

By the Committee on Commerce and Tourism; and Senator Richter

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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      E911 Board, the Technology Program within the  
15      Department of Management Services, and the Department  
16      of Revenue, trade secret information held by the  
17      Department of Health, trade secret information  
18      reported or submitted to the Department of  
19      Environmental Protection, trade secret information  
20      held by the Department of Business and Professional  
21      Regulation through the complaint and investigation of  
22      a permitholder under the Florida Drug and Cosmetic  
23      Act, trade secret information of a dairy industry  
24      business held by the Department of Agriculture and  
25      Consumer Services, trade secret information held by  
26      the Division of Fruits and Vegetables of the  
27      Department of Agriculture and Consumer Services, trade  
28      secret information of a person subject to a marketing  
29      order held by the Department of Agriculture and

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30 Consumer Services, trade secret information provided  
31 to the Department of Citrus, trade secret information  
32 of noncommodity advertising and promotional program  
33 participants held by the Department of Citrus, trade  
34 secret information of a person subject to a marketing  
35 order held by the Department of Citrus, a  
36 manufacturer's formula filed with the Department of  
37 Agriculture and Consumer Services, and specified data,  
38 programs, or supporting documentation held by an  
39 agency, respectively, to incorporate changes made to  
40 the definition of the term "trade secret" in s.  
41 812.081, F.S., by SB 180; expanding a public meeting  
42 exemption for any meeting or portion of a meeting of  
43 Space Florida's board at which trade secrets are  
44 discussed to incorporate changes made to the  
45 definition of the term "trade secret" in s. 812.081,  
46 F.S., by SB 180; providing for future legislative  
47 review and repeal of the exemptions; providing a  
48 statement of public necessity; providing a contingent  
49 effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

52  
53 Section 1. Paragraph (f) of subsection (1) of section  
54 119.071, Florida Statutes, is amended to read:

55 119.071 General exemptions from inspection or copying of  
56 public records.—

57 (1) AGENCY ADMINISTRATION.—

58 (f) Data processing software obtained by an agency under a

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59 licensing agreement that prohibits its disclosure and which  
60 software is a trade secret, as defined in s. 812.081, and  
61 agency-produced data processing software that is sensitive are  
62 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
63 Constitution. The designation of agency-produced software as  
64 sensitive does ~~shall~~ not prohibit an agency head from sharing or  
65 exchanging such software with another public agency. This  
66 paragraph is subject to the Open Government Sunset Review Act in  
67 accordance with s. 119.15 and shall stand repealed on October 2,  
68 2021, unless reviewed and saved from repeal through reenactment  
69 by the Legislature.

70 Section 2. Paragraph (d) of subsection (9) of section  
71 125.0104, Florida Statutes, is amended to read:

72 125.0104 Tourist development tax; procedure for levying;  
73 authorized uses; referendum; enforcement.—

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

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

82 1. Information given to a county tourism promotion agency  
83 which, if released, would reveal the identity of persons or  
84 entities who provide data or other information as a response to  
85 a sales promotion effort, an advertisement, or a research  
86 project or whose names, addresses, meeting or convention plan  
87 information or accommodations or other visitation needs become

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88 booking or reservation list data, is exempt from s. 119.07(1)  
89 and ~~from~~ s. 24(a), Art. I of the State Constitution.

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

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

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

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

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

106 Section 3. Subsection (8) of section 288.1226, Florida  
107 Statutes, is amended to read:

108 288.1226 Florida Tourism Industry Marketing Corporation;  
109 use of property; board of directors; duties; audit.—

110 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person  
111 who responds to a marketing project or advertising research  
112 project conducted by the corporation in the performance of its  
113 duties on behalf of Enterprise Florida, Inc., or trade secrets  
114 as defined by s. 812.081 obtained pursuant to such activities,  
115 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
116 Constitution. This subsection is subject to the Open Government

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117 Sunset Review Act in accordance with s. 119.15 and shall stand  
118 repealed on October 2, 2021, unless reviewed and saved from  
119 repeal through reenactment by the Legislature.

