

1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 119.0715, F.S., which
4 provides an exemption from public record requirements
5 for a trade secret held by an agency; removing the
6 scheduled repeal of the exemption; amending ss.
7 287.137, 288.075, 334.049, 408.185, 409.91196,
8 440.108, 497.172, 501.171, 501.1735, 501.2041,
9 501.722, 520.9965, 548.062, 559.5558, 569.215,
10 627.0628, and 1004.4472; removing references to trade
11 secrets from public records exemptions; providing an
12 effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 **Section 1. Subsection (5) of section 119.0715, Florida**
17 **Statutes, is amended to read:**

18 119.0715 Trade secrets held by an agency.—

19 ~~(5) OPEN GOVERNMENT SUNSET REVIEW. This section is subject~~
20 ~~to the Open Government Sunset Review Act in accordance with s.~~
21 ~~119.15 and shall stand repealed on October 2, 2026, unless~~
22 ~~reviewed and saved from repeal through reenactment by the~~
23 ~~Legislature.~~

24 **Section 2. Paragraph (d) of subsection (8) of section**
25 **287.137, Florida Statutes, is amended to read:**

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287.137 Antitrust violations; denial or revocation of the right to transact business with public entities; denial of economic benefits.—

(8)

(d) For purposes of this subsection, the term "proprietary business information" means information that:

1. Is owned or controlled by the business;

2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;

3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public;

4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the Attorney General; and

5. Includes—

~~a. Trade secrets as defined in s. 688.002.~~

~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the business that is the subject of the information.

Section 3. Paragraph (c) of subsection (1) and subsection (3) of section 288.075, Florida Statutes, are amended to read:

288.075 Confidentiality of records.—

(1) DEFINITIONS.—As used in this section, the term:

~~(c) "Trade secret" has the same meaning as in s. 688.002.~~

~~(3) TRADE SECRETS. Trade secrets held by an economic development agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

Section 4. Subsection (4) of section 334.049, Florida Statutes, is amended to read:

334.049 Patents, copyrights, trademarks; notice to Department of State; ~~confidentiality of trade secrets.~~

~~(4) Any information obtained by the department as a result of research and development projects and revealing a method of process, production, or manufacture which is a trade secret as defined in s. 688.002, is confidential and exempt from the provisions of s. 119.07(1).~~

Section 5. Subsection (1) of section 408.185, Florida Statutes, is amended to read:

408.185 Information submitted for review of antitrust issues; confidentiality.—The following information held by the Office of the Attorney General, which is submitted by a member of the health care community pursuant to a request for an antitrust no-action letter shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 1 year after the date of submission.

~~(1) Documents that reveal trade secrets as defined in s. 688.002.~~

Section 6. Subsection (1) of section 409.91196, Florida

76 **Statutes, is amended to read:**

77 409.91196 Supplemental rebate agreements; public records
78 and public meetings exemption.—

79 (1) The rebate amount, percent of rebate, manufacturer's
80 pricing, and supplemental rebate, ~~and other trade secrets as~~
81 ~~defined in s. 688.002 that the agency has identified for use in~~
82 ~~negotiations,~~ held by the Agency for Health Care Administration
83 under s. 409.912(5)(a)7. are confidential and exempt from s.
84 119.07(1) and s. 24(a), Art. I of the State Constitution.

85 **Section 7. Paragraph (b) of subsection (2) of section**
86 **440.108, Florida Statutes, is amended to read:**

87 440.108 Investigatory records relating to workers'
88 compensation employer compliance; confidentiality.—

89 (2) After an investigation is completed or ceases to be
90 active, information in records relating to the investigation
91 remains confidential and exempt from the provisions of s.
92 119.07(1) and s. 24(a), Art. I of the State Constitution if
93 disclosure of that information would:

94 ~~(b) Reveal a trade secret, as defined in s. 688.002;~~

95 **Section 8. Subsection (4) of section 497.172, Florida**
96 **Statutes, is amended to read:**

