the department.

1434 5. Includes:

1435 ~~a. Trade secrets as defined in s. 688.002.~~

1436 ~~b.~~ competitive interests, the disclosure of which would
1437 impair the competitive business of the covered entity who is the
1438 subject of the information.

1439 Section 46. Section 502.222, Florida Statutes, is repealed.

1440 Section 47. Paragraph (b) of subsection (1) of section
1441 517.2015, Florida Statutes, is amended to read:

1442 517.2015 Confidentiality of information relating to
1443 investigations and examinations.—

1444 (1)

1445 (b) Except as necessary for the office to enforce the
1446 provisions of this chapter, a consumer complaint and other
1447 information relative to an investigation or examination shall
1448 remain confidential and exempt from s. 119.07(1) after the
1449 investigation or examination is completed or ceases to be active
1450 to the extent disclosure would:

23-01684A-19

20191416__

1451 1. Jeopardize the integrity of another active investigation
 1452 or examination.

1453 2. Reveal the name, address, telephone number, social
 1454 security number, or any other identifying number or information
 1455 of any complainant, customer, or account holder.

1456 3. Disclose the identity of a confidential source.

1457 4. Disclose investigative techniques or procedures.

1458 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1459 Section 48. Paragraph (b) of subsection (1) of section
 1460 520.9965, Florida Statutes, is amended to read:

1461 520.9965 Confidentiality of information relating to
 1462 investigations and examinations.—

1463 (1)

1464 (b) Except as necessary for the office to enforce the
 1465 provisions of this chapter, a consumer complaint and other
 1466 information relative to an investigation or examination shall
 1467 remain confidential and exempt from s. 119.07(1) after the
 1468 investigation or examination is completed or ceases to be active
 1469 to the extent disclosure would:

1470 1. Jeopardize the integrity of another active investigation
 1471 or examination.

1472 2. Reveal the name, address, telephone number, social
 1473 security number, or any other identifying number or information
 1474 of any complainant, customer, or account holder.

1475 3. Disclose the identity of a confidential source.

1476 4. Disclose investigative techniques or procedures.

1477 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1478 Section 49. Subsection (2) of section 526.311, Florida
 1479 Statutes, is amended to read:

23-01684A-19

20191416__

1480 526.311 Enforcement; civil penalties; injunctive relief.-
1481 (2) The Department of Agriculture and Consumer Services
1482 shall investigate any complaints regarding violations of this
1483 act and may request in writing the production of documents and
1484 records as part of its investigation of a complaint. If the
1485 person upon whom such request was made fails to produce the
1486 documents or records within 30 days after the date of the
1487 request, the department, through the department's office of
1488 general counsel, may issue and serve a subpoena to compel the
1489 production of such documents and records. If any person shall
1490 refuse to comply with a subpoena issued under this section, the
1491 department may petition a court of competent jurisdiction to
1492 enforce the subpoena and assess such sanctions as the court may
1493 direct. Refiners shall afford the department reasonable access
1494 to the refiners' posted terminal price. Any records, documents,
1495 papers, maps, books, tapes, photographs, files, sound
1496 recordings, or other business material, regardless of form or
1497 characteristics, obtained by the department are confidential and
1498 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1499 of the State Constitution while the investigation is pending. At
1500 the conclusion of an investigation, any matter determined by the
1501 department or by a judicial or administrative body, federal or
1502 state, to be ~~a trade secret or~~ proprietary confidential business
1503 information held by the department pursuant to such
1504 investigation shall be considered confidential and exempt from
1505 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1506 Constitution. Such materials may be used in any administrative
1507 or judicial proceeding so long as the confidential or
1508 proprietary nature of the material is maintained.

23-01684A-19

20191416__

1509 Section 50. Paragraph (e) of subsection (1) of section
1510 548.062, Florida Statutes, is amended to read:

1511 548.062 Public records exemption.—

1512 (1) As used in this section, the term “proprietary
1513 confidential business information” means information that:

1514 (e) Concerns any of the following:

1515 1. The number of ticket sales for a match;

1516 2. The amount of gross receipts after a match;

1517 3. ~~A trade secret, as defined in s. 688.002;~~

1518 4. Business plans;

1519 4.5. Internal auditing controls and reports of internal
1520 auditors; or

1521 5.6. Reports of external auditors.

1522 Section 51. Paragraph (a) of subsection (1) of section
1523 556.113, Florida Statutes, is amended to read:

1524 556.113 Sunshine State One-Call of Florida, Inc.; public
1525 records exemption.—

1526 (1) As used in this section, the term “proprietary
1527 confidential business information” means information provided
1528 by:

1529 (a) A member operator which is a map, plan, facility
1530 location diagram, internal damage investigation report or
1531 analysis, or dispatch methodology, ~~or trade secret as defined in~~
1532 ~~s. 688.002,~~ or which describes the exact location of a utility
1533 underground facility or the protection, repair, or restoration
1534 thereof, and:

1535 1. Is intended to be and is treated by the member operator
1536 as confidential;

1537 2. The disclosure of which would likely be used by a

23-01684A-19

20191416__

1538 competitor to harm the business interests of the member operator
1539 or could be used for the purpose of inflicting damage on
1540 underground facilities; and

1541 3. Is not otherwise readily ascertainable or publicly
1542 available by proper means by other persons from another source
1543 in the same configuration as provided to Sunshine State One-Call
1544 of Florida, Inc.

1545 Section 52. Paragraph (b) of subsection (2) of section
1546 559.5558, Florida Statutes, is amended to read:

1547 559.5558 Public records exemption; investigations and
1548 examinations.—

1549 (2)

1550 (b) Information made confidential and exempt pursuant to
1551 this section is no longer confidential and exempt once the
1552 investigation or examination is completed or ceases to be active
1553 unless disclosure of the information would:

1554 1. Jeopardize the integrity of another active investigation
1555 or examination.

1556 2. Reveal the personal identifying information of a
1557 consumer, unless the consumer is also the complainant. A
1558 complainant's personal identifying information is subject to
1559 disclosure after the investigation or examination is completed
1560 or ceases to be active. However, a complainant's personal
1561 financial and health information remains confidential and
1562 exempt.

1563 3. Reveal the identity of a confidential source.

1564 4. Reveal investigative or examination techniques or
1565 procedures.

