

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Military and Veterans Affairs, Space, and Domestic Security

BILL: SB 1514

INTRODUCER: Senator Burgess

SUBJECT: Public Records and Meetings/Space Florida

DATE: January 30, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bellamy	Proctor	MS	Favorable
2.	_____	_____	GO	_____
3.	_____	_____	RC	_____

I. Summary:

Notwithstanding the repeal of s. 331.326, F.S., in ch. 2022-5, s. 10, Laws of Fla., SB 1514 revives, reenacts, and amends s. 331.326, F.S., to make confidential and exempt from public disclosure requirements any information held by Space Florida which is a trade secret, including trade secrets of Space Florida, any spaceport user, or a space industry business.

Additionally, the bill creates a public meeting exemption for the board of Space Florida. The exemption allows the board to close portions of meetings that would reveal records that are made confidential and exempt by s. 331.326, F.S. Any public record generated during the closed portion of a meeting such as minutes, recordings, and notes, are also made confidential and exempt from public disclosure.

The bill provides that the public records and public meeting exemptions contained in the bill are subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution. Because the bill creates a new public records exemption and public meetings exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

The bill provides an effective date of July 1, 2026.

II. Present Situation:

Florida Public Records Law

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions that relate to public records are found in various statutes and rules, depending on the branch of government involved.³ For instance, Legislative records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are codified primarily in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.⁴ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁵ Lastly, ch. 119, F.S., the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁶

Section 119.011(12), F.S., defines “public records” to include:

[a]ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business which are used to “perpetuate, communicate, or formalize knowledge of some type.”⁷

¹ FLA. CONST. art. I, s. 24(a).

² *Id.* See also, *Sarasota Citizens for Responsible Gov’t v. City of Sarasota*, 48 So. 3d 755, 762-763 (Fla. 2010).

³ Chapter 119, F.S., does not apply to legislative or judicial records. See, *Locke v. Hawkes*, 595 So. 2d 32, 34 (Fla. 1992); see also *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995).

⁴ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2024-2026) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 1, (2024-2026).

⁵ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁶ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person's right to inspect and copy any state or local government public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is "exempt" or "confidential and exempt." There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act and confidential.¹⁴ Records designated as "confidential and exempt" are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁵ Records designated as "exempt" may be released at the discretion of the records custodian under certain circumstances.¹⁶

Open Meetings Laws

The Florida Constitution provides that the public has a right to access governmental meetings.¹⁷ Each collegial body must provide notice of its meetings to the public and permit the public to attend any meeting at which official acts are taken or at which public business is transacted or discussed.¹⁸ This applies to the meetings of any collegial body of the executive branch of state

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁵ *Id.*

¹⁶ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

¹⁷ FLA. CONST., art. I, s. 24(b).

¹⁸ *Id.*

government, counties, municipalities, school districts, or special districts.¹⁹

Public policy regarding access to government meetings also is addressed in the Florida Statutes. Section 286.011, F.S., which is also known as the “Government in the Sunshine Law”²⁰ or the “Sunshine Law,”²¹ requires all meetings of any board or commission of any state or local agency or authority at which official acts are to be taken be open to the public.²² The board or commission must provide the public reasonable notice of such meetings.²³ Public meetings may not be held at any location that discriminates on the basis of sex, age, race, creed, color, origin or economic status or which operates in a manner that unreasonably restricts the public’s access to the facility.²⁴ Minutes of a public meeting must be promptly recorded and open to public inspection.²⁵ Failure to abide by open meetings requirements will invalidate any resolution, rule, or formal action adopted at a meeting.²⁶ A public officer or member of a governmental entity who violates the Sunshine Law is subject to civil and criminal penalties.²⁷

The Legislature may create an exemption to open meetings requirements by passing a general law by a two-thirds vote of the House and the Senate.²⁸ The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.²⁹ A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.³⁰

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act³¹ (the Act), prescribe a legislative review process for newly created or substantially amended³² public

¹⁹ FLA. CONST., art. I, s. 24(b). Meetings of the Legislature are governed by Article III, section 4(e) of the Florida Constitution, which states: “The rules of procedure of each house shall further provide that all prearranged gatherings, between more than two members of the legislature, or between the governor, the president of the senate, or the speaker of the house of representatives, the purpose of which is to agree upon formal legislative action that will be taken at a subsequent time, or at which formal legislative action is taken, regarding pending legislation or amendments, shall be reasonably open to the public.”

²⁰ *Times Pub. Co. v. Williams*, 222 So.2d 470, 472 (Fla. 2d DCA 1969).

²¹ *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693, 695 (Fla. 1969).

²² Section 286.011(1)-(2), F.S.

²³ *Id.*

²⁴ Section 286.011(6), F.S.