120 Section 4. Section 331.326, Florida Statutes, is amended to  
121 read:

122 331.326 Information relating to trade secrets  
123 confidential.—The records of Space Florida regarding matters  
124 encompassed by this act are public records subject to ~~the~~  
125 ~~provisions of~~ chapter 119. Any information held by Space Florida  
126 which is a trade secret, as defined in s. 812.081, including  
127 trade secrets of Space Florida, any spaceport user, or the space  
128 industry business, is confidential and exempt from ~~the~~  
129 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
130 Constitution and may not be disclosed. If Space Florida  
131 determines that any information requested by the public will  
132 reveal a trade secret, it shall, in writing, inform the person  
133 making the request of that determination. The determination is a  
134 final order as defined in s. 120.52. Any meeting or portion of a  
135 meeting of Space Florida's board is exempt from ~~the provisions~~  
136 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution  
137 when the board is discussing trade secrets. Any public record  
138 generated during the closed portions of the meetings, such as  
139 minutes, tape recordings, and notes, is confidential and exempt  
140 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the  
141 State Constitution. This section is subject to the Open  
142 Government Sunset Review Act in accordance with s. 119.15 and  
143 shall stand repealed on October 2, 2021, unless reviewed and  
144 saved from repeal through reenactment by the Legislature.

145 Section 5. Section 365.174, Florida Statutes, is amended to

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146 read:

147 365.174 Proprietary confidential business information.—

148 (1) (a) All proprietary confidential business information  
149 submitted by a provider to the board or the office is  
150 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
151 of the State Constitution.

152 (b) Statistical abstracts of information collected by the  
153 board or the office may be released or published, but only in a  
154 manner that does not identify or allow identification of  
155 subscribers or their service numbers or of revenues attributable  
156 to any provider.

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

161 (b) The Department of Revenue may provide information  
162 relative to s. 365.172(9) to the Secretary of Management  
163 Services, or his or her authorized agent, or to the E911 Board  
164 established in s. 365.172(5) for use in the conduct of the  
165 official business of the Department of Management Services or  
166 the E911 Board.

167 ~~(c) This subsection is subject to the Open Government~~  
168 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~  
169 ~~repealed on October 2, 2019, unless reviewed and saved from~~  
170 ~~repeal through reenactment by the Legislature.~~

171 (3) As used in this section, the term "proprietary  
172 confidential business information" means customer lists,  
173 customer numbers, individual or aggregate customer data by  
174 location, usage and capacity data, network facilities used to

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175 serve subscribers, technology descriptions, technical  
176 information, or trade secrets, including trade secrets as  
177 defined in s. 812.081, and the actual or developmental costs of  
178 E911 systems that are developed, produced, or received  
179 internally by a provider or by a provider's employees,  
180 directors, officers, or agents.

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

185 Section 6. Section 381.83, Florida Statutes, is amended to  
186 read:

187 381.83 Trade secrets; confidentiality.—

188 (1) Records, reports, or information obtained from any  
189 person under this chapter, unless otherwise provided by law,  
190 must ~~shall~~ be available to the public, except upon a showing  
191 satisfactory to the department by the person from whom the  
192 records, reports, or information is obtained that such records,  
193 reports, or information, or a particular part thereof, contains  
194 trade secrets as defined in s. 812.081 ~~812.081(1)(e)~~. Such trade  
195 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~  
196 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
197 Constitution. The person submitting such trade secret  
198 information to the department must request that it be kept  
199 confidential and must inform the department of the basis for the  
200 claim of trade secret. The department shall, subject to notice  
201 and opportunity for hearing, determine whether the information,  
202 or portions thereof, claimed to be a trade secret is or is not a  
203 trade secret. Such trade secrets may be disclosed, however, to

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204 authorized representatives of the department or, pursuant to  
205 request, to other governmental entities in order for them to  
206 properly perform their duties, or when relevant in any  
207 proceeding under this chapter. Authorized representatives and  
208 other governmental entities receiving such trade secret  
209 information shall retain its confidentiality. Those involved in  
210 any proceeding under this chapter, including a hearing officer  
211 or judge or justice, shall retain the confidentiality of any  
212 trade secret information revealed at such proceeding.

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

217 Section 7. Subsection (2) and paragraph (b) of subsection  
218 (3) of section 403.7046, Florida Statutes, are amended to read:

219 403.7046 Regulation of recovered materials.—

220 (2) Information reported pursuant to ~~the requirements of~~  
221 this section or any rule adopted pursuant to this section which,  
222 if disclosed, would reveal a trade secret, as defined in s.  
223 812.081 ~~812.081(1)(e)~~, is confidential and exempt from ~~the~~  
224 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
225 Constitution. For reporting or information purposes, however,  
226 the department may provide this information in such form that  
227 the names of the persons reporting such information and the  
228 specific information reported are not revealed. This subsection  
229 is subject to the Open Government Sunset Review Act in  
230 accordance with s. 119.15 and shall stand repealed on October 2,  
231 2021, unless reviewed and saved from repeal through reenactment  
232 by the Legislature.