97 497.172 Public records exemptions; public meetings
98 exemptions.—

99 ~~(4) TRADE SECRETS. Trade secrets, as defined in s.~~
100 ~~688.002, held by the department or board, are confidential and~~

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~~exempt from s. 119.07(1) and s. 24(a), Art. I of the State
Constitution.~~

**Section 9. Paragraph (d) of subsection (11) of section
501.171, Florida Statutes, is amended to read:**

501.171 Security of confidential personal information.—

(11) PUBLIC RECORDS EXEMPTION.—

(d) For purposes of this subsection, the term "proprietary
information" means information that:

1. Is owned or controlled by the covered entity.

2. Is intended to be private and is treated by the covered
entity as private because disclosure would harm the covered
entity or its business operations.

3. Has not been disclosed except as required by law or a
private agreement that provides that the information will not be
released to the public.

4. Is not publicly available or otherwise readily
ascertainable through proper means from another source in the
same configuration as received by the department.

5. Includes—

~~a. Trade secrets as defined in s. 688.002.~~

~~b.~~ competitive interests, the disclosure of which would
impair the competitive business of the covered entity who is the
subject of the information.

**Section 10. Paragraph (d) of subsection (6) of section
501.1735, Florida Statutes, is amended to read:**

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501.1735 Protection of children in online spaces; public records exemption.—

(6) PUBLIC RECORDS EXEMPTION.—

(d) For purposes of this section, the term "proprietary information" means information that:

1. Is owned or controlled by the online platform.

2. Is intended to be private and is treated by the online platform as private because disclosure would harm the online platform or its business operations.

3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public.

4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the department.

5. Includes—

~~a. Trade secrets as defined in s. 688.002.~~

~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the online platform who is the subject of the information.

Section 11. Paragraph (d) of subsection (10) of section 501.2041, Florida Statutes, is amended to read:

501.2041 Unlawful acts and practices by social media platforms.—

(10)

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(d) For purposes of this subsection, the term "proprietary business information" means information that:

1. Is owned or controlled by the business;
2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;
3. Has not been disclosed except as required by law or a private agreement that provides that the information will not be released to the public;
4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the department; and

5. Includes:

~~a. Trade secrets as defined in s. 688.002.~~

~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the business that is the subject of the information.

Section 12. Paragraph (e) of subsection (4) of section 501.722, Florida Statutes, is amended to read:

501.722 Public records exemption.—

(4) For purposes of this section, the term "proprietary information" means information that:

(e) Includes:

~~1. Trade secrets as defined in s. 688.002.~~

~~2.~~ competitive interests, the disclosure of which would

176 impair the competitive advantage of the controller, processor,
177 or third party who is the subject of the information.

178 **Section 13. Paragraph (b) of subsection (1) of section**
179 **520.9965, Florida Statutes, is amended to read:**

180 520.9965 Confidentiality of information relating to
181 investigations and examinations.—

182 (1)

183 (b) Except as necessary for the office to enforce the
184 provisions of this chapter, a consumer complaint and other
185 information relative to an investigation or examination shall
186 remain confidential and exempt from s. 119.07(1) after the
187 investigation or examination is completed or ceases to be active
188 to the extent disclosure would:

189 1. Jeopardize the integrity of another active
190 investigation or examination.

191 2. Reveal the name, address, telephone number, social
192 security number, or any other identifying number or information
193 of any complainant, customer, or account holder.

194 3. Disclose the identity of a confidential source.

195 4. Disclose investigative techniques or procedures.