1566 ~~5. Reveal trade secrets, as defined in s. 688.002.~~

23-01684A-19

20191416__

1567 Section 53. Paragraph (c) of subsection (3) of section
1568 559.9285, Florida Statutes, is amended to read:

1569 559.9285 Certification of business activities.—

1570 (3) The department shall specify by rule the form of each
1571 certification under this section which shall include the
1572 following information:

1573 (c) The legal name, any trade names or fictitious names,
1574 mailing address, physical address, telephone number or numbers,
1575 facsimile number or numbers, and all Internet and electronic
1576 contact information of every other commercial entity with which
1577 the certifying party engages in business or commerce that is
1578 related in any way to the certifying party's business or
1579 commerce with any terrorist state. The information disclosed
1580 pursuant to this paragraph does not constitute customer lists
1581 or customer names, ~~or trade secrets~~ protected under s.
1582 570.544(8) or trade secrets protected under s. 688.01.

1583 Section 54. Subsection (2) of section 560.129, Florida
1584 Statutes, is amended to read:

1585 560.129 Confidentiality.—

1586 (2) All information obtained by the office in the course of
1587 its investigation or examination ~~which is a trade secret, as~~
1588 ~~defined in s. 688.002, or~~ which is personal financial
1589 information shall remain confidential and exempt from s.
1590 119.07(1) and s. 24(a), Art. I of the State Constitution. If any
1591 administrative, civil, or criminal proceeding against a money
1592 services business, its authorized vendor, or an affiliated party
1593 is initiated and the office seeks to use matter that a licensee
1594 believes to be ~~a trade secret or~~ personal financial information,
1595 such records shall be subject to an in camera review by the

23-01684A-19

20191416__

1596 administrative law judge, if the matter is before the Division
1597 of Administrative Hearings, or a judge of any court of this
1598 state, any other state, or the United States, as appropriate,
1599 for the purpose of determining if the matter is ~~a trade secret~~
1600 ~~or is~~ personal financial information. ~~If it is determined that~~
1601 ~~the matter is a trade secret, the matter shall remain~~
1602 ~~confidential.~~ If it is determined that the matter is personal
1603 financial information, the matter shall remain confidential
1604 unless the administrative law judge or judge determines that, in
1605 the interests of justice, the matter should become public.

1606 Section 55. Subsection (3) of section 570.48, Florida
1607 Statutes, is amended to read:

1608 570.48 Division of Fruit and Vegetables; powers and duties;
1609 records.—The duties of the Division of Fruit and Vegetables
1610 include, but are not limited to:

1611 (3) Maintaining the records of the division. The records of
1612 the division are public records. ; ~~however, trade secrets as~~
1613 ~~defined in s. 812.081 are confidential and exempt from s.~~
1614 ~~119.07(1) and s. 24(a), Art. I of the State Constitution. This~~
1615 ~~subsection is subject to the Open Government Sunset Review Act~~
1616 ~~in accordance with s. 119.15 and shall stand repealed on October~~
1617 ~~2, 2021, unless reviewed and saved from repeal through~~
1618 ~~reenactment by the Legislature. This Section 688.01 may not be~~
1619 ~~construed to prohibit:~~

1620 ~~(a) A disclosure necessary to enforcement procedures.~~

1621 ~~(b) The department from releasing information to other~~
1622 ~~governmental agencies. Other governmental agencies that receive~~
1623 ~~confidential information from the department under this~~
1624 ~~subsection shall maintain the confidentiality of that~~

23-01684A-19

20191416__

1625 ~~information.~~

1626 ~~(e)~~ the department or other agencies from compiling and
1627 publishing appropriate data regarding procedures, yield,
1628 recovery, quality, and related matters, provided such released
1629 data do not reveal by whom the activity to which the data relate
1630 was conducted.

1631 Section 56. Subsection (8) of section 570.544, Florida
1632 Statutes, is amended to read:

1633 570.544 Division of Consumer Services; director; powers;
1634 processing of complaints; records.—

1635 (8) The records of the Division of Consumer Services are
1636 public records. However, customer lists and, customer names, ~~and~~
1637 ~~trade secrets~~ are confidential and exempt from the provisions of
1638 s. 119.07(1). Disclosure necessary to enforcement procedures
1639 does not violate this prohibition.

1640 Section 57. Present subsection (2) of section 573.123,
1641 Florida Statutes, is amended, and present subsections (3) and
1642 (4) of that subsection are renumbered as subsections (2) and
1643 (3), respectively, to read:

1644 573.123 Maintenance and production of records.—

1645 ~~(2) Information that, if disclosed, would reveal a trade~~
1646 ~~secret, as defined in s. 812.081, of any person subject to a~~
1647 ~~marketing order is confidential and exempt from s. 119.07(1) and~~
1648 ~~s. 24(a), Art. I of the State Constitution and may not be~~
1649 ~~disclosed except to an attorney who provides legal advice to the~~
1650 ~~division about enforcing a marketing order or by court order. A~~
1651 ~~person who receives confidential information under this~~
1652 ~~subsection shall maintain the confidentiality of that~~
1653 ~~information. This subsection is subject to the Open Government~~

23-01684A-19

20191416__

1654 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
1655 ~~repealed on October 2, 2021, unless reviewed and saved from~~
1656 ~~repeal through reenactment by the Legislature.~~

1657 Section 58. Section 581.199, Florida Statutes, is repealed.

1658 Section 59. Paragraph (b) of subsection (8) of section
1659 601.10, Florida Statutes, is amended, and present paragraph (c)
1660 of that subsection is redesignated as paragraph (b), to read:

1661 601.10 Powers of the Department of Citrus.—The department
1662 shall have and shall exercise such general and specific powers
1663 as are delegated to it by this chapter and other statutes of the
1664 state, which powers shall include, but are not limited to, the
1665 following:

1666 (8)

1667 ~~(b) Any information provided to the department which~~
1668 ~~constitutes a trade secret as defined in s. 812.081 is~~
1669 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
1670 ~~of the State Constitution. This paragraph is subject to the Open~~
1671 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
1672 ~~shall stand repealed on October 2, 2021, unless reviewed and~~
1673 ~~saved from repeal through reenactment by the Legislature.~~

1674 Section 60. Paragraph (d) of subsection (7) of section
1675 601.15, Florida Statutes, is amended to read:

1676 601.15 Advertising campaign; methods of conducting;
1677 assessments; emergency reserve fund; citrus research.—

1678 (7) All assessments levied and collected under this chapter
1679 shall be paid into the State Treasury on or before the 15th day
1680 of each month. Such moneys shall be accounted for in a special
1681 fund to be designated as the Florida Citrus Advertising Trust
1682 Fund, and all moneys in such fund are appropriated to the

23-01684A-19

20191416__

1683 department for the following purposes:

1684 (d)1. The pro rata portion of moneys allocated to each type
1685 of citrus product in noncommodity programs shall be used by the
1686 department to encourage substantial increases in the
1687 effectiveness, frequency, and volume of noncommodity
1688 advertising, merchandising, publicity, and sales promotion of
1689 such citrus products through rebates and incentive payments to
1690 handlers and trade customers for these activities. The
1691 department shall adopt rules providing for the use of such
1692 moneys. The rules shall establish alternate incentive programs,
1693 including at least one incentive program for product sold under
1694 advertised brands, one incentive program for product sold under
1695 private label brands, and one incentive program for product sold
1696 in bulk. For each incentive program, the rules must establish
1697 eligibility and performance requirements and must provide
1698 appropriate limitations on amounts payable to a handler or trade
1699 customer for a particular season. Such limitations may relate to
1700 the amount of citrus assessments levied and collected on the
1701 citrus product handled by such handler or trade customer during
1702 a 12-month representative period.