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233 (3) Except as otherwise provided in this section or  
234 pursuant to a special act in effect on or before January 1,  
235 1993, a local government may not require a commercial  
236 establishment that generates source-separated recovered  
237 materials to sell or otherwise convey its recovered materials to  
238 the local government or to a facility designated by the local  
239 government, nor may the local government restrict such a  
240 generator's right to sell or otherwise convey such recovered  
241 materials to any properly certified recovered materials dealer  
242 who has satisfied the requirements of this section. A local  
243 government may not enact any ordinance that prevents such a  
244 dealer from entering into a contract with a commercial  
245 establishment to purchase, collect, transport, process, or  
246 receive source-separated recovered materials.

247 (b)1. Before engaging in business within the jurisdiction  
248 of the local government, a recovered materials dealer must  
249 provide the local government with a copy of the certification  
250 provided for in this section. In addition, the local government  
251 may establish a registration process whereby a recovered  
252 materials dealer must register with the local government before  
253 engaging in business within the jurisdiction of the local  
254 government. Such registration process is limited to requiring  
255 the dealer to register its name, including the owner or operator  
256 of the dealer, and, if the dealer is a business entity, its  
257 general or limited partners, its corporate officers and  
258 directors, its permanent place of business, evidence of its  
259 certification under this section, and a certification that the  
260 recovered materials will be processed at a recovered materials  
261 processing facility satisfying the requirements of this section.

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262 The local government may not use the information provided in the  
263 registration application to compete unfairly with the recovered  
264 materials dealer until 90 days after receipt of the application.  
265 All counties, and municipalities whose population exceeds 35,000  
266 according to the population estimates determined pursuant to s.  
267 186.901, may establish a reporting process that must ~~which shall~~  
268 be limited to the regulations, reporting format, and reporting  
269 frequency established by the department pursuant to this  
270 section, which must ~~shall~~, at a minimum, include requiring the  
271 dealer to identify the types and approximate amount of recovered  
272 materials collected, recycled, or reused during the reporting  
273 period; the approximate percentage of recovered materials  
274 reused, stored, or delivered to a recovered materials processing  
275 facility or disposed of in a solid waste disposal facility; and  
276 the locations where any recovered materials were disposed of as  
277 solid waste. ~~Information reported under this subsection which,~~  
278 ~~if disclosed, would reveal a trade secret, as defined in s.~~  
279 ~~812.081(1)(c), is confidential and exempt from the provisions of~~  
280 ~~s. 24(a), Art. I of the State Constitution and s. 119.07(1).~~ The  
281 local government may charge the dealer a registration fee  
282 commensurate with and no greater than the cost incurred by the  
283 local government in operating its registration program.  
284 Registration program costs are limited to those costs associated  
285 with the activities described in this subparagraph ~~paragraph~~.  
286 Any reporting or registration process established by a local  
287 government with regard to recovered materials is ~~shall be~~  
288 governed by ~~the provisions of~~ this section and department rules  
289 adopted pursuant thereto.

290 2. Information reported under this subsection which, if

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291 disclosed, would reveal a trade secret, as defined in s.  
292 812.081, is confidential and exempt from s. 119.07(1) and s.  
293 24(a), Art. I of the State Constitution. This subparagraph is  
294 subject to the Open Government Sunset Review Act in accordance  
295 with s. 119.15 and shall stand repealed on October 2, 2021,  
296 unless reviewed and saved from repeal through reenactment by the  
297 Legislature.

298 Section 8. Section 403.73, Florida Statutes, is amended to  
299 read:

300 403.73 Trade secrets; confidentiality.—

301 (1) Records, reports, or information obtained from any  
302 person under this part, unless otherwise provided by law, must  
303 ~~shall~~ be available to the public, except upon a showing  
304 satisfactory to the department by the person from whom the  
305 records, reports, or information is obtained that such records,  
306 reports, or information, or a particular part thereof, contains  
307 trade secrets as defined in s. 812.081 ~~812.081(1)(e)~~. Such trade  
308 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~  
309 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
310 Constitution. The person submitting such trade secret  
311 information to the department must request that it be kept  
312 confidential and must inform the department of the basis for the  
313 claim of trade secret. The department shall, subject to notice  
314 and opportunity for hearing, determine whether the information,  
315 or portions thereof, claimed to be a trade secret is or is not a  
316 trade secret. Such trade secrets may be disclosed, however, to  
317 authorized representatives of the department or, pursuant to  
318 request, to other governmental entities in order for them to  
319 properly perform their duties, or when relevant in any

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320 proceeding under this part. Authorized representatives and other  
321 governmental entities receiving such trade secret information  
322 shall retain its confidentiality. Those involved in any  
323 proceeding under this part, including an administrative law  
324 judge, a hearing officer, or a judge or justice, shall retain  
325 the confidentiality of any trade secret information revealed at  
326 such proceeding.

