

1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending ss. 119.071, 125.0104, 288.1226, 331.326,
4 365.174, 381.83, 403.7046, 403.73, 499.012, 499.0121,
5 499.051, 499.931, 502.222, 570.48, 573.123, 601.10,
6 601.15, 601.152, 601.76, and 815.04, F.S.; expanding
7 public records exemptions for certain data processing
8 software obtained by an agency, certain information
9 held by a county tourism promotion agency, information
10 related to trade secrets held by the Florida Tourism
11 Industry Marketing Corporation, information related to
12 trade secrets held by Space Florida, proprietary
13 confidential business information submitted to the
14 Department of Revenue, trade secret information held
15 by the Department of Health, trade secret information
16 reported or submitted to the Department of
17 Environmental Protection, trade secret information
18 contained in a complaint and any investigatory
19 documents held by the Department of Business and
20 Professional Regulation, trade secret information of a
21 dairy industry business held by the Department of
22 Agriculture and Consumer Services, trade secret
23 information held by the Division of Fruits and
24 Vegetables of the Department of Agriculture and
25 Consumer Services, trade secret information of a
26 person subject to a marketing order held by the

27 Department of Agriculture and Consumer Services, trade
28 secret information provided to the Department of
29 Citrus, trade secret information of noncommodity
30 advertising and promotional program participants held
31 by the Department of Citrus, trade secret information
32 of a person subject to a marketing order held by the
33 Department of Citrus, a manufacturer's formula filed
34 with the Department of Agriculture and Consumer
35 Services, and specified data, programs, or supporting
36 documentation held by an agency, respectively, to
37 incorporate changes made to the definition of the term
38 "trade secret" in s. 812.081, F.S., by HB 55;
39 expanding a public meeting exemption for any meeting
40 or portion of a meeting of Space Florida's board at
41 which trade secrets are discussed to incorporate
42 changes made to the definition of the term "trade
43 secret" in s. 812.081, F.S., by HB 55; providing for
44 future legislative review and repeal of the
45 exemptions; providing a statement of public necessity;
46 providing a contingent effective date.

47
48 Be It Enacted by the Legislature of the State of Florida:

49
50 Section 1. Paragraph (f) of subsection (1) of section
51 119.071, Florida Statutes, is amended to read:

52 119.071 General exemptions from inspection or copying of

53 public records.—

54 (1) AGENCY ADMINISTRATION.—

55 (f) Data processing software obtained by an agency under a
 56 licensing agreement that prohibits its disclosure and which
 57 software is a trade secret, as defined in s. 812.081, and
 58 agency-produced data processing software that is sensitive are
 59 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 60 Constitution. The designation of agency-produced software as
 61 sensitive does ~~shall~~ not prohibit an agency head from sharing or
 62 exchanging such software with another public agency. This
 63 paragraph is subject to the Open Government Sunset Review Act in
 64 accordance with s. 119.15 and shall stand repealed on October 2,
 65 2021, unless reviewed and saved from repeal through reenactment
 66 by the Legislature.

67 Section 2. Paragraph (d) of subsection (9) of section
 68 125.0104, Florida Statutes, is amended to read:

69 125.0104 Tourist development tax; procedure for levying;
 70 authorized uses; referendum; enforcement.—

71 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any
 72 other powers and duties provided for agencies created for the
 73 purpose of tourism promotion by a county levying the tourist
 74 development tax, such agencies are authorized and empowered to:

75 (d) Undertake marketing research and advertising research
 76 studies and provide reservations services and convention and
 77 meetings booking services consistent with the authorized uses of
 78 revenue as set forth in subsection (5).

79 | 1. Information given to a county tourism promotion agency
 80 | which, if released, would reveal the identity of persons or
 81 | entities who provide data or other information as a response to
 82 | a sales promotion effort, an advertisement, or a research
 83 | project or whose names, addresses, meeting or convention plan
 84 | information or accommodations or other visitation needs become
 85 | booking or reservation list data, is exempt from s. 119.07(1)
 86 | and ~~from~~ s. 24(a), Art. I of the State Constitution.

