

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating s. 331.3261, F.S.; providing an exemption
4 from public records and public meetings requirements
5 for Space Florida; providing for future legislative
6 review and repeal of the exemption; providing a
7 statement of public necessity; providing a contingent
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 331.3261, Florida Statutes, is created**
13 **to read:**

14 331.3261 Information relating to confidential trade
15 secrets.—Any trade secret as defined in s. 812.081(1) held by
16 Space Florida, any spaceport user, or any space industry
17 business is confidential and exempt from s. 119.07(1) and s.
18 24(a), Art. I of the State Constitution. If Space Florida
19 determines that any information requested by the public will
20 reveal a trade secret, Space Florida shall inform, in writing,
21 the person making the request of that determination. The
22 determination is a final order as defined in s. 120.52. Any
23 meeting or portion thereof of the board of directors of Space
24 Florida during which a confidential and exempt trade secret is
25 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the

26 State Constitution. Any public record generated during such
27 meeting or portion thereof, such as minutes, tape recordings, or
28 notes, is confidential and exempt from s. 119.07(1) and s.
29 24(a), Art. I of the State Constitution. This section is subject
30 to the Open Government Sunset Review Act in accordance with s.
31 119.15 and shall stand repealed on October 2, 2031, unless
32 reviewed and saved from repeal through reenactment by the
33 Legislature.

34 **Section 2.** The Legislature finds that it is a public
35 necessity that any trade secret as defined in s. 812.081(1),
36 Florida Statutes, held by Space Florida, any spaceport user, and
37 any space industry business be made confidential and exempt from
38 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
39 State Constitution. Trade secrets, including, but not limited
40 to, proprietary confidential business information such as secret
41 processes, manufacturing and production methods, and potential
42 and existing trade secrets embodied in pending patent
43 applications, are a valuable asset that enable innovation and
44 provide a competitive advantage in the marketplace. Disclosure
45 of such trade secrets could injure Space Florida, spaceport
46 users, and space industry businesses in the marketplace by
47 revealing proprietary confidential business information to
48 competitors. The space industry is a key component of this
49 state's economy, and the harm that may result from the release
50 of such trade secrets significantly outweighs any public benefit

51 that may be derived from the disclosure of such information. The
52 ability to protect trade secrets is critical to attracting and
53 retaining aerospace businesses in this state, which, in turn,
54 creates high-wage jobs and economic growth. Furthermore, the
55 Legislature finds that it is a public necessity that any meeting
56 and portion thereof of the board of directors of Space Florida
57 during which a confidential and exempt trade secret is discussed
58 be made exempt from s. 286.011, Florida Statutes, and s. 24(b),
59 Article I of the State Constitution and any public record
60 generated during such meeting and portion thereof, such as
61 minutes, tape recordings, and notes, be made confidential and
62 exempt under s. 119.07(1), Florida Statutes, and s. 24(a),
63 Article I of the State Constitution. Without these exemptions,
64 Space Florida, spaceport users, and space industry businesses
65 would be placed at a competitive disadvantage with respect to
66 the disclosure of valuable trade secrets, thereby harming the
67 economic development efforts of this state.

68 **Section 3.** This act shall take effect on the same date
69 that HB 1177 or similar legislation takes effect, if such
70 legislation is adopted in the same legislative session or an
71 extension thereof and becomes a law.