²⁵ Section 286.011(2), F.S.

²⁶ Section 286.011(1), F.S.

²⁷ Section 286.011(3), F.S.

²⁸ FLA. CONST., art. I, s. 24(c).

²⁹ *Id.*

³⁰ *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

³¹ Section 119.15, F.S.

³² An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

records or open meetings exemptions, with specified exceptions.³³ The Act requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.³⁴ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.³⁵ An exemption serves an identifiable public purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption;³⁶
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;³⁷ or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.³⁸

The Act also requires specified questions to be considered during the review process.³⁹ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.⁴⁰ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless provided for by law.⁴¹

³³ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

³⁴ Section 119.15(3), F.S.

³⁵ Section 119.15(6)(b), F.S.

³⁶ Section 119.15(6)(b)1., F.S.

³⁷ Section 119.15(6)(b)2., F.S.

³⁸ Section 119.15(6)(b)3., F.S.

³⁹ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

⁴⁰ FLA. CONST. art. I, s. 24(c). *See generally* s. 119.15, F.S.

⁴¹ Section 119.15(7), F.S.

Trade Secrets

A “trade secret” in accordance with s. 812.081(1)(f), F.S., is

any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof, whether tangible or intangible, and regardless of whether or how it is stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains.

Section 812.081, F.S., further defines a “trade secret” as the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The test provided for in statute, requires that a trade secret be actively protected from loss or public availability to any person not selected by the secret’s owner to have access thereto, and be:

- Secret;
- Of value;
- For use or in use by the business; and
- Of advantage to the business, or providing an opportunity to obtain an advantage, over those who do not know or use it.⁴²

Courts similarly use this factor test to determine whether a document is trade secret subject to protection from public records laws. In *Sepero v. Department of Environmental Protection*,⁴³ the court held that a document was subject to disclosure because the business failed the first prong of the test (that the document be secret) because it had not actively protected or held out the document as a trade secret.

Trade Secret Public Records Exemptions

Section 815.045, F.S., provides a public records exemption for trade secret information for all governmental agencies. Trade secret information, as defined in s. 812.081, F.S, is confidential and exempt from the public disclosure requirements of ch. 119, F.S.⁴⁴

Additionally, s. 288.075, F.S., provides that records which contain trade secrets held by economic development agencies, which include Space Florida, are confidential and exempt from

⁴² Section 812.081(1)(f), F.S.

⁴³ 839 So. 2d 781 (Fla. 1st DCA 2003).

⁴⁴ Section 815.045, F.S.

public disclosure.^{45,46} Section 288.075, F.S., defines trade secrets as having the same meaning as in the Uniform Trade Secrets Act.⁴⁷

An employee of an economic development agency who violates the confidentiality and exemption requirements relating to trade secrets commits a misdemeanor of the second degree, punishable as provided in s. 775.082, or s. 775.083, F.S.^{48,49}

Financial Exemptions and Protections

Currently, financial information is expressly protected from public disclosure in certain instances. Examples of public records exemptions which protect financial information include:

- Trade secrets and commercial or financial information, as defined under federal law,⁵⁰ held by a county tourism promotion agency.⁵¹
- Private corporations or businesses who request that “information concerning plans, intentions or interests... to relocate or expand” that is held by an economic development agency pursuant to s. 288.075(2), F.S.⁵² or proprietary business information.⁵³
- Sealed bids, proposals or replies provided to an agency during a competitive solicitation.⁵⁴
- Financial statements required to prequalify to bid on a public works project held by any governmental agency.⁵⁵

Space Florida

Space Florida is an independent special district, a body politic and corporate, and subdivision of the State, established to foster the growth and development of a sustainable and world-leading aerospace industry in this state.⁵⁶ Space Florida is subject to the provisions of the Uniform Special District Accountability Act of ch. 189, F.S., to the extent it does not conflict with the

⁴⁵ “Economic development agency” means: the Department of Commerce; any industrial development authority created in accordance with part III of ch. 159, F.S., or by special law; Space Florida created in part II of ch. 331, F.S.; the public economic development agency of a county or municipality or, if the county or municipality does not have a public economic development agency, the county or municipal officers or employees assigned the duty to promote the general business interests or industrial interests of that county or municipality or the responsibilities related thereto; any research and development authority created in accordance with part V of ch. 159, F.S.; or any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county. *See* s. 288.075(1)(a), F.S.

⁴⁶ Section 288.075(3), F.S.

⁴⁷ “Trade secret” means information, including a formula, pattern, compilation, program, device, method, technique, or process that: (a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and (b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy. *See* s. 688.002(4), F.S.

⁴⁸ Section 288.075(8), F.S.