87 | 2. The following information, when held by a county
 88 | tourism promotion agency, is exempt from s. 119.07(1) and ~~from~~
 89 | s. 24(a), Art. I of the State Constitution:

90 | ~~a. A trade secret, as defined in s. 812.081.~~

91 | ~~a.b.~~ Booking business records, as defined in s. 255.047.

92 | ~~b.e.~~ Trade secrets and commercial or financial information
 93 | gathered from a person and privileged or confidential, as
 94 | defined and interpreted under 5 U.S.C. s. 552(b)(4), or any
 95 | amendments thereto.

96 | 3. A trade secret, as defined in s. 812.081, held by a
 97 | county tourism promotion agency is exempt from s. 119.07(1) and
 98 | s. 24(a), Art. I of the State Constitution. This subparagraph is
 99 | subject to the Open Government Sunset Review Act in accordance
 100 | with s. 119.15 and shall stand repealed on October 2, 2021,
 101 | unless reviewed and saved from repeal through reenactment by the
 102 | Legislature.

103 | Section 3. Subsection (8) of section 288.1226, Florida
 104 | Statutes, is amended to read:

105 288.1226 Florida Tourism Industry Marketing Corporation;
 106 use of property; board of directors; duties; audit.—

107 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person
 108 who responds to a marketing project or advertising research
 109 project conducted by the corporation in the performance of its
 110 duties on behalf of Enterprise Florida, Inc., or trade secrets
 111 as defined by s. 812.081 obtained pursuant to such activities,
 112 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 113 Constitution. This subsection is subject to the Open Government
 114 Sunset Review Act in accordance with s. 119.15 and shall stand
 115 repealed on October 2, 2021, unless reviewed and saved from
 116 repeal through reenactment by the Legislature.

117 Section 4. Section 331.326, Florida Statutes, is amended
 118 to read:

119 331.326 Information relating to trade secrets
 120 confidential.—The records of Space Florida regarding matters
 121 encompassed by this act are public records subject to ~~the~~
 122 ~~provisions of~~ chapter 119. Any information held by Space Florida
 123 which is a trade secret, as defined in s. 812.081, including
 124 trade secrets of Space Florida, any spaceport user, or the space
 125 industry business, is confidential and exempt from ~~the~~
 126 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
 127 Constitution and may not be disclosed. If Space Florida
 128 determines that any information requested by the public will
 129 reveal a trade secret, it shall, in writing, inform the person
 130 making the request of that determination. The determination is a

131 final order as defined in s. 120.52. Any meeting or portion of a
 132 meeting of Space Florida's board is exempt from ~~the provisions~~
 133 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution
 134 when the board is discussing trade secrets. Any public record
 135 generated during the closed portions of the meetings, such as
 136 minutes, tape recordings, and notes, is confidential and exempt
 137 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the
 138 State Constitution. This section is subject to the Open
 139 Government Sunset Review Act in accordance with s. 119.15 and
 140 shall stand repealed on October 2, 2021, unless reviewed and
 141 saved from repeal through reenactment by the Legislature.

142 Section 5. Subsection (2) of section 365.174, Florida
 143 Statutes, is amended to read:

144 365.174 Proprietary confidential business information.—

145 (2) (a) All proprietary confidential business information
 146 submitted by a provider to the Department of Revenue, as an
 147 agent of the board, is confidential and exempt from s. 119.07(1)
 148 and s. 24(a), Art. I of the State Constitution.

149 (b) The Department of Revenue may provide information
 150 relative to s. 365.172(9) to the Secretary of Management
 151 Services, or his or her authorized agent, or to the E911 Board
 152 established in s. 365.172(5) for use in the conduct of the
 153 official business of the Department of Management Services or
 154 the E911 Board.

155 (c) This subsection is subject to the Open Government
 156 Sunset Review Act in accordance with s. 119.15 and shall stand

157 repealed on October 2, 2021 ~~2019~~, unless reviewed and saved from
158 repeal through reenactment by the Legislature.