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

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

333 499.012 Permit application requirements.—

334 (8) An application for a permit or to renew a permit for a  
335 prescription drug wholesale distributor or an out-of-state  
336 prescription drug wholesale distributor submitted to the  
337 department must include:

338 (g)1. For an application for a new permit, the estimated  
339 annual dollar volume of prescription drug sales of the  
340 applicant, the estimated annual percentage of the applicant's  
341 total company sales that are prescription drugs, the applicant's  
342 estimated annual total dollar volume of purchases of  
343 prescription drugs, and the applicant's estimated annual total  
344 dollar volume of prescription drug purchases directly from  
345 manufacturers.

346 2. For an application to renew a permit, the total dollar  
347 volume of prescription drug sales in the previous year, the  
348 total dollar volume of prescription drug sales made in the

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349 previous 6 months, the percentage of total company sales that  
350 were prescription drugs in the previous year, the total dollar  
351 volume of purchases of prescription drugs in the previous year,  
352 and the total dollar volume of prescription drug purchases  
353 directly from manufacturers in the previous year.

354 3. Such portions of the information required pursuant to  
355 this paragraph which are a trade secret, as defined in s.  
356 812.081, shall be maintained by the department as trade secret  
357 information is required to be maintained under s. 499.051. This  
358 subparagraph is subject to the Open Government Sunset Review Act  
359 in accordance with s. 119.15 and shall stand repealed on October  
360 2, 2021, unless reviewed and saved from repeal through  
361 reenactment by the Legislature.

362 (m) For an applicant that is a secondary wholesale  
363 distributor, each of the following:

364 1. A personal background information statement containing  
365 the background information and fingerprints required pursuant to  
366 subsection (9) for each person named in the applicant's response  
367 to paragraphs (k) and (l) and for each affiliated party of the  
368 applicant.

369 2. If any of the five largest shareholders of the  
370 corporation seeking the permit is a corporation, the name,  
371 address, and title of each corporate officer and director of  
372 each such corporation; the name and address of such corporation;  
373 the name of such corporation's resident agent, such  
374 corporation's resident agent's address, and such corporation's  
375 state of its incorporation; and the name and address of each  
376 shareholder of such corporation who ~~that~~ owns 5 percent or more  
377 of the stock of such corporation.

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

383           b. The portions of the information required pursuant to  
384 this subparagraph which are a trade secret, as defined in s.  
385 812.081, shall be maintained by the department as trade secret  
386 information is required to be maintained under s. 499.051. This  
387 sub-subparagraph is subject to the Open Government Sunset Review  
388 Act in accordance with s. 119.15 and shall stand repealed on  
389 October 2, 2021, unless reviewed and saved from repeal through  
390 reenactment by the Legislature.

391           4. The sources of all funds and the amounts of such funds  
392 used to purchase or finance purchases of prescription drugs or  
393 to finance the premises on which the establishment is to be  
394 located.

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

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

400           499.0121 Storage and handling of prescription drugs;  
401 recordkeeping.—The department shall adopt rules to implement  
402 this section as necessary to protect the public health, safety,  
403 and welfare. Such rules shall include, but not be limited to,  
404 requirements for the storage and handling of prescription drugs  
405 and for the establishment and maintenance of prescription drug  
406 distribution records.

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407 (7) PRESCRIPTION DRUG PURCHASE LIST.—

408 (a) Each wholesale distributor, except for a manufacturer,  
409 shall annually provide the department with a written list of all  
410 wholesale distributors and manufacturers from whom the wholesale  
411 distributor purchases prescription drugs. A wholesale  
412 distributor, except a manufacturer, shall notify the department  
413 not later than 10 days after any change to either list.

414 (b) Such portions of the information required pursuant to  
415 this subsection which are a trade secret, as defined in s.  
416 812.081, shall be maintained by the department as trade secret  
417 information is required to be maintained under s. 499.051. This  
418 paragraph is subject to the Open Government Sunset Review Act in  
419 accordance with s. 119.15 and shall stand repealed on October 2,  
420 2021, unless reviewed and saved from repeal through reenactment  
421 by the Legislature.

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

424 499.051 Inspections and investigations.—

425 (7)(a) The complaint and all information obtained pursuant  
426 to the investigation by the department are confidential and  
427 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
428 Constitution until the investigation and the enforcement action  
429 are completed.