⁴⁹ A misdemeanor of the second degree is punishable by a term of imprisonment not to exceed 60 days and a fine not to exceed \$500.

⁵⁰ 5 U.S.C. s. 552(b)(4).

⁵¹ Section 125.0104(9)(d)2.b., F.S.

⁵² Attorney General Opinion 2004-19 states “[d]evelopment plans, financial records, financial commitment letters and draft memoranda of understanding between the city and a developer regarding a redevelopment project appear to come within the scope of this exemption.”

⁵³ Section 288.075(4), F.S.

⁵⁴ Section 119.071(1)(b), F.S.

⁵⁵ Section 119.071(1)(c), F.S.

⁵⁶ Section 331.302(1), F.S.

Space Florida Act.⁵⁷ Space Florida promotes aerospace business development by facilitating business financing, spaceport operations, research and development, workforce development, and innovative education programs.⁵⁸ To achieve this Space Florida must advise, coordinate, cooperate, and, when necessary, enter into memoranda of agreement with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.⁵⁹ Space Florida's powers are delineated in s. 331.305, F.S., which includes the ability to own, purchase, and construct aerospace related facilities, as well as making and executing contracts with spaceport users to facilitate the financing, construction, leasing, or sale of any project.⁶⁰

Space Florida is governed by an independent board of directors.⁶¹ The board consists of:

- The governor who serves ex officio or his or her appointee who serves as the chair and voting member.
- The Secretary of Transportation or his or her designee.
- Five members who have five years of experience appointed by the Governor subject to confirmation of the Senate.⁶²
- One member who has five years of experience appointed by the President of the Senate.⁶³
- One member who has five years of experience appointed by the Speaker of the House of Representatives.^{64,65}

The board also consists of nonvoting ex officio members appointed by the Governor subject to Senate confirmation from The Jacksonville Aviation Authority, The Titusville-Cocoa Airport Authority, and an employee or official of a port district or port authority.^{66,67,68}

Space Florida is subject to the Public Records Act in ch. 119, F.S. Generally, records maintained by Space Florida must be made available for public inspection and copying.⁶⁹

Space Florida is defined as an economic development agency and covered under the public records exemption relating to trade secrets in s. 288.075, F.S.⁷⁰ Space Florida is also covered under the public records exemption relating to:

⁵⁷ Section 331.302(5), F.S.

⁵⁸ *Id.*

⁵⁹ Section 331.302(2), F.S.

⁶⁰ Section 331.305, F.S.

⁶¹ Section 331.3081, F.S.

⁶² Experience in at least one of the following areas: the aerospace industry (such member may not be currently employed by an entity that is under contract with Space Florida); bond financing; academic experience in aerospace, aviation, or a relevant science; or an aircraft facilities manager, a fixed-based operator, or a commercial airport operator. *See* s. 331.3081(1)(b), F.S.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ Section 331.3081(1), F.S.

⁶⁶ The term "port district" or the word "district" shall mean any district created by or pursuant to the provisions of any general or special law and authorized to own or operate any port facilities. *See* s. 315.02(1), F.S.

⁶⁷ The term "port authority" or the word "authority" shall mean any port authority in Florida created by or pursuant to the provisions of any general or special law or any district or board of county commissioners acting as a port authority under or pursuant to the provisions of any general or special law. *See* s. 315.02(2), F.S.

⁶⁸ Section 331.3081(1)(e), F.S.

⁶⁹ Section 119.01, F.S.

⁷⁰ Section 288.075(1)(a), F.S.

- Proprietary confidential business information;⁷¹
- Plans, intentions, and interests of businesses;⁷²
- Identification, account, and registration numbers;⁷³
- Economic incentive programs;⁷⁴ and
- Loan Programs.⁷⁵

Prior Space Florida Public Records and Meetings Exemption

SB 1514 revives, reenacts, and amends s. 331.326, F.S., which was repealed by an open government sunset review provision on October 2, 2021. Section 331.326, F.S., contained a public records exemption for Space Florida, and defined trade secrets as having the same meaning as in s. 812.081, F.S.

Section 331.326, F.S., which sunset, also contained a public meeting exemption that applied to Space Florida. Any Space Florida board meeting or portion of a meeting discussing trade secrets was exempt from the Sunshine Law in s. 286.01, F.S. Any public record made during a closed portion of the Space Florida board meeting was confidential and exempt from public records disclosure.

Currently, Space Florida does not have a provision in law that allows the board to close a meeting or a portion of a meeting when discussing trade secrets.