159 Section 6. Section 381.83, Florida Statutes, is amended to
160 read:

161 381.83 Trade secrets; confidentiality.—

162 (1) Records, reports, or information obtained from any
163 person under this chapter, unless otherwise provided by law,
164 shall be available to the public, except upon a showing
165 satisfactory to the department by the person from whom the
166 records, reports, or information is obtained that such records,
167 reports, or information, or a particular part thereof, contains
168 trade secrets as defined in s. 812.081 ~~812.081(1)(c)~~. Such trade
169 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~
170 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
171 Constitution. The person submitting such trade secret
172 information to the department must request that it be kept
173 confidential and must inform the department of the basis for the
174 claim of trade secret. The department shall, subject to notice
175 and opportunity for hearing, determine whether the information,
176 or portions thereof, claimed to be a trade secret is or is not a
177 trade secret. Such trade secrets may be disclosed, however, to
178 authorized representatives of the department or, pursuant to
179 request, to other governmental entities in order for them to
180 properly perform their duties, or when relevant in any
181 proceeding under this chapter. Authorized representatives and
182 other governmental entities receiving such trade secret

183 information shall retain its confidentiality. Those involved in
 184 any proceeding under this chapter, including a hearing officer
 185 or judge or justice, shall retain the confidentiality of any
 186 trade secret information revealed at such proceeding.

187 (2) This section is subject to the Open Government Sunset
 188 Review Act in accordance with s. 119.15 and shall stand repealed
 189 on October 2, 2021, unless reviewed and saved from repeal
 190 through reenactment by the Legislature.

191 Section 7. Subsection (2) and paragraph (b) of subsection
 192 (3) of section 403.7046, Florida Statutes, are amended to read:
 193 403.7046 Regulation of recovered materials.—

194 (2) Information reported pursuant to ~~the requirements of~~
 195 this section or any rule adopted pursuant to this section which,
 196 if disclosed, would reveal a trade secret, as defined in s.
 197 812.081 ~~812.081(1)(e)~~, is confidential and exempt from ~~the~~
 198 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
 199 Constitution. For reporting or information purposes, however,
 200 the department may provide this information in such form that
 201 the names of the persons reporting such information and the
 202 specific information reported are not revealed. This subsection
 203 is subject to the Open Government Sunset Review Act in
 204 accordance with s. 119.15 and shall stand repealed on October 2,
 205 2021, unless reviewed and saved from repeal through reenactment
 206 by the Legislature.

207 (3) Except as otherwise provided in this section or
 208 pursuant to a special act in effect on or before January 1,

209 1993, a local government may not require a commercial
210 establishment that generates source-separated recovered
211 materials to sell or otherwise convey its recovered materials to
212 the local government or to a facility designated by the local
213 government, nor may the local government restrict such a
214 generator's right to sell or otherwise convey such recovered
215 materials to any properly certified recovered materials dealer
216 who has satisfied the requirements of this section. A local
217 government may not enact any ordinance that prevents such a
218 dealer from entering into a contract with a commercial
219 establishment to purchase, collect, transport, process, or
220 receive source-separated recovered materials.

221 (b)1. Before engaging in business within the jurisdiction
222 of the local government, a recovered materials dealer must
223 provide the local government with a copy of the certification
224 provided for in this section. In addition, the local government
225 may establish a registration process whereby a recovered
226 materials dealer must register with the local government before
227 engaging in business within the jurisdiction of the local
228 government. Such registration process is limited to requiring
229 the dealer to register its name, including the owner or operator
230 of the dealer, and, if the dealer is a business entity, its
231 general or limited partners, its corporate officers and
232 directors, its permanent place of business, evidence of its
233 certification under this section, and a certification that the
234 recovered materials will be processed at a recovered materials

235 processing facility satisfying the requirements of this section.
236 The local government may not use the information provided in the
237 registration application to compete unfairly with the recovered
238 materials dealer until 90 days after receipt of the application.
239 All counties, and municipalities whose population exceeds 35,000
240 according to the population estimates determined pursuant to s.
241 186.901, may establish a reporting process that ~~which~~ shall be
242 limited to the regulations, reporting format, and reporting
243 frequency established by the department pursuant to this
244 section, which shall, at a minimum, include requiring the dealer
245 to identify the types and approximate amount of recovered
246 materials collected, recycled, or reused during the reporting
247 period; the approximate percentage of recovered materials
248 reused, stored, or delivered to a recovered materials processing
249 facility or disposed of in a solid waste disposal facility; and
250 the locations where any recovered materials were disposed of as
251 solid waste. ~~Information reported under this subsection which,~~
252 ~~if disclosed, would reveal a trade secret, as defined in s.~~
253 ~~812.081(1)(c), is confidential and exempt from the provisions of~~
254 ~~s. 24(a), Art. I of the State Constitution and s. 119.07(1).~~ The
255 local government may charge the dealer a registration fee
256 commensurate with and no greater than the cost incurred by the
257 local government in operating its registration program.
258 Registration program costs are limited to those costs associated
259 with the activities described in this subparagraph ~~paragraph~~.
260 Any reporting or registration process established by a local

