

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31 119.15 and shall stand repealed on October 2, 2031, unless  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.