

HB 7017

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

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

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

119.0715 Trade secrets held by an agency.—

(5) OPEN GOVERNMENT SUNSET REVIEW. This section is subject to the Open Government Sunset Review Act in accordance with section 15 and shall stand repealed on October 2, 2026, unless renewed and saved from repeal through reenactment by the Legislature.

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

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26        287.137 Antitrust violations; denial or revocation of the  
27 right to transact business with public entities; denial of  
28 economic benefits.—

29        (8)

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

32        1. Is owned or controlled by the business;

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

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

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

42        5. Includes:

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

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

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

49        288.075 Confidentiality of records.—

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

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51       (e) "Trade secret" has the same meaning as in s. 688.002.  
52       (3) TRADE SECRETS. Trade secrets held by an economic  
53 development agency are confidential and exempt from s. 119.07(1)  
54 and s. 24(a), Art. I of the State Constitution.

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

57       334.049 Patents, copyrights, trademarks; notice to  
58 Department of State; confidentiality of trade secrets.—

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

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

66       408.185 Information submitted for review of antitrust  
67 issues; confidentiality.—The following information held by the  
68 Office of the Attorney General, which is submitted by a member  
69 of the health care community pursuant to a request for an  
70 antitrust no-action letter shall be confidential and exempt from  
71 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
72 Constitution for 1 year after the date of submission.

73       (1) Documents that reveal trade secrets as defined in s.  
74 688.002.

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

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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~~

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

103           **Section 9. Paragraph (d) of subsection (11) of section**  
104           **501.171, Florida Statutes, is amended to read:**

105        501.171 Security of confidential personal information.—

106        (11) PUBLIC RECORDS EXEMPTION.—

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

109           1. Is owned or controlled by the covered entity.

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

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

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

119           5. Includes:

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

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

124           **Section 10. Paragraph (d) of subsection (6) of section**  
125           **501.1735, Florida Statutes, is amended to read:**

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126        501.1735 Protection of children in online spaces; public  
127 records exemption.—

128        (6) PUBLIC RECORDS EXEMPTION.—

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

131        1. Is owned or controlled by the online platform.

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

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

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

141        5. Includes:

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

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

146        **Section 11. Paragraph (d) of subsection (10) of section  
147 501.2041, Florida Statutes, is amended to read:**

148        501.2041 Unlawful acts and practices by social media  
149 platforms.—

150        (10)

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

153 1. Is owned or controlled by the business;

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

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

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

163 5. Includes:

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

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

168 **Section 12. Paragraph (e) of subsection (4) of section  
169 501.722, Florida Statutes, is amended to read:**

170 501.722 Public records exemption.—

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

173 (e) Includes:

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

175 2. competitive interests, the disclosure of which would

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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

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201 confidential business information" means information that:  
202 (e) Concerns any of the following:  
203 1. The number of ticket sales for a match;  
204 2. The amount of gross receipts after a match;  
205 3. ~~A trade secret, as defined in s. 688.002;~~  
206 3.4. Business plans;  
207 4.5. Internal auditing controls and reports of internal  
208 auditors; or  
209 5.6. Reports of external auditors.

210 **Section 15. Paragraph (b) of subsection (2) of section  
211 559.5558, Florida Statutes, is amended to read:**

212 559.5558 Public records exemption; investigations and  
213 examinations.—

214 (2)

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

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

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

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226 financial and health information remains confidential and  
227 exempt.

228 3. Reveal the identity of a confidential source.

229 4. Reveal investigative or examination techniques or  
230 procedures.

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

232 **Section 16. Paragraph (a) of subsection (2) of section  
233 569.215, Florida Statutes, is amended to read:**

234 569.215 Confidential records relating to tobacco  
235 settlement agreement.—

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

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

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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

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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.