261 government with regard to recovered materials shall be governed
262 by ~~the provisions of~~ this section and department rules adopted
263 pursuant thereto.

264 2. Information reported under this subsection which, if
265 disclosed, would reveal a trade secret, as defined in s.
266 812.081, is confidential and exempt from s. 119.07(1) and s.
267 24(a), Art. I of the State Constitution. This subparagraph is
268 subject to the Open Government Sunset Review Act in accordance
269 with s. 119.15 and shall stand repealed on October 2, 2021,
270 unless reviewed and saved from repeal through reenactment by the
271 Legislature.

272 Section 8. Section 403.73, Florida Statutes, is amended to
273 read:

274 403.73 Trade secrets; confidentiality.—

275 (1) Records, reports, or information obtained from any
276 person under this part, unless otherwise provided by law, shall
277 be available to the public, except upon a showing satisfactory
278 to the department by the person from whom the records, reports,
279 or information is obtained that such records, reports, or
280 information, or a particular part thereof, contains trade
281 secrets as defined in s. 812.081 ~~812.081(1)(e)~~. Such trade
282 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~
283 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
284 Constitution. The person submitting such trade secret
285 information to the department must request that it be kept
286 confidential and must inform the department of the basis for the

287 claim of trade secret. The department shall, subject to notice
288 and opportunity for hearing, determine whether the information,
289 or portions thereof, claimed to be a trade secret is or is not a
290 trade secret. Such trade secrets may be disclosed, however, to
291 authorized representatives of the department or, pursuant to
292 request, to other governmental entities in order for them to
293 properly perform their duties, or when relevant in any
294 proceeding under this part. Authorized representatives and other
295 governmental entities receiving such trade secret information
296 shall retain its confidentiality. Those involved in any
297 proceeding under this part, including an administrative law
298 judge, a hearing officer, or a judge or justice, shall retain
299 the confidentiality of any trade secret information revealed at
300 such proceeding.

301 (2) This section is subject to the Open Government Sunset
302 Review Act in accordance with s. 119.15 and shall stand repealed
303 on October 2, 2021, unless reviewed and saved from repeal
304 through reenactment by the Legislature.

305 Section 9. Paragraphs (g) and (m) of subsection (8) of
306 section 499.012, Florida Statutes, are amended to read:

307 499.012 Permit application requirements.—

308 (8) An application for a permit or to renew a permit for a
309 prescription drug wholesale distributor or an out-of-state
310 prescription drug wholesale distributor submitted to the
311 department must include:

312 (g)1. For an application for a new permit, the estimated

313 | annual dollar volume of prescription drug sales of the
 314 | applicant, the estimated annual percentage of the applicant's
 315 | total company sales that are prescription drugs, the applicant's
 316 | estimated annual total dollar volume of purchases of
 317 | prescription drugs, and the applicant's estimated annual total
 318 | dollar volume of prescription drug purchases directly from
 319 | manufacturers.

320 | 2. For an application to renew a permit, the total dollar
 321 | volume of prescription drug sales in the previous year, the
 322 | total dollar volume of prescription drug sales made in the
 323 | previous 6 months, the percentage of total company sales that
 324 | were prescription drugs in the previous year, the total dollar
 325 | volume of purchases of prescription drugs in the previous year,
 326 | and the total dollar volume of prescription drug purchases
 327 | directly from manufacturers in the previous year.