1703 2. The department may require from participants in
1704 noncommodity advertising and promotional programs commercial
1705 information necessary to determine eligibility for and
1706 performance in such programs. ~~Any information required which~~
1707 ~~constitutes a trade secret as defined in s. 812.081 is~~
1708 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
1709 ~~of the State Constitution. This subparagraph is subject to the~~
1710 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
1711 ~~and shall stand repealed on October 2, 2021, unless reviewed and~~

23-01684A-19

20191416__

1712 ~~saved from repeal through reenactment by the Legislature.~~

1713 Section 61. Paragraph (c) of subsection (8) of section
1714 601.152, Florida Statutes, is amended to read:

1715 601.152 Special marketing orders.—

1716 (8)

1717 (c)~~1~~. Every handler shall, at such times as the department
1718 may require, file with the department a return, not under oath,
1719 on forms to be prescribed and furnished by the department,
1720 certified as true and correct, stating the quantity of the type,
1721 variety, and form of citrus fruit or citrus product specified in
1722 the marketing order first handled in the primary channels of
1723 trade in the state by such handler during the period of time
1724 specified in the marketing order. Such returns must contain any
1725 further information deemed by the department to be reasonably
1726 necessary to properly administer or enforce this section or any
1727 marketing order implemented under this section.

1728 ~~2. Information that, if disclosed, would reveal a trade
1729 secret, as defined in s. 812.081, of any person subject to a
1730 marketing order is confidential and exempt from s. 119.07(1) and
1731 s. 24(a), Art. I of the State Constitution. This subparagraph is
1732 subject to the Open Government Sunset Review Act in accordance
1733 with s. 119.15 and shall stand repealed on October 2, 2021,
1734 unless reviewed and saved from repeal through reenactment by the
1735 Legislature.~~

1736 Section 62. Section 601.76, Florida Statutes, is amended to
1737 read:

1738 601.76 Manufacturer to furnish formula and other
1739 information.—Any formula required to be filed with the
1740 Department of Agriculture ~~shall be deemed a trade secret as~~

23-01684A-19

20191416__

1741 ~~defined in s. 812.081,~~ is confidential and exempt from s.
1742 119.07(1) and s. 24(a), Art. I of the State Constitution, and
1743 may be divulged only to the Department of Agriculture or to its
1744 duly authorized representatives or upon court order when
1745 necessary in the enforcement of this law. A person who receives
1746 such a formula from the Department of Agriculture under this
1747 section shall maintain the confidentiality of the formula. ~~This~~
1748 ~~section is subject to the Open Government Sunset Review Act in~~
1749 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
1750 ~~2021, unless reviewed and saved from repeal through reenactment~~
1751 ~~by the Legislature.~~

1752 Section 63. Subsection (6) of section 607.0505, Florida
1753 Statutes, is amended to read:

1754 607.0505 Registered agent; duties.—

1755 (6) Information provided to, and records and transcriptions
1756 of testimony obtained by, the Department of Legal Affairs
1757 pursuant to this section are confidential and exempt from the
1758 provisions of s. 119.07(1) while the investigation is active.
1759 For purposes of this section, an investigation shall be
1760 considered "active" while such investigation is being conducted
1761 with a reasonable, good faith belief that it may lead to the
1762 filing of an administrative, civil, or criminal proceeding. An
1763 investigation does not cease to be active so long as the
1764 department is proceeding with reasonable dispatch and there is a
1765 good faith belief that action may be initiated by the department
1766 or other administrative or law enforcement agency. Except for
1767 active criminal intelligence or criminal investigative
1768 information, as defined in s. 119.011, and information which, if
1769 disclosed, ~~would reveal a trade secret, as defined in s.~~

23-01684A-19

20191416__

1770 ~~688.002, or~~ would jeopardize the safety of an individual, all
1771 information, records, and transcriptions become public record
1772 when the investigation is completed or ceases to be active. The
1773 department shall not disclose confidential information, records,
1774 or transcriptions of testimony except pursuant to the
1775 authorization by the Attorney General in any of the following
1776 circumstances:

1777 (a) To a law enforcement agency participating in or
1778 conducting a civil investigation under chapter 895, or
1779 participating in or conducting a criminal investigation.

1780 (b) In the course of filing, participating in, or
1781 conducting a judicial proceeding instituted pursuant to this
1782 section or chapter 895.

1783 (c) In the course of filing, participating in, or
1784 conducting a judicial proceeding to enforce an order or judgment
1785 entered pursuant to this section or chapter 895.

1786 (d) In the course of a criminal or civil proceeding.

1787
1788 A person or law enforcement agency which receives any
1789 information, record, or transcription of testimony that has been
1790 made confidential by this subsection shall maintain the
1791 confidentiality of such material and shall not disclose such
1792 information, record, or transcription of testimony except as
1793 provided for herein. Any person who willfully discloses any
1794 information, record, or transcription of testimony that has been
1795 made confidential by this subsection, except as provided for
1796 herein, is guilty of a misdemeanor of the first degree,
1797 punishable as provided in s. 775.082 or s. 775.083. If any
1798 information, record, or testimony obtained pursuant to

23-01684A-19

20191416__

1799 subsection (2) is offered in evidence in any judicial
1800 proceeding, the court may, in its discretion, seal that portion
1801 of the record to further the policies of confidentiality set
1802 forth herein.

1803 Section 64. Subsection (6) of section 617.0503, Florida
1804 Statutes, is amended to read:

1805 617.0503 Registered agent; duties; confidentiality of
1806 investigation records.—

1807 (6) Information provided to, and records and transcriptions
1808 of testimony obtained by, the Department of Legal Affairs
1809 pursuant to this section are confidential and exempt from the
1810 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1811 Constitution while the investigation is active. For purposes of
1812 this section, an investigation shall be considered "active"
1813 while such investigation is being conducted with a reasonable,
1814 good faith belief that it may lead to the filing of an
1815 administrative, civil, or criminal proceeding. An investigation
1816 does not cease to be active so long as the department is
1817 proceeding with reasonable dispatch and there is a good faith
1818 belief that action may be initiated by the department or other
1819 administrative or law enforcement agency. Except for active
1820 criminal intelligence or criminal investigative information, as
1821 defined in s. 119.011, and information which, if disclosed,
1822 ~~would reveal a trade secret, as defined in s. 688.002, or would~~
1823 jeopardize the safety of an individual, all information,
1824 records, and transcriptions become available to the public when
1825 the investigation is completed or ceases to be active. The
1826 department shall not disclose confidential information, records,
1827 or transcriptions of testimony except pursuant to authorization

23-01684A-19

20191416__

1828 by the Attorney General in any of the following circumstances:

1829 (a) To a law enforcement agency participating in or
1830 conducting a civil investigation under chapter 895, or
1831 participating in or conducting a criminal investigation.

