

By Senator Burgess

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A bill to be entitled

An act relating to public records and meetings; reviving, reenacting, and amending s. 331.326, F.S., relating to confidentiality of information relating to trade secrets; providing an exemption from public records requirements for information held by Space Florida which is a trade secret; providing that portions of meetings of Space Florida's board of directors during which such confidential and exempt information is discussed are closed to the public and exempt from public meetings requirements; providing an exemption from public records requirements for records generated during closed portions of such meetings; providing for legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

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

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

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

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30 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
31 Florida must it shall, in writing, inform the person making the request of that determination. The determination is a final
32 order as defined in s. 120.52. Any ~~meeting or~~ portion of a meeting of Space Florida's board during which the board
33 discusses information that is confidential and exempt from s.
34 119.07(1) and s. 24(a), Art. I of the State Constitution
35 pursuant to this section is closed to the public and exempt from
36 s. 286.011 and s. 24(b), Art. I of the State Constitution ~~when~~
37 ~~the board is discussing trade secrets.~~ Any ~~public~~ record
38 generated during the closed portions of the meetings, such as minutes, ~~tape~~ recordings, and notes, is confidential and exempt
39 from s. 119.07(1) and s. 24(a), Art. I of the State
40 Constitution. This section is subject to the Open Government
41 Sunset Review Act in accordance with s. 119.15 and shall stand
42 repealed on October 2, 2031 2021, unless reviewed and saved from
43 repeal through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public
51 necessity that information held by Space Florida which is a
52 trade secret be made confidential and exempt from s. 119.07(1),
53 Florida Statutes, and s. 24(a), Article I of the State
54 Constitution; that any portion of a meeting of the Space Florida
55 board of directors during which the board discusses information
56 that is confidential and exempt from s. 119.07(1), Florida
57 Statutes, and s. 24(a), Article I of the State Constitution be
58 closed to the public and made exempt from s. 286.011, Florida

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59 Statutes, and s. 24(b), Article I of the State Constitution; and
60 that any record generated during the closed portion of such a
61 meeting be made confidential and exempt from s. 119.07(1),
62 Florida Statutes, and s. 24(a), Article I of the State
63 Constitution. In order for the board to effectively and
64 efficiently perform its duties, it may be necessary to discuss
65 trade secrets. If trade secrets are not protected from
66 disclosure, participating spaceport users may hesitate, if not
67 refuse, to continue to do business with Space Florida, to the
68 economic detriment of Space Florida and Florida's spaceport
69 business development. Accordingly, portions of board meetings
70 during which trade secrets are discussed must be closed. Open
71 board meetings during which trade secrets are discussed subject
72 board members to penalties for violating the confidentiality of
73 trade secrets, and competitors of spaceport users who gain
74 access to such confidential trade secret information would
75 accrue a competitive economic advantage.

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