328 | 3. Such portions of the information required pursuant to
 329 | this paragraph which are a trade secret, as defined in s.
 330 | 812.081, shall be maintained by the department as trade secret
 331 | information is required to be maintained under s. 499.051. This
 332 | subparagraph is subject to the Open Government Sunset Review Act
 333 | in accordance with s. 119.15 and shall stand repealed on October
 334 | 2, 2021, unless reviewed and saved from repeal through
 335 | reenactment by the Legislature.

336 | (m) For an applicant that is a secondary wholesale
 337 | distributor, each of the following:

338 | 1. A personal background information statement containing

339 the background information and fingerprints required pursuant to
340 subsection (9) for each person named in the applicant's response
341 to paragraphs (k) and (l) and for each affiliated party of the
342 applicant.

343 2. If any of the five largest shareholders of the
344 corporation seeking the permit is a corporation, the name,
345 address, and title of each corporate officer and director of
346 each such corporation; the name and address of such corporation;
347 the name of such corporation's resident agent, such
348 corporation's resident agent's address, and such corporation's
349 state of its incorporation; and the name and address of each
350 shareholder of such corporation that owns 5 percent or more of
351 the stock of such corporation.

352 3.a. The name and address of all financial institutions in
353 which the applicant has an account that ~~which~~ is used to pay for
354 the operation of the establishment or to pay for drugs purchased
355 for the establishment, together with the names of all persons
356 who ~~that~~ are authorized signatories on such accounts.

357 b. The portions of the information required pursuant to
358 this subparagraph which are a trade secret, as defined in s.
359 812.081, shall be maintained by the department as trade secret
360 information is required to be maintained under s. 499.051. This
361 sub-subparagraph is subject to the Open Government Sunset Review
362 Act in accordance with s. 119.15 and shall stand repealed on
363 October 2, 2021, unless reviewed and saved from repeal through
364 reenactment by the Legislature.

365 4. The sources of all funds and the amounts of such funds
366 used to purchase or finance purchases of prescription drugs or
367 to finance the premises on which the establishment is to be
368 located.

369 5. If any of the funds identified in subparagraph 4. were
370 borrowed, copies of all promissory notes or loans used to obtain
371 such funds.

372 Section 10. Subsection (7) of section 499.0121, Florida
373 Statutes, is amended to read:

374 499.0121 Storage and handling of prescription drugs;
375 recordkeeping.—The department shall adopt rules to implement
376 this section as necessary to protect the public health, safety,
377 and welfare. Such rules shall include, but not be limited to,
378 requirements for the storage and handling of prescription drugs
379 and for the establishment and maintenance of prescription drug
380 distribution records.

381 (7) PRESCRIPTION DRUG PURCHASE LIST.—

382 (a) Each wholesale distributor, except for a manufacturer,
383 shall annually provide the department with a written list of all
384 wholesale distributors and manufacturers from whom the wholesale
385 distributor purchases prescription drugs. A wholesale
386 distributor, except a manufacturer, shall notify the department
387 not later than 10 days after any change to either list.

388 (b) Such portions of the information required pursuant to
389 this subsection which are a trade secret, as defined in s.
390 812.081, shall be maintained by the department as trade secret

391 information is required to be maintained under s. 499.051. This
 392 paragraph is subject to the Open Government Sunset Review Act in
 393 accordance with s. 119.15 and shall stand repealed on October 2,
 394 2021, unless reviewed and saved from repeal through reenactment
 395 by the Legislature.

396 Section 11. Subsection (7) of section 499.051, Florida
 397 Statutes, is amended to read:

398 499.051 Inspections and investigations.—

399 (7) (a) The complaint and all information obtained pursuant
 400 to the investigation by the department are confidential and
 401 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 402 Constitution until the investigation and the enforcement action
 403 are completed.

404 (b) Information that constitutes a ~~However,~~ trade secret,
 405 as defined in s. 812.081, information contained in the complaint
 406 and all information obtained by the department pursuant to the
 407 investigation therein as defined by s. 812.081(1)(c) shall
 408 remain confidential and exempt from ~~the provisions of s.~~
 409 119.07(1) and s. 24(a), Art. I of the State Constitution, ~~as~~
 410 long as the information is retained by the department. This
 411 paragraph is subject to the Open Government Sunset Review Act in
 412 accordance with s. 119.15 and shall stand repealed on October 2,
 413 2021, unless reviewed and saved from repeal through reenactment
 414 by the Legislature.