1832 (b) In the course of filing, participating in, or
1833 conducting a judicial proceeding instituted pursuant to this
1834 section or chapter 895.

1835 (c) In the course of filing, participating in, or
1836 conducting a judicial proceeding to enforce an order or judgment
1837 entered pursuant to this section or chapter 895.

1838 (d) In the course of a criminal proceeding.

1839
1840 A person or law enforcement agency that receives any
1841 information, record, or transcription of testimony that has been
1842 made confidential by this subsection shall maintain the
1843 confidentiality of such material and shall not disclose such
1844 information, record, or transcription of testimony except as
1845 provided for herein. Any person who willfully discloses any
1846 information, record, or transcription of testimony that has been
1847 made confidential by this subsection, except as provided for in
1848 this subsection, commits a misdemeanor of the first degree,
1849 punishable as provided in s. 775.082 or s. 775.083. If any
1850 information, record, or testimony obtained pursuant to
1851 subsection (2) is offered in evidence in any judicial
1852 proceeding, the court may, in its discretion, seal that portion
1853 of the record to further the policies of confidentiality set
1854 forth in this subsection.

1855 Section 65. Subsection (4) of section 624.307, Florida
1856 Statutes, is amended to read:

23-01684A-19

20191416__

1857 624.307 General powers; duties.—

1858 (4) The department and office may each collect, propose,
1859 publish, and disseminate information relating to the subject
1860 matter of any duties imposed upon it by law. Notwithstanding any
1861 other provision of law, information reported to and collected by
1862 the office may be made available on an aggregate basis. The
1863 office may report, publish, or otherwise make available such
1864 information from all insurers on an aggregate basis by line of
1865 business and by county, even if marked as a trade secret
1866 pursuant to s. 688.01, but shall otherwise maintain trade secret
1867 confidentiality in accordance with s. 688.01.

1868 Section 66. Subsection (4) is added to section 624.315,
1869 Florida Statutes, to read:

1870 624.315 Department; annual report.—

1871 (4) Notwithstanding any other provision of law, the office
1872 may make the information in subsection (2) available on an
1873 aggregate basis. The office may include such statistical
1874 information from all insurers on an aggregate basis by line of
1875 business and by county, even if marked as a trade secret
1876 pursuant to s. 688.01, but shall otherwise maintain trade secret
1877 confidentiality in accordance with s. 688.01.

1878 Section 67. Paragraph (c) of subsection (1) and subsection
1879 (5) of section 624.4212, Florida Statutes, are amended to read:

1880 624.4212 Confidentiality of proprietary business and other
1881 information.—

1882 (1) As used in this section, the term "proprietary business
1883 information" means information, regardless of form or
1884 characteristics, which is owned or controlled by an insurer, or
1885 a person or an affiliated person who seeks acquisition of

23-01684A-19

20191416__

1886 controlling stock in a domestic stock insurer or controlling
1887 company, and which:

1888 (c) Includes:

1889 1. ~~Trade secrets as defined in s. 688.002 which comply with~~
1890 ~~s. 624.4213.~~

1891 2. Information relating to competitive interests, the
1892 disclosure of which would impair the competitive business of the
1893 provider of the information.

1894 2.3. The source, nature, and amount of the consideration
1895 used or to be used in carrying out a merger or other acquisition
1896 of control in the ordinary course of business, including the
1897 identity of the lender, if the person filing a statement
1898 regarding consideration so requests.

1899 3.4. Information relating to bids or other contractual
1900 data, the disclosure of which would impair the efforts of the
1901 insurer or its affiliates to contract for goods or services on
1902 favorable terms.

1903 4.5. Internal auditing controls and reports of internal
1904 auditors.

1905 (5) The office may disclose information made confidential
1906 and exempt under this section or s. 688.01:

1907 (a) If the insurer to which it pertains gives prior written
1908 consent;

1909 (b) Pursuant to a court order;

1910 (c) To the Actuarial Board for Counseling and Discipline
1911 upon a request stating that the information is for the purpose
1912 of professional disciplinary proceedings and specifying
1913 procedures satisfactory to the office for preserving the
1914 confidentiality of the information;

23-01684A-19

20191416__

1915 (d) To other states, federal and international agencies,
 1916 the National Association of Insurance Commissioners and its
 1917 affiliates and subsidiaries, and state, federal, and
 1918 international law enforcement authorities, including members of
 1919 a supervisory college described in s. 628.805 if the recipient
 1920 agrees in writing to maintain the confidential and exempt status
 1921 of the document, material, or other information and has
 1922 certified in writing its legal authority to maintain such
 1923 confidentiality; or

1924 (e) For the purpose of aggregating information on an
 1925 industrywide basis and disclosing the information to the public
 1926 only if the specific identities of the insurers, or persons or
 1927 affiliated persons, are not revealed.

1928 Section 68. Section 624.4213, Florida Statutes, is
 1929 repealed.

1930 Section 69. Paragraph (d) of subsection (1) of section
 1931 626.84195, Florida Statutes, is amended to read:

1932 626.84195 Confidentiality of information supplied by title
 1933 insurance agencies and insurers.—

1934 (1) As used in this section, the term "proprietary business
 1935 information" means information that:

1936 (d) Concerns:

1937 1. Business plans;

1938 2. Internal auditing controls and reports of internal
 1939 auditors;

1940 3. Reports of external auditors for privately held
 1941 companies;

1942 4. ~~Trade secrets, as defined in s. 688.002;~~ or

1943 5. Financial information, including revenue data, loss

23-01684A-19

20191416__

1944 expense data, gross receipts, taxes paid, capital investment,
1945 and employee wages.

1946 Section 70. Subsection (2) of section 626.884, Florida
1947 Statutes, is amended to read:

1948 626.884 Maintenance of records by administrator; access;
1949 confidentiality.—

1950 (2) The office shall have access to books and records
1951 maintained by the administrator for the purpose of examination,
1952 audit, and inspection. ~~Information contained in such books and~~
1953 ~~records is confidential and exempt from the provisions of s.~~
1954 ~~119.07(1) if the disclosure of such information would reveal a~~
1955 ~~trade secret as defined in s. 688.002. However,~~ The office may
1956 use such information in any proceeding instituted against the
1957 administrator.