III. Effect of Proposed Changes:

Notwithstanding the repeal of s. 331.326, F.S., in ch. 2022-5, s. 10, Laws of Fla., SB 1514 revives, reenacts, and amends s. 331.326, F.S., to exempt from public copying and inspection requirements records containing trade secrets held by Space Florida. The bill, for the purpose of the exemption, defines trade secrets as having the same meaning as in s. 812.081, F.S., and provides that any information held by Space Florida which is a trade secret, including trade secrets of Space Florida, any spaceport user, or the space industry business, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may not be disclosed.

The bill requires Space Florida, should Space Florida determine that any information requested by the public will reveal a trade secret, must, in writing, inform the person making the request of that determination. The determination is a final order as defined in s. 120.52, F.S.⁷⁶

The bill also creates a public meeting exemption for the board of Space Florida. The public meeting exemption allows the board to close any portion of a meeting during which the board

⁷¹ Section 288.075(4), F.S.

⁷² Section 288.075(2), F.S.

⁷³ Section 288.075(5), F.S.

⁷⁴ Section 288.075(6), F.S.

⁷⁵ Section 288.075(7), F.S.

⁷⁶ “Final order” means a written final decision which results from a proceeding under ss. 120.56, 120.565, 120.569, 120.57, 120.573, or 120.574, F.S., which is not a rule, and which is not excepted from the definition of a rule, and which has been filed with the agency clerk, and includes final agency actions which are affirmative, negative, injunctive, or declaratory in form. A final order includes all materials explicitly adopted in it. The clerk shall indicate the date of filing on the order. *See* s. 120.52(7), F.S.

discusses information that is confidential and exempt that would disclose trade secrets or any information exempted by s. 331.326, F.S. The bill provides that any record generated during the closed portions of a meeting, such as minutes, recordings, and notes, is confidential and exempt from public inspection and copying.

The bill provides that the public records and public meeting exemptions contained in the bill are subject to the Open Government Sunset Review Act in accordance with s. 119.15, F.S., and will stand repealed on October 2, 2031, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill provides a public necessity statement that information held by Space Florida which is a trade secret be made confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Article I of the State Constitution; that any portion of a meeting of the Space Florida board of directors during which the board discusses information that is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Article I of the State Constitution be closed to the public and made exempt from s. 286.011, F.S., and s. 24(b), Article I of the State Constitution; and that any record generated during the closed portion of such a meeting be made confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Article I of the State Constitution. In order for the board of Space Florida to effectively and efficiently perform its duties, it may be necessary to discuss trade secrets. If trade secrets are not protected from disclosure, participating spaceport users may hesitate, if not refuse, to continue to do business with Space Florida, to the economic detriment of Space Florida and Florida's spaceport business development. Accordingly, portions of Space Florida board meetings during which trade secrets are discussed must be closed. Open Space Florida board meetings during which trade secrets are discussed subject board members to penalties for violating the confidentiality of trade secrets, and competitors of spaceport users who gain access to such confidential trade secret information would accrue a competitive economic advantage.

The bill provides an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records disclosure or open meeting requirements. This bill enacts a new public records exemption of trade secrets held by Space Florida and creates an exemption to the

open meeting law for the Space Florida board; thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records disclosure or open meeting requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption which provides that in order for the board of Space Florida to effectively and efficiently perform its duties, it may be necessary to discuss trade secrets. If trade secrets are not protected from disclosure, participating spaceport users may hesitate, if not refuse, to continue to do business with Space Florida, to the economic detriment of Space Florida and Florida's spaceport business development. Accordingly, portions of Space Florida board meetings during which trade secrets are discussed must be closed. Open Space Florida board meetings during which trade secrets are discussed subject board members to penalties for violating the confidentiality of trade secrets, and competitors of spaceport users who gain access to such confidential trade secret information would accrue a competitive economic advantage.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires that an exemption to the public records requirements and open meeting requirements to be no broader than necessary to accomplish the stated purpose of the law. The bill provides specific information that would be made exempt to prevent the release of trade secrets held by Space Florida. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. **Trust Funds Restrictions:**

None identified.

D. **State Tax or Fee Increases:**

None identified.

E. **Other Constitutional Issues:**

None identified.

V. Fiscal Impact Statement:

A. **Tax/Fee Issues:**

None identified.

B. Private Sector Impact:

The private sector will continue to be subject to the cost associated with an agency's review and redactions of exempt records in response to a public records request.

Businesses who submit information to Space Florida that fall under the definition of trade secrets in s. 812.081, F.S., will be protected from having trade secrets disclosed to competing businesses or entities. This may encourage more private aerospace entities to do business with Space Florida.

C. Government Sector Impact:

The government sector will continue to incur costs related to the review and redaction of exempt records associated with responding to public records requests.

VI. Technical Deficiencies:

None identified.

VII. Related Issues:

None identified.

VIII. Statutes Affected:

This bill revives, reenacts, and substantially amends section 331.326 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.