415 (c) This subsection does not prohibit the department from
 416 using such information for regulatory or enforcement proceedings

417 under this chapter or from providing such information to any law
418 enforcement agency or any other regulatory agency. However, the
419 receiving agency shall keep such records confidential and exempt
420 as provided in this subsection. In addition, this subsection is
421 not intended to prevent compliance with ~~the provisions of s.~~
422 499.01212, and the pedigree papers required in that section are
423 ~~shall~~ not be deemed a trade secret.

424 Section 12. Section 499.931, Florida Statutes, is amended
425 to read:

426 499.931 Trade secret information.—Information required to
427 be submitted under this part which is a trade secret as defined
428 in s. 812.081 ~~812.081(1)(c)~~ and designated as a trade secret by
429 an applicant or permit holder must be maintained as required
430 under s. 499.051. This section is subject to the Open Government
431 Sunset Review Act in accordance with s. 119.15 and shall stand
432 repealed on October 2, 2021, unless reviewed and saved from
433 repeal through reenactment by the Legislature.

434 Section 13. Section 502.222, Florida Statutes, is amended
435 to read:

436 502.222 Information relating to trade secrets
437 confidential.—The records of the department regarding matters
438 encompassed by this chapter are public records, subject to ~~the~~
439 ~~provisions of~~ chapter 119, except that any information that
440 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of
441 a dairy industry business is confidential and exempt from ~~the~~
442 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State

443 Constitution. If the department determines that any information
444 requested by the public will reveal a trade secret, it shall, in
445 writing, inform the person making the request of that
446 determination. The determination is a final order as defined in
447 s. 120.52. This section is subject to the Open Government Sunset
448 Review Act in accordance with s. 119.15 and shall stand repealed
449 on October 2, 2021, unless reviewed and saved from repeal
450 through reenactment by the Legislature.

451 Section 14. Subsection (3) of section 570.48, Florida
452 Statutes, is amended to read:

453 570.48 Division of Fruit and Vegetables; powers and
454 duties; records.—The duties of the Division of Fruit and
455 Vegetables include, but are not limited to:

456 (3) Maintaining the records of the division. The records
457 of the division are public records; however, trade secrets as
458 defined in s. 812.081 are confidential and exempt from ~~the~~
459 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State
460 Constitution. This subsection is subject to the Open Government
461 Sunset Review Act in accordance with s. 119.15 and shall stand
462 repealed on October 2, 2021, unless reviewed and saved from
463 repeal through reenactment by the Legislature. This section may
464 ~~shall~~ not be construed to prohibit:

465 (a) A disclosure necessary to enforcement procedures.

466 (b) The department from releasing information to other
467 governmental agencies. Other governmental agencies that receive
468 confidential information from the department under this

469 subsection shall maintain the confidentiality of that
 470 information.

471 (c) The department or other agencies from compiling and
 472 publishing appropriate data regarding procedures, yield,
 473 recovery, quality, and related matters, provided such released
 474 data do not reveal by whom the activity to which the data relate
 475 was conducted.

476 Section 15. Subsection (2) of section 573.123, Florida
 477 Statutes, is amended to read:

478 573.123 Maintenance and production of records.—

479 (2) Information that, if disclosed, would reveal a trade
 480 secret, as defined in s. 812.081, of any person subject to a
 481 marketing order is confidential and exempt from ~~the provisions~~
 482 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
 483 and may ~~shall~~ not be disclosed except to an attorney who
 484 provides legal advice to the division about enforcing a
 485 marketing market order or by court order. A person who receives
 486 confidential information under this subsection shall maintain
 487 the confidentiality of that information. This subsection is
 488 subject to the Open Government Sunset Review Act in accordance
 489 with s. 119.15 and shall stand repealed on October 2, 2021,
 490 unless reviewed and saved from repeal through reenactment by the
 491 Legislature.