1958 Section 71. Subsection (1) of section 626.9936, Florida
1959 Statutes, is amended to read:

1960 626.9936 Access to records.—

1961 (1) Notwithstanding subsections (1) and (2) of Article
1962 VIII, subsection (2) of Article X, and subsection (6) of Article
1963 XII of the Interstate Insurance Product Regulation Compact, a
1964 request by a resident of this state for public inspection and
1965 copying of information, data, or official records that includes:

1966 (a) An insurer's trade secrets shall be referred to the
1967 commissioner who shall respond to the request, with the
1968 cooperation and assistance of the commission, in accordance with
1969 s. 688.01 ~~s. 624.4213~~; or

1970 (b) Matters of privacy of individuals shall be referred to
1971 the commissioner who shall respond to the request, with the
1972 cooperation and assistance of the commission, in accordance with

23-01684A-19

20191416__

1973 s. 119.07(1).

1974 Section 72. Paragraph (g) of subsection (3) of section
1975 627.0628, Florida Statutes, is amended to read:

1976 627.0628 Florida Commission on Hurricane Loss Projection
1977 Methodology; public records exemption; public meetings
1978 exemption.—

1979 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

1980 (g)1. ~~A trade secret, as defined in s. 688.002, which is~~
1981 ~~used in designing and constructing a hurricane or flood loss~~
1982 ~~model and which is provided pursuant to this section, by a~~
1983 ~~private company, to the commission, office, or consumer advocate~~
1984 ~~appointed pursuant to s. 627.0613 is confidential and exempt~~
1985 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
1986 ~~Constitution.~~

1987 ~~2.a.~~ That portion of a meeting of the commission or of a
1988 rate proceeding on an insurer's rate filing at which a trade
1989 secret made confidential and exempt pursuant to s. 688.01 by
1990 ~~this paragraph~~ is discussed is exempt from s. 286.011 and s.
1991 24(b), Art. I of the State Constitution. The closed meeting must
1992 be recorded, and no portion of the closed meeting may be off the
1993 record.

1994 ~~2.b.~~ The recording of a closed portion of a meeting is
1995 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1996 Constitution.

1997 ~~e. This paragraph is subject to the Open Government Sunset~~
1998 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
1999 ~~on October 2, 2019, unless reviewed and saved from repeal~~
2000 ~~through reenactment by the Legislature.~~

2001 Section 73. Paragraphs (a) and (c) of subsection (11) of

23-01684A-19

20191416__

2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030

section 627.3518, Florida Statutes, are amended to read:

627.3518 Citizens Property Insurance Corporation policyholder eligibility clearinghouse program.—The purpose of this section is to provide a framework for the corporation to implement a clearinghouse program by January 1, 2014.

(11) Proprietary business information provided to the corporation’s clearinghouse by insurers with respect to identifying and selecting risks for an offer of coverage is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(a) As used in this subsection, the term “proprietary business information” means information, regardless of form or characteristics, which is owned or controlled by an insurer and:

1. Is identified by the insurer as proprietary business information and is intended to be and is treated by the insurer as private in that the disclosure of the information would cause harm to the insurer, an individual, or the company’s business operations and has not been disclosed unless disclosed pursuant to a statutory requirement, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public;
2. Is not otherwise readily ascertainable or publicly available by proper means by other persons from another source in the same configuration as provided to the clearinghouse; and
3. Includes:
 - ~~a. Trade secrets, as defined in s. 688.002.~~
 - ~~b.~~ information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

23-01684A-19

20191416__

2031

2032 Proprietary business information may be found in underwriting
2033 criteria or instructions which are used to identify and select
2034 risks through the program for an offer of coverage and are
2035 shared with the clearinghouse to facilitate the shopping of
2036 risks with the insurer.

2037 Section 74. Present subsections (4), (5), (14), and (15) of
2038 section 655.057, Florida Statutes, are amended, and present
2039 subsections (6) through (13) of that section are renumbered as
2040 subsections (5) through (12), respectively, to read:

2041 655.057 Records; limited restrictions upon public access.-

2042 (4) ~~Except as otherwise provided in this section and except~~
2043 ~~for those portions that are otherwise public record, trade~~
2044 ~~secrets as defined in s. 688.002 which comply with s. 655.0591~~
2045 ~~and which are held by the office in accordance with its~~
2046 ~~statutory duties with respect to the financial institutions~~
2047 ~~codes are confidential and exempt from s. 119.07(1) and s.~~
2048 ~~24(a), Art. I of the State Constitution.~~

2049 ~~(5) Neither this section nor s. 688.01 prevents~~ does not
2050 prevent or restricts ~~restrict:~~

2051 (a) Publishing reports that are required to be submitted to
2052 the office pursuant to s. 655.045(2) or required by applicable
2053 federal statutes or regulations to be published.

2054 (b) Furnishing records or information to any other state,
2055 federal, or foreign agency responsible for the regulation or
2056 supervision of financial institutions.

2057 (c) Disclosing or publishing summaries of the condition of
2058 financial institutions and general economic and similar
2059 statistics and data, provided that the identity of a particular

23-01684A-19

20191416__

2060 financial institution is not disclosed.

2061 (d) Reporting any suspected criminal activity, with
2062 supporting documents and information, to appropriate law
2063 enforcement and prosecutorial agencies.

2064 (e) Furnishing information upon request to the Chief
2065 Financial Officer or the Division of Treasury of the Department
2066 of Financial Services regarding the financial condition of any
2067 financial institution that is, or has applied to be, designated
2068 as a qualified public depository pursuant to chapter 280.

2069 (f) Furnishing information to Federal Home Loan Banks
2070 regarding its member institutions pursuant to an information
2071 sharing agreement between the Federal Home Loan Banks and the
2072 office.

2073
2074 Any confidential information or records obtained from the office
2075 pursuant to this subsection shall be maintained as confidential
2076 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
2077 Constitution.

2078 (13) This section is ~~(14) Subsections (3) and (4) are~~
2079 ~~subject to the Open Government Sunset Review Act in accordance~~
2080 ~~with s. 119.15 and are repealed on October 2, 2019, unless~~
2081 ~~reviewed and saved from repeal through reenactment by the~~
2082 ~~Legislature.~~

2083 ~~(15) Subsections (1), (2), (5), and (9) are~~ subject to the
2084 Open Government Sunset Review Act in accordance with s. 119.15
2085 and is ~~are~~ repealed on October 2, 2022, unless reviewed and
2086 saved from repeal through reenactment by the Legislature.

