

1                                   A bill to be entitled  
 2           An act relating to public records; creating s.  
 3           119.0715, F.S.; providing an exemption from public  
 4           records requirements for a trade secret held by an  
 5           agency; providing that an agency employee is not  
 6           liable for the release of certain records; providing  
 7           for future legislative review and repeal of the  
 8           exemption; providing a statement of public necessity;  
 9           providing an effective date.

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

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

15           119.0715 Trade secrets held by an agency.-

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

17           (2) PUBLIC RECORD EXEMPTION.-A trade secret held by an  
 18 agency is confidential and exempt from s. 119.07(1) and s.  
 19 24(a), Art. I of the State Constitution.

20           (3) AGENCY ACCESS.-An agency may disclose a trade secret  
 21 to an officer or employee of another agency or governmental  
 22 entity whose use of the trade secret is within the scope of his  
 23 or her lawful duties and responsibilities.

24           (4) LIABILITY.-An agency employee who, while acting in  
 25 good faith and in the performance of his or her duties, releases

26 | a record containing a trade secret pursuant to this chapter is  
27 | not liable, civilly or criminally, for such release.

28 | (5) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject  
29 | to the Open Government Sunset Review Act in accordance with s.  
30 | 119.15 and shall stand repealed on October 2, 2026, unless  
31 | reviewed and saved from repeal through reenactment by the  
32 | Legislature.

33 | Section 2. The Legislature finds that it is a public  
34 | necessity that trade secrets held by an agency be made  
35 | confidential and exempt from s. 119.07(1), Florida Statutes, and  
36 | s. 24(a), Article I of the State Constitution. The Legislature  
37 | recognizes that an agency may create trade secret information in  
38 | furtherance of the agency's duties and responsibilities and that  
39 | disclosure of such information would be detrimental to the  
40 | effective and efficient operation of the agency. If such trade  
41 | secret information were made available to the public, the agency  
42 | could suffer great economic harm. In addition, the Legislature  
43 | recognizes that in many instances, individuals and businesses  
44 | provide trade secret information for regulatory or other  
45 | purposes to an agency and that disclosure of such information to  
46 | competitors of those businesses would be detrimental to the  
47 | businesses. Without the public record exemption, those entities  
48 | would hesitate to cooperate with an agency, which would impair  
49 | the effective and efficient administration of governmental  
50 | functions. As such, the Legislature's intent is to protect trade

51 secret information of a confidential nature that includes a  
52 formula, pattern, compilation, program, device, method,  
53 technique, or process used that derives independent economic  
54 value, actual or potential, from not being generally known to,  
55 and not being readily ascertainable by proper means by, other  
56 persons who can obtain economic value from its disclosure or  
57 use. Therefore, the Legislature finds that the need to protect  
58 trade secrets is sufficiently compelling to override this  
59 state's public policy of open government and that the protection  
60 of such information cannot be accomplished without this  
61 exemption.

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