492 Section 16. Subsection (8) of section 601.10, Florida
 493 Statutes, is amended to read:

494 601.10 Powers of the Department of Citrus.—The department

495 shall have and shall exercise such general and specific powers
 496 as are delegated to it by this chapter and other statutes of the
 497 state, which powers shall include, but are not limited to, the
 498 following:

499 (8) (a) To prepare and disseminate information of
 500 importance to citrus growers, handlers, shippers, processors,
 501 and industry-related and interested persons and organizations
 502 relating to department activities and the production, handling,
 503 shipping, processing, and marketing of citrus fruit and
 504 processed citrus products. ~~Any information that constitutes a~~
 505 ~~trade secret as defined in s. 812.081(1)(c) is confidential and~~
 506 ~~exempt from s. 119.07(1) and shall not be disclosed.~~ For
 507 referendum and other notice and informational purposes, the
 508 department may prepare and maintain, from the best available
 509 sources, a citrus grower mailing list. Such list shall be a
 510 public record available as other public records, but is it shall
 511 ~~not be~~ subject to the purging provisions of s. 283.55.

512 (b) Any information provided to the department which
 513 constitutes a trade secret as defined in s. 812.081 is
 514 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 515 of the State Constitution. This paragraph is subject to the Open
 516 Government Sunset Review Act in accordance with s. 119.15 and
 517 shall stand repealed on October 2, 2021, unless reviewed and
 518 saved from repeal through reenactment by the Legislature.

519 (c) ~~(b)~~ Any nonpublished reports or data related to studies
 520 or research conducted, caused to be conducted, or funded by the

521 department under s. 601.13 is confidential and exempt from s.
 522 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 523 paragraph is subject to the Open Government Sunset Review Act in
 524 accordance with s. 119.15 and shall stand repealed on October 2,
 525 2017, unless reviewed and saved from repeal through reenactment
 526 by the Legislature.

527 Section 17. Paragraph (d) of subsection (7) of section
 528 601.15, Florida Statutes, is amended to read:

529 601.15 Advertising campaign; methods of conducting;
 530 assessments; emergency reserve fund; citrus research.—

531 (7) All assessments levied and collected under this
 532 chapter shall be paid into the State Treasury on or before the
 533 15th day of each month. Such moneys shall be accounted for in a
 534 special fund to be designated as the Florida Citrus Advertising
 535 Trust Fund, and all moneys in such fund are appropriated to the
 536 department for the following purposes:

537 (d)1. The pro rata portion of moneys allocated to each
 538 type of citrus product in noncommodity programs shall be used by
 539 the department to encourage substantial increases in the
 540 effectiveness, frequency, and volume of noncommodity
 541 advertising, merchandising, publicity, and sales promotion of
 542 such citrus products through rebates and incentive payments to
 543 handlers and trade customers for these activities. The
 544 department shall adopt rules providing for the use of such
 545 moneys. The rules shall establish alternate incentive programs,
 546 including at least one incentive program for product sold under

547 advertised brands, one incentive program for product sold under
548 private label brands, and one incentive program for product sold
549 in bulk. For each incentive program, the rules shall establish
550 eligibility and performance requirements and shall provide
551 appropriate limitations on amounts payable to a handler or trade
552 customer for a particular season. Such limitations may relate to
553 the amount of citrus assessments levied and collected on the
554 citrus product handled by such handler or trade customer during
555 a 12-month representative period.

556 2. The department may require from participants in
557 noncommodity advertising and promotional programs commercial
558 information necessary to determine eligibility for and
559 performance in such programs. Any information ~~so~~ required which
560 ~~that~~ constitutes a "trade secret" as defined in s. 812.081 is
561 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
562 of the State Constitution. This subparagraph is subject to the
563 Open Government Sunset Review Act in accordance with s. 119.15
564 and shall stand repealed on October 2, 2021, unless reviewed and
565 saved from repeal through reenactment by the Legislature.

566 Section 18. Paragraph (c) of subsection (8) of section
567 601.152, Florida Statutes, is amended to read:

568 601.152 Special marketing orders.—

569 (8)

570 (c)1. Every handler shall, at such times as the department
571 may require, file with the department a return, not under oath,
572 on forms to be prescribed and furnished by the department,

573 certified as true and correct, stating the quantity of the type,
574 variety, and form of citrus fruit or citrus product specified in
575 the marketing order first handled in the primary channels of
576 trade in the state by such handler during the period of time
577 specified in the marketing order. Such returns shall contain any
578 further information deemed by the department to be reasonably
579 necessary to properly administer or enforce this section or any
580 marketing order implemented under this section.