2087 Section 75. Section 655.0591, Florida Statutes, is
2088 repealed.

23-01684A-19

20191416__

2089 Section 76. Subsection (11) of section 663.533, Florida
2090 Statutes, is amended to read:

2091 663.533 Applicability of the financial institutions codes.-
2092 A qualified limited service affiliate is subject to the
2093 financial institutions codes. Without limiting the foregoing,
2094 the following provisions are applicable to a qualified limited
2095 service affiliate:

2096 (11) Section 688.01 ~~655.0591~~, relating to trade secret
2097 documents.

2098
2099 This section does not prohibit the office from investigating or
2100 examining an entity to ensure that it is not in violation of
2101 this chapter or applicable provisions of the financial
2102 institutions codes.

2103 Section 77. Section 721.071, Florida Statutes, is repealed.

2104 Section 78. Present subsections (3) and (4) of section
2105 815.04, Florida Statutes, are amended, and present subsection
2106 (5) of that section is renumbered as subsection (4), to read:

2107 815.04 Offenses against intellectual property; ~~public~~
2108 ~~records exemption.-~~

2109 ~~(3) Data, programs, or supporting documentation that is a~~
2110 ~~trade secret as defined in s. 812.081, that is held by an agency~~
2111 ~~as defined in chapter 119, and that resides or exists internal~~
2112 ~~or external to a computer, computer system, computer network, or~~
2113 ~~electronic device is confidential and exempt from the provisions~~
2114 ~~of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~
2115 ~~This subsection is subject to the Open Government Sunset Review~~
2116 ~~Act in accordance with s. 119.15 and shall stand repealed on~~
2117 ~~October 2, 2021, unless reviewed and saved from repeal through~~

23-01684A-19

20191416__

2118 ~~reenactment by the Legislature.~~

2119 ~~(4)~~ A person who willfully, knowingly, and without
2120 authorization discloses or takes data, programs, or supporting
2121 documentation that is a trade secret as defined in s. 812.081 ~~or~~
2122 ~~is confidential as provided by law~~ residing or existing internal
2123 or external to a computer, computer system, computer network, or
2124 electronic device commits an offense against intellectual
2125 property.

2126 Section 79. Section 815.045, Florida Statutes, is repealed.

2127 Section 80. Subsection (2) of section 1004.22, Florida
2128 Statutes, is amended to read:

2129 1004.22 Divisions of sponsored research at state
2130 universities.—

2131 (2) The university shall set such policies to regulate the
2132 activities of the divisions of sponsored research as it may
2133 consider necessary to administer the research programs in a
2134 manner which assures efficiency and effectiveness, producing the
2135 maximum benefit for the educational programs and maximum service
2136 to the state. To this end, materials that relate to methods of
2137 manufacture or production, ~~potential trade secrets,~~ potentially
2138 patentable material, ~~actual~~ trade secrets as defined in s.
2139 688.01, business transactions, or proprietary information
2140 received, generated, ascertained, or discovered during the
2141 course of research conducted within the state universities shall
2142 be confidential and exempt from the provisions of s. 119.07(1),
2143 except that a division of sponsored research shall make
2144 available upon request the title and description of a research
2145 project, the name of the researcher, and the amount and source
2146 of funding provided for such project.

23-01684A-19

20191416__

2147 Section 81. Paragraph (c) of subsection (2) and subsections
2148 (3), (4), and (7) of section 1004.30, Florida Statutes, are
2149 amended, and paragraph (d) of subsection (2) of that section is
2150 redesignated as paragraph (c), to read:

2151 1004.30 University health services support organization;
2152 confidentiality of information.—

2153 (2) The following university health services support
2154 organization's records and information are confidential and
2155 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
2156 of the State Constitution:

2157 ~~(c) Trade secrets, as defined in s. 688.002, including~~
2158 ~~reimbursement methodologies and rates.~~

2159 (3) Any portion of a governing board or peer review panel
2160 or committee meeting during which a confidential and exempt
2161 contract, document, record, or marketing plan, ~~or trade secret~~,
2162 as provided for in subsection (2), or a confidential and exempt
2163 trade secret, as provided for in s. 688.01, is discussed is
2164 exempt from the provisions of s. 286.011 and s. 24(b), Art. I of
2165 the State Constitution.

2166 (4) Those portions of any public record, such as a tape
2167 recording, minutes, and notes, generated during that portion of
2168 a governing board or peer review panel or committee meeting
2169 which is closed to the public pursuant to this section, ~~which~~
2170 ~~contain information relating to contracts, documents, records,~~
2171 ~~marketing plans, or trade secrets which are made confidential~~
2172 ~~and exempt by this section~~, are confidential and exempt from the
2173 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2174 Constitution.

2175 (7) Those portions of any public record, such as a tape

23-01684A-19

20191416__

2176 recording, minutes, or notes, generated during that portion of a
2177 governing board meeting at which negotiations for contracts for
2178 managed-care arrangements occur, are reported on, or are acted
2179 on by the governing board, which record is made confidential and
2180 exempt by subsection (4), shall become public records 2 years
2181 after the termination or completion of the term of the contract
2182 to which such negotiations relate or, if no contract was
2183 executed, 2 years after the termination of the negotiations.
2184 Notwithstanding paragraph (2)(a) and subsection (4), a
2185 university health services support organization must make
2186 available, upon request, the title and general description of a
2187 contract for managed-care arrangements, the names of the
2188 contracting parties, and the duration of the contract term. All
2189 contracts for managed-care arrangements which are made
2190 confidential and exempt by paragraph (2)(a), except those
2191 portions of any contract containing trade secrets which are made
2192 confidential and exempt by s. 688.01 ~~paragraph (2)(c)~~, shall
2193 become public 2 years after the termination or completion of the
2194 term of the contract.

2195 Section 82. Paragraph (b) of subsection (8) of section
2196 1004.43, Florida Statutes, is amended to read:

2197 1004.43 H. Lee Moffitt Cancer Center and Research
2198 Institute.—There is established the H. Lee Moffitt Cancer Center
2199 and Research Institute, a statewide resource for basic and
2200 clinical research and multidisciplinary approaches to patient
2201 care.

