

1                   A bill to be entitled  
2           An act relating to trade secrets; amending s. 812.081,  
3           F.S.; including financial information in provisions  
4           prohibiting the theft, embezzlement, or unlawful  
5           copying of trade secrets; providing criminal  
6           penalties; providing an effective date.

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

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10           Section 1. Section 812.081, Florida Statutes, is amended  
11   to read:

12           812.081 Trade secrets; theft, embezzlement; unlawful  
13   copying; definitions; penalty.—

14           (1) As used in this section, the term:

15           (a) "Article" means any object, device, machine, material,  
16   substance, or composition of matter, or any mixture or copy  
17   thereof, whether in whole or in part, including any complete or  
18   partial writing, record, recording, drawing, sample, specimen,  
19   prototype model, photograph, microorganism, blueprint, map, or  
20   copy thereof.

21           (b) "Representing" means completely or partially  
22   describing, depicting, embodying, containing, constituting,  
23   reflecting, or recording.

24           (c) "Trade secret" means the whole or any portion or phase  
25   of any formula, pattern, device, combination of devices, or  
26   compilation of information which is for use, or is used, in the

27 | operation of a business and which provides the business an  
28 | advantage, or an opportunity to obtain an advantage, over those  
29 | who do not know or use it. The term "Trade secret" includes any  
30 | scientific, technical, or commercial information, including  
31 | financial information, and includes any design, process,  
32 | procedure, list of suppliers, list of customers, business code,  
33 | or improvement thereof. Irrespective of novelty, invention,  
34 | patentability, the state of the prior art, and the level of  
35 | skill in the business, art, or field to which the subject matter  
36 | pertains, a trade secret is considered to be:

- 37 | 1. Secret;
- 38 | 2. Of value;
- 39 | 3. For use or in use by the business; and
- 40 | 4. Of advantage to the business, or providing an  
41 | opportunity to obtain an advantage, over those who do not know  
42 | or use it

43 |  
44 | when the owner thereof takes measures to prevent it from  
45 | becoming available to persons other than those selected by the  
46 | owner to have access thereto for limited purposes.

47 | (d) "Copy" means any facsimile, replica, photograph, or  
48 | other reproduction in whole or in part of an article and any  
49 | note, drawing, or sketch made of or from an article or part or  
50 | portion thereof.

51 | (2) Any person who, with intent to deprive or withhold  
52 | from the owner thereof the control of a trade secret, or with an

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53 | intent to appropriate a trade secret to his or her own use or to  
54 | the use of another, steals or embezzles an article representing  
55 | a trade secret or without authority makes or causes to be made a  
56 | copy of an article representing a trade secret commits ~~is guilty~~  
57 | ~~of~~ a felony of the third degree, punishable as provided in s.  
58 | 775.082 or s. 775.083.

59 | (3) In a prosecution for a violation of ~~the provisions of~~  
60 | this section, the fact ~~it is no defense~~ that the person so  
61 | charged returned or intended to return the article so stolen,  
62 | embezzled, or copied is not a defense.

63 | Section 2. This act shall take effect October 1, 2016.