581 2. Information that, if disclosed, would reveal a trade
582 secret, as defined in s. 812.081, of any person subject to a
583 marketing order is confidential and exempt from s. 119.07(1) and
584 s. 24(a), Art. I of the State Constitution. This subparagraph is
585 subject to the Open Government Sunset Review Act in accordance
586 with s. 119.15 and shall stand repealed on October 2, 2021,
587 unless reviewed and saved from repeal through reenactment by the
588 Legislature.

589 Section 19. Section 601.76, Florida Statutes, is amended
590 to read:

591 601.76 Manufacturer to furnish formula and other
592 information.—Any formula required to be filed with the
593 Department of Agriculture shall be deemed a trade secret as
594 defined in s. 812.081, is confidential and exempt from s.
595 119.07(1) and s. 24(a), Art. I of the State Constitution, and
596 shall only be divulged to the Department of Agriculture or to
597 its duly authorized representatives or upon court order ~~orders~~
598 ~~of a court of competent jurisdiction~~ when necessary in the

599 enforcement of this law. A person who receives such a formula
600 from the Department of Agriculture under this section shall
601 maintain the confidentiality of the formula. This section is
602 subject to the Open Government Sunset Review Act in accordance
603 with s. 119.15 and shall stand repealed on October 2, 2021,
604 unless reviewed and saved from repeal through reenactment by the
605 Legislature.

606 Section 20. Subsection (6) of section 815.04, Florida
607 Statutes, is amended, and subsections (3) and (4) of that
608 section are published, to read:

609 815.04 Offenses against intellectual property; public
610 records exemption.—

611 (3) Data, programs, or supporting documentation that is a
612 trade secret as defined in s. 812.081, that is held by an agency
613 as defined in chapter 119, and that resides or exists internal
614 or external to a computer, computer system, computer network, or
615 electronic device is confidential and exempt from the provisions
616 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

617 (4) A person who willfully, knowingly, and without
618 authorization discloses or takes data, programs, or supporting
619 documentation that is a trade secret as defined in s. 812.081 or
620 is confidential as provided by law residing or existing internal
621 or external to a computer, computer system, computer network, or
622 electronic device commits an offense against intellectual
623 property.

624 (6) Subsections (3) and (4) are subject to the Open

625 Government Sunset Review Act in accordance with s. 119.15~~7~~ and
626 shall stand repealed on October 2, 2021 ~~2019~~, unless reviewed
627 and saved from repeal through reenactment by the Legislature.

628 Section 21. The Legislature finds that it is a public
629 necessity that financial information comprising a trade secret
630 as defined in s. 812.081, Florida Statutes, be made exempt or
631 confidential and exempt from s. 119.07(1), Florida Statutes, and
632 s. 24(a), Article I of the State Constitution. The Legislature
633 also finds that it is a public necessity that any portion of a
634 meeting in which a trade secret as defined in s. 812.081,
635 Florida Statutes, is discussed be made exempt from s. 286.011,
636 Florida Statutes, and s. 24(b), Article I of the State
637 Constitution. The Legislature recognizes that in many instances,
638 businesses are required to provide financial information for
639 regulatory or other purposes to public entities and that
640 disclosure of such information to competitors of those
641 businesses would be detrimental to the businesses. The
642 Legislature's intent is to protect trade secret information of a
643 confidential nature that includes, but is not limited to, a
644 formula, a pattern, a device, a combination of devices, or a
645 compilation of information used to protect or further a business
646 advantage over those who do not know or use the information, the
647 disclosure of which would injure the affected business in the
648 marketplace. Therefore, the Legislature finds that the need to
649 protect trade secret financial information is sufficiently
650 compelling to override this state's public policy of open

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651 government and that the protection of such information cannot be
652 accomplished without these exemptions.

653 Section 22. This act shall take effect on the same date
654 that HB 55 or similar legislation relating to trade secrets
655 takes effect, if such legislation is adopted in the same
656 legislative session or an extension thereof and becomes a law.