2202 (8)

2203 (b) Proprietary confidential business information is
2204 confidential and exempt from the provisions of s. 119.07(1) and

23-01684A-19

20191416__

2205 s. 24(a), Art. I of the State Constitution. However, the Auditor
2206 General, the Office of Program Policy Analysis and Government
2207 Accountability, and the Board of Governors, pursuant to their
2208 oversight and auditing functions, must be given access to all
2209 proprietary confidential business information upon request and
2210 without subpoena and must maintain the confidentiality of
2211 information so received. As used in this paragraph, the term
2212 "proprietary confidential business information" means
2213 information, regardless of its form or characteristics, which is
2214 owned or controlled by the not-for-profit corporation or its
2215 subsidiaries; is intended to be and is treated by the not-for-
2216 profit corporation or its subsidiaries as private and the
2217 disclosure of which would harm the business operations of the
2218 not-for-profit corporation or its subsidiaries; has not been
2219 intentionally disclosed by the corporation or its subsidiaries
2220 unless pursuant to law, an order of a court or administrative
2221 body, a legislative proceeding pursuant to s. 5, Art. III of the
2222 State Constitution, or a private agreement that provides that
2223 the information may be released to the public; and which is
2224 information concerning:

2225 1. Internal auditing controls and reports of internal
2226 auditors;

2227 2. Matters reasonably encompassed in privileged attorney-
2228 client communications;

2229 3. Contracts for managed-care arrangements, including
2230 preferred provider organization contracts, health maintenance
2231 organization contracts, and exclusive provider organization
2232 contracts, and any documents directly relating to the
2233 negotiation, performance, and implementation of any such

23-01684A-19

20191416__

2234 contracts for managed-care arrangements;

2235 4. Bids or other contractual data, banking records, and

2236 credit agreements the disclosure of which would impair the

2237 efforts of the not-for-profit corporation or its subsidiaries to

2238 contract for goods or services on favorable terms;

2239 5. Information relating to private contractual data, the

2240 disclosure of which would impair the competitive interest of the

2241 provider of the information;

2242 6. Corporate officer and employee personnel information;

2243 7. Information relating to the proceedings and records of

2244 credentialing panels and committees and of the governing board

2245 of the not-for-profit corporation or its subsidiaries relating

2246 to credentialing;

2247 8. Minutes of meetings of the governing board of the not-

2248 for-profit corporation and its subsidiaries, except minutes of

2249 meetings open to the public pursuant to subsection (9);

2250 9. Information that reveals plans for marketing services

2251 that the corporation or its subsidiaries reasonably expect to be

2252 provided by competitors;

2253 10. Trade secrets as defined in s. 688.01 ~~s. 688.002~~,

2254 including:

2255 a. Information relating to methods of manufacture or

2256 production, ~~potential trade secrets~~, potentially patentable

2257 materials, or proprietary information received, generated,

2258 ascertained, or discovered during the course of research

2259 conducted by the not-for-profit corporation or its subsidiaries;

2260 and

2261 b. Reimbursement methodologies or rates;

2262 11. The identity of donors or prospective donors of

23-01684A-19

20191416__

2263 property who wish to remain anonymous or any information
2264 identifying such donors or prospective donors. The anonymity of
2265 these donors or prospective donors must be maintained in the
2266 auditor's report; or

2267 12. Any information received by the not-for-profit
2268 corporation or its subsidiaries from an agency in this or
2269 another state or nation or the Federal Government which is
2270 otherwise exempt or confidential pursuant to the laws of this or
2271 another state or nation or pursuant to federal law.

2272
2273 As used in this paragraph, the term "managed care" means systems
2274 or techniques generally used by third-party payors or their
2275 agents to affect access to and control payment for health care
2276 services. Managed-care techniques most often include one or more
2277 of the following: prior, concurrent, and retrospective review of
2278 the medical necessity and appropriateness of services or site of
2279 services; contracts with selected health care providers;
2280 financial incentives or disincentives related to the use of
2281 specific providers, services, or service sites; controlled
2282 access to and coordination of services by a case manager; and
2283 payor efforts to identify treatment alternatives and modify
2284 benefit restrictions for high-cost patient care.

2285 Section 83. Paragraph (a) of subsection (2) of section
2286 1004.4472, Florida Statutes, is amended to read:

2287 1004.4472 Florida Institute for Human and Machine
2288 Cognition, Inc.; public records exemption; public meetings
2289 exemption.—

2290 (2) The following information held by the corporation or
2291 its subsidiary is confidential and exempt from s. 119.07(1) and

23-01684A-19

20191416__

2292 s. 24(a), Art. I of the State Constitution:

2293 (a) Material relating to methods of manufacture or
2294 production, ~~potential trade secrets~~, patentable material, ~~actual~~
2295 trade secrets as defined in s. 688.01 ~~s. 688.002~~ or proprietary
2296 information received, generated, ascertained, or discovered
2297 during the course of research conducted by or through the
2298 corporation or a subsidiary, and business transactions resulting
2299 from such research.

2300 Section 84. Subsection (2) of section 1004.78, Florida
2301 Statutes, is amended to read:

2302 1004.78 Technology transfer centers at Florida College
2303 System institutions.—

2304 (2) The Florida College System institution board of
2305 trustees shall set such policies to regulate the activities of
2306 the technology transfer center as it may consider necessary to
2307 effectuate the purposes of this section and to administer the
2308 programs of the center in a manner which assures efficiency and
2309 effectiveness, producing the maximum benefit for the educational
2310 programs and maximum service to the state. To this end,
2311 materials that relate to methods of manufacture or production,
2312 ~~potential trade secrets~~, potentially patentable material, ~~actual~~
2313 trade secrets as defined in s. 688.01, business transactions, or
2314 proprietary information received, generated, ascertained, or
2315 discovered during the course of activities conducted within the
2316 Florida College System institutions shall be confidential and
2317 exempt from the provisions of s. 119.07(1), except that a
2318 Florida College System institution shall make available upon
2319 request the title and description of a project, the name of the
2320 investigator, and the amount and source of funding provided for

23-01684A-19

20191416__

2321 such project.

2322 Section 85. Section 601.80, Florida Statutes, is amended to
2323 read:

2324 601.80 Unlawful to use uncertified coloring matter.—It is
2325 unlawful for any person to use on oranges or citrus hybrids any
2326 coloring matter which has not first received the approval of the
2327 Department of Agriculture ~~as provided under s. 601.76.~~

2328 Section 86. Present subsection (11) of section 663.533,
2329 Florida Statutes, is amended, and present subsections (12) and
2330 (13) of that section are renumbered as subsections (11) and
2331 (12), respectively, to read:

2332 663.533 Applicability of the financial institutions codes.—
2333 A qualified limited service affiliate is subject to the
2334 financial institutions codes. Without limiting the foregoing,
2335 the following provisions are applicable to a qualified limited
2336 service affiliate:

2337 ~~(11) Section 655.0591, relating to trade secret documents.~~

2338

2339 This section does not prohibit the office from investigating or
2340 examining an entity to ensure that it is not in violation of
2341 this chapter or applicable provisions of the financial
2342 institutions codes.

