

By Senator Burgess

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 reviving, reenacting, and amending s. 331.326, F.S.,
4 relating to confidentiality of information relating to
5 trade secrets; providing an exemption from public
6 records requirements for information held by Space
7 Florida which is a trade secret; providing that
8 portions of meetings of Space Florida's board of
9 directors during which such confidential and exempt
10 information is discussed are closed to the public and
11 exempt from public meetings requirements; providing an
12 exemption from public records requirements for records
13 generated during closed portions of such meetings;
14 providing for legislative review and repeal of the
15 exemptions; providing a statement of public necessity;
16 providing an effective date.

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

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20 Section 1. Notwithstanding the repeal of section 331.326,
21 Florida Statutes, in section 10 of chapter 2022-5, Laws of
22 Florida, that section is revived, reenacted, and amended to
23 read:

24 331.326 Information relating to trade secrets
25 confidential.—The records of Space Florida regarding matters
26 encompassed by the Space Florida ~~this~~ Act are public records
27 subject to chapter 119. Any information held by Space Florida
28 which is a trade secret, as defined in s. 812.081, including
29 trade secrets of Space Florida, any spaceport user, or the space

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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. If Space Florida determines that any information requested by the public will reveal a trade secret, Space Florida must ~~it shall~~, in writing, inform the person making the request of that determination. The determination is a final order as defined in s. 120.52. Any ~~meeting or~~ portion of a meeting of Space Florida's board during which the board discusses information that is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution pursuant to this section is closed to the public and exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution ~~when the board is discussing trade secrets~~. Any ~~public~~ record generated during the closed portions of the meetings, such as minutes, ~~tape~~ recordings, and notes, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2031 ~~2021~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that information held by Space Florida which is a trade secret be made confidential and exempt from s. 119.07(1), Florida Statutes, 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), Florida Statutes, and s. 24(a), Article I of the State Constitution be closed to the public and made exempt from s. 286.011, Florida

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Statutes, 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),
Florida Statutes, and s. 24(a), Article I of the State
Constitution. In order for the board 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 board meetings
during which trade secrets are discussed must be closed. Open
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.

Section 3. This act shall take effect July 1, 2026.