196 ~~5. Reveal a trade secret as defined in s. 688.002.~~

197 **Section 14. Paragraph (e) of subsection (1) of section**
198 **548.062, Florida Statutes, is amended to read:**

199 548.062 Public records exemption.—

200 (1) As used in this section, the term "proprietary

confidential business information" means information that:

(e) Concerns any of the following:

1. The number of ticket sales for a match;

2. The amount of gross receipts after a match;

~~3. A trade secret, as defined in s. 688.002;~~

3.4. Business plans;

4.5. Internal auditing controls and reports of internal auditors; or

5.6. Reports of external auditors.

Section 15. Paragraph (b) of subsection (2) of section 559.5558, Florida Statutes, is amended to read:

559.5558 Public records exemption; investigations and examinations.—

(2)

(b) Information made confidential and exempt pursuant to this section is no longer confidential and exempt once the investigation or examination is completed or ceases to be active unless disclosure of the information would:

1. Jeopardize the integrity of another active investigation or examination.

2. Reveal the personal identifying information of a consumer, unless the consumer is also the complainant. A complainant's personal identifying information is subject to disclosure after the investigation or examination is completed or ceases to be active. However, a complainant's personal

financial and health information remains confidential and exempt.

3. Reveal the identity of a confidential source.

4. Reveal investigative or examination techniques or procedures.

~~5. Reveal trade secrets, as defined in s. 688.002.~~

Section 16. Paragraph (a) of subsection (2) of section 569.215, Florida Statutes, is amended to read:

569.215 Confidential records relating to tobacco settlement agreement.—

(2) As used in this section, the term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by a tobacco company that is a signatory to the settlement agreement, as amended, in the case of State of Florida v. American Tobacco Company, No. 95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, is intended to be and is treated by a tobacco company as private in that the disclosure of the information would cause harm to the company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

~~(a) Trade secrets as defined in s. 688.002.~~

251 **Section 17. Paragraph (g) of subsection (3) of section**
252 **627.0628, Florida Statutes, is amended to read:**

253 627.0628 Florida Commission on Hurricane Loss Projection
254 Methodology; ~~public records exemption;~~ public meetings
255 exemption.—

256 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

257 (g)1. ~~A trade secret, as defined in s. 688.002, which is~~
258 ~~used in designing and constructing a hurricane or flood loss~~
259 ~~model and which is provided pursuant to this section, by a~~
260 ~~private company, to the commission, office, or consumer advocate~~
261 ~~appointed pursuant to s. 627.0613 is confidential and exempt~~
262 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
263 ~~Constitution.~~

264 1.2.a. That portion of a meeting of the commission or of a
265 rate proceeding on an insurer's rate filing at which a trade
266 secret, as defined in s. 688.002, which is used in designing and
267 constructing a hurricane or flood loss model and which is
268 provided pursuant to this section, by a private company, to the
269 commission, office, or consumer advocate appointed pursuant to
270 s. 627.0613 ~~made confidential and exempt by this paragraph~~ is
271 discussed is exempt from s. 286.011 and s. 24(b), Art. I of the
272 State Constitution. The closed meeting must be recorded, and no
273 portion of the closed meeting may be off the record.

274 2.b. The recording of a closed portion of a meeting is
275 exempt from s. 119.07(1) and s. 24(a), Art. I of the State

276 Constitution.

277 **Section 18. Paragraph (a) of subsection (2) and subsection**
278 **(4) of section 1004.4472, Florida Statutes, are amended to read:**

279 1004.4472 Florida Institute for Human and Machine
280 Cognition, Inc.; public records exemption; public meetings
281 exemption.—

282 (2) The following information held by the corporation or
283 its subsidiary is confidential and exempt from s. 119.07(1) and
284 s. 24(a), Art. I of the State Constitution:

285 (a) Material relating to methods of manufacture or
286 production, potential trade secrets, patentable material, ~~actual~~
287 ~~trade secrets as defined in s. 688.002~~ or proprietary
288 information received, generated, ascertained, or discovered
289 during the course of research conducted by or through the
290 corporation or a subsidiary, and business transactions resulting
291 from such research.

292 (4) That portion of a meeting of the corporation or a
293 subsidiary at which information is presented or discussed which
294 is confidential and exempt pursuant to subsection (2) or s.
295 119.0715 is exempt from s. 286.011 and s. 24(b), Art. I of the
296 State Constitution.

297 **Section 19.** This act shall take effect upon becoming a
298 law.