



418456

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/21/2021	.	
Floor: 1/AD/2R	.	Floor: C
04/28/2021 10:56 AM	.	04/28/2021 08:47 PM
	.	

The Committee on Rules (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 119.0715, Florida Statutes, is created
to read:

119.0715 Trade secrets held by an agency.-

(1) "Trade secret" has the same meaning as in s. 688.002.

(2) PUBLIC RECORD EXEMPTION.-A trade secret held by an
agency is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution.



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12 (3) AGENCY ACCESS.—An agency may disclose a trade secret to
13 an officer or employee of another agency or governmental entity
14 whose use of the trade secret is within the scope of his or her
15 lawful duties and responsibilities.

16 (4) LIABILITY.—An agency employee who, while acting in good
17 faith and in the performance of his or her duties, releases a
18 record containing a trade secret pursuant to this chapter is not
19 liable, civilly or criminally, for such release.

20 (5) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject
21 to the Open Government Sunset Review Act in accordance with s.
22 119.15 and shall stand repealed on October 2, 2026, unless
23 reviewed and saved from repeal through reenactment by the
24 Legislature.

25 Section 2. The Legislature finds that it is a public
26 necessity that trade secrets held by an agency be made
27 confidential and exempt from s. 119.07(1), Florida Statutes, and
28 s. 24(a), Article I of the State Constitution. The Legislature
29 recognizes that an agency may create trade secret information in
30 furtherance of the agency's duties and responsibilities and that
31 disclosure of such information would be detrimental to the
32 effective and efficient operation of the agency. If such trade
33 secret information were made available to the public, the agency
34 could suffer great economic harm. In addition, the Legislature
35 recognizes that in many instances, individuals and businesses
36 provide trade secret information for regulatory or other
37 purposes to an agency and that disclosure of such information to
38 competitors of those businesses would be detrimental to the
39 businesses. Without the public record exemption, those entities
40 would hesitate to cooperate with an agency, which would impair



41 the effective and efficient administration of governmental
42 functions. As such, the Legislature's intent is to protect trade
43 secret information of a confidential nature that includes a
44 formula, pattern, compilation, program, device, method,
45 technique, or process used that derives independent economic
46 value, actual or potential, from not being generally known to,
47 and not being readily ascertainable by proper means by, other
48 persons who can obtain economic value from its disclosure or
49 use. Therefore, the Legislature finds that the need to protect
50 trade secrets is sufficiently compelling to override this
51 state's public policy of open government and that the protection
52 of such information cannot be accomplished without this
53 exemption.

54 Section 3. This act shall take effect upon becoming a law.

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57 ===== T I T L E A M E N D M E N T =====

58 And the title is amended as follows:

59 Delete everything before the enacting clause
60 and insert:

61 A bill to be entitled

62 An act relating to public records; creating s.

63 119.0715, F.S.; providing an exemption from public

64 records requirements for a trade secret held by an

65 agency; providing that an agency employee is not

66 liable for the release of certain records; providing

67 for future legislative review and repeal of the

68 exemption; providing a statement of public necessity;

69 providing an effective date.