

By the Committee on Health Policy

588-01420-21

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 381.83, F.S., which
4 provides an exemption from public records requirements
5 for certain trade secrets contained in records,
6 reports, or information submitted to the Department of
7 Health; removing the scheduled repeal of the
8 exemption; providing an effective date.

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

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12 Section 1. Section 381.83, Florida Statutes, is amended to
13 read:

14 381.83 Trade secrets; confidentiality.-

15 ~~(1)~~ Records, reports, or information obtained from any
16 person under this chapter, unless otherwise provided by law,
17 must be available to the public, except upon a showing
18 satisfactory to the department by the person from whom the
19 records, reports, or information is obtained that such records,
20 reports, or information, or a particular part thereof, contains
21 trade secrets as defined in s. 812.081. Such trade secrets are
22 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
23 of the State Constitution. The person submitting such trade
24 secret information to the department must request that it be
25 kept confidential and must inform the department of the basis
26 for the claim of trade secret. The department shall, subject to
27 notice and opportunity for hearing, determine whether the
28 information, or portions thereof, claimed to be a trade secret
29 is or is not a trade secret. Such trade secrets may be

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30 disclosed, however, to authorized representatives of the
31 department or, pursuant to request, to other governmental
32 entities in order for them to properly perform their duties, or
33 when relevant in any proceeding under this chapter. Authorized
34 representatives and other governmental entities receiving such
35 trade secret information shall retain its confidentiality. Those
36 involved in any proceeding under this chapter, including a
37 hearing officer or judge or justice, shall retain the
38 confidentiality of any trade secret information revealed at such
39 proceeding.

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

44 Section 2. This act shall take effect October 1, 2021.