

FOR CONSIDERATION By the Committee on Environment and Natural Resources

592-01106-21

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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. 403.73, F.S., relating
4 to an exemption from public records requirements for
5 trade secrets contained in information obtained by the
6 Department of Environmental Protection; removing the
7 scheduled repeal of the exemption; providing an
8 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 403.73, Florida Statutes, is amended to
13 read:

14 403.73 Trade secrets; confidentiality.-

15 ~~(1)~~ Records, reports, or information obtained from any
16 person under this part, unless otherwise provided by law, must
17 be available to the public, except upon a showing satisfactory
18 to the department by the person from whom the records, reports,
19 or information is obtained that such records, reports, or
20 information, or a particular part thereof, contains trade
21 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 part. 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 part, including an
37 administrative law judge, a hearing officer, or a judge or
38 justice, shall retain the confidentiality of any trade secret
39 information revealed at such 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.