2343 Section 87. Paragraph (c) of subsection (12) of section
2344 721.13, Florida Statutes, is amended to read:

2345 721.13 Management.—

2346 (12)

2347 (c) The managing entity shall maintain copies of all
2348 records, data, and information supporting the processes,
2349 analyses, procedures, and methods utilized by the managing

23-01684A-19

20191416__

2350 entity in its determination to reserve accommodations of the
 2351 timeshare plan pursuant to this subsection for a period of 5
 2352 years from the date of such determination. In the event of an
 2353 investigation by the division for failure of a managing entity
 2354 to comply with this subsection, the managing entity shall make
 2355 all such records, data, and information available to the
 2356 division for inspection, ~~provided that if the managing entity~~
 2357 ~~complies with the provisions of s. 721.071, any such records,~~
 2358 ~~data, and information provided to the division shall constitute~~
 2359 ~~a trade secret pursuant to that section.~~

2360 Section 88. Paragraphs (a) and (c) of subsection (3) of
 2361 section 921.0022, Florida Statutes, are amended to read:

2362 921.0022 Criminal Punishment Code; offense severity ranking
 2363 chart.—

2364 (3) OFFENSE SEVERITY RANKING CHART

2365 (a) LEVEL 1

2366

Florida Statute	Felony Degree	Description
24.118(3) (a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2) (b)	3rd	Failure to remit sales taxes, amount greater than

2367

2368

2369

	23-01684A-19		20191416__
			\$300 but less than \$20,000.
2370	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
2371	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2372	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2373	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2374	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2375	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2376	322.212 (5) (a)	3rd	False application for driver

23-01684A-19

20191416__

			license or identification card.
2377	414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2378	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2379	509.151(1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
2380	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2381	562.27(1)	3rd	Possess still or still apparatus.
2382	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
2383	812.014(3)(c)	3rd	Petit theft (3rd

23-01684A-19

20191416__

2384			conviction); theft of any property not specified in subsection (2).
2385	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2386	<u>815.04 (4) (a)</u> 815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2387	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2388	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2389	826.01	3rd	Bigamy.
2390	828.122 (3)	3rd	Fighting or baiting animals.
	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other

	23-01684A-19		20191416__
			document listed in s. 92.28.
2391	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2392	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2393	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
2394	838.15 (2)	3rd	Commercial bribe receiving.
2395	838.16	3rd	Commercial bribery.
2396	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
2397	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2398	849.01	3rd	Keeping gambling house.
2399			

23-01684A-19

20191416__

2400	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
2401	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2402	849.25 (2)	3rd	Engaging in bookmaking.
2403	860.08	3rd	Interfere with a railroad signal.
2404	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
2405	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
2406	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
2407	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

23-01684A-19

20191416__

2408 (c) LEVEL 3

2409

Florida
Statute

Felony
Degree

Description

2410

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

2411

316.066

3rd

Unlawfully obtaining or
using confidential crash
reports.

(3) (b) - (d)

2412

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

2413

316.1935 (2)

3rd

Fleeing or attempting to
elude law enforcement
officer in patrol vehicle
with siren and lights
activated.

2414

319.30 (4)

3rd

Possession by junkyard of
motor vehicle with
identification number plate
removed.

2415

319.33 (1) (a)

3rd

Alter or forge any
certificate of title to a
motor vehicle or mobile

23-01684A-19

20191416__

2416			home.
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2417			
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2418			
	327.35 (2) (b)	3rd	Felony BUI.
2419			
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2420			
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2421			
	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2422			

23-01684A-19

20191416__

379.2431

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

(1) (e) 5.

2423

379.2431

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

(1) (e) 6.

2424

379.2431

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

(1) (e) 7.

2425

400.9935 (4) (a)

3rd

Operating a clinic, or offering services requiring licensure, without a license.

or (b)

23-01684A-19

20191416__

2426

400.9935 (4) (e) 3rd Filing a false license application or other required information or failing to report information.

2427

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

2428

501.001 (2) (b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

2429

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

2430

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

2431

626.902 (1) (a) & 3rd Representing an

23-01684A-19

20191416__

			unauthorized insurer.
	(b)		
2432	697.08	3rd	Equity skimming.
2433	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2434	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2435	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2436	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2437	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2438	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or

	23-01684A-19		20191416__
			more but less than \$10,000.
2439	<u>815.04 (4) (b)</u>	2nd	Computer offense devised to
	815.04 (5) (b)		defraud or obtain property.
2440	817.034 (4) (a) 3.	3rd	Engages in scheme to
			defraud (Florida
			Communications Fraud Act),
			property valued at less
			than \$20,000.
2441	817.233	3rd	Burning to defraud insurer.
2442	817.234	3rd	Unlawful solicitation of
	(8) (b) & (c)		persons involved in motor
			vehicle accidents.
2443	817.234 (11) (a)	3rd	Insurance fraud; property
			value less than \$20,000.
2444	817.236	3rd	Filing a false motor
			vehicle insurance
			application.
2445	817.2361	3rd	Creating, marketing, or
			presenting a false or
			fraudulent motor vehicle
			insurance card.
2446			

	23-01684A-19		20191416__
2447	817.413 (2)	3rd	Sale of used goods as new.
2448	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2449	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2450	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2451	843.19	3rd	Injure, disable, or kill police dog or horse.
2452	860.15 (3)	3rd	Overcharging for repairs and parts.
2453	870.01 (2)	3rd	Riot; inciting or encouraging.
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3.,

23-01684A-19

20191416__

			(2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
2454	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of university.
2455	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of public housing facility.
2456	893.13 (4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2457	893.13 (6) (a)	3rd	Possession of any

23-01684A-19

20191416__

2458	893.13(7)(a)8.	3rd	controlled substance other than felony possession of cannabis.
2459	893.13(7)(a)9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
2460	893.13(7)(a)10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2461	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
2462	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
			Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue,

23-01684A-19

20191416__

2463	893.13 (8) (a) 2.	3rd	<p>or fraudulent representations in or related to the practitioner's practice.</p> <p>Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.</p>
2464	893.13 (8) (a) 3.	3rd	<p>Knowingly write a prescription for a controlled substance for a fictitious person.</p>
2465	893.13 (8) (a) 4.	3rd	<p>Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.</p>
2466	918.13 (1) (a)	3rd	<p>Alter, destroy, or conceal investigation evidence.</p>
2467			

23-01684A-19

20191416__

944.47 3rd Introduce contraband to
correctional facility.

(1) (a) 1. & 2.

2468

944.47 (1) (c) 2nd Possess contraband while
upon the grounds of a
correctional institution.

2469

985.721 3rd Escapes from a juvenile
facility (secure detention
or residential commitment
facility).

2470

2471 Section 89. This act shall take effect upon becoming a law
2472 if SB __ or similar legislation is adopted in the same
2473 legislative session or an extension thereof and becomes a law.