430 (b) Information that constitutes a ~~However,~~ trade secret,  
431 as defined in s. 812.081, contained in the complaint and  
432 obtained by the department pursuant to the investigation must  
433 ~~information contained therein as defined by s. 812.081(1)(c)~~  
434 ~~shall remain confidential and exempt from the provisions of s.~~  
435 ~~119.07(1) and s. 24(a), Art. I of the State Constitution,~~ as

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436 long as the information is held by ~~retained~~ by the department.  
437 This paragraph is subject to the Open Government Sunset Review  
438 Act in accordance with s. 119.15 and shall stand repealed on  
439 October 2, 2021, unless reviewed and saved from repeal through  
440 reenactment by the Legislature.

441 (c) This subsection does not prohibit the department from  
442 using such information for regulatory or enforcement proceedings  
443 under this chapter or from providing such information to any law  
444 enforcement agency or any other regulatory agency. However, the  
445 receiving agency shall keep such records confidential and exempt  
446 as provided in this subsection. In addition, this subsection is  
447 not intended to prevent compliance with ~~the provisions of~~ s.  
448 499.01212, and the pedigree papers required in that section are  
449 ~~shall not be~~ deemed a trade secret.

450 Section 12. Section 499.931, Florida Statutes, is amended  
451 to read:

452 499.931 Trade secret information.—Information required to  
453 be submitted under this part which is a trade secret as defined  
454 in s. 812.081 ~~812.081(1)(e)~~ and designated as a trade secret by  
455 an applicant or permitholder must be maintained as required  
456 under s. 499.051. This section is subject to the Open Government  
457 Sunset Review Act in accordance with s. 119.15 and shall stand  
458 repealed on October 2, 2021, unless reviewed and saved from  
459 repeal through reenactment by the Legislature.

460 Section 13. Section 502.222, Florida Statutes, is amended  
461 to read:

462 502.222 Information relating to trade secrets  
463 confidential.—The records of the department regarding matters  
464 encompassed by this chapter are public records, subject to ~~the~~



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465 ~~provisions of~~ chapter 119, except that any information that  
466 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of  
467 a dairy industry business is confidential and exempt from ~~the~~  
468 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
469 Constitution. If the department determines that any information  
470 requested by the public will reveal a trade secret, it shall, in  
471 writing, inform the person making the request of that  
472 determination. The determination is a final order as defined in  
473 s. 120.52. This section is subject to the Open Government Sunset  
474 Review Act in accordance with s. 119.15 and shall stand repealed  
475 on October 2, 2021, unless reviewed and saved from repeal  
476 through reenactment by the Legislature.

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

479 570.48 Division of Fruit and Vegetables; powers and duties;  
480 records.—The duties of the Division of Fruit and Vegetables  
481 include, but are not limited to:

482 (3) Maintaining the records of the division. The records of  
483 the division are public records; however, trade secrets as  
484 defined in s. 812.081 are confidential and exempt from ~~the~~  
485 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
486 Constitution. This subsection is subject to the Open Government  
487 Sunset Review Act in accordance with s. 119.15 and shall stand  
488 repealed on October 2, 2021, unless reviewed and saved from  
489 repeal through reenactment by the Legislature. This section may  
490 ~~shall~~ not be construed to prohibit:

491 (a) A disclosure necessary to enforcement procedures.

492 (b) The department from releasing information to other  
493 governmental agencies. Other governmental agencies that receive

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494 confidential information from the department under this  
495 subsection shall maintain the confidentiality of that  
496 information.

497 (c) The department or other agencies from compiling and  
498 publishing appropriate data regarding procedures, yield,  
499 recovery, quality, and related matters, provided such released  
500 data do not reveal by whom the activity to which the data relate  
501 was conducted.

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

504 573.123 Maintenance and production of records.—

505 (2) Information that, if disclosed, would reveal a trade  
506 secret, as defined in s. 812.081, of any person subject to a  
507 marketing order is confidential and exempt from ~~the provisions~~  
508 ~~of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
509 and may ~~shall~~ not be disclosed except to an attorney who  
510 provides legal advice to the division about enforcing a  
511 marketing market order or by court order. A person who receives  
512 confidential information under this subsection shall maintain  
513 the confidentiality of that information. This subsection is  
514 subject to the Open Government Sunset Review Act in accordance  
515 with s. 119.15 and shall stand repealed on October 2, 2021,  
516 unless reviewed and saved from repeal through reenactment by the  
517 Legislature.

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

520 601.10 Powers of the Department of Citrus.—The department  
521 shall have and shall exercise such general and specific powers  
522 as are delegated to it by this chapter and other statutes of the

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523 state, which powers shall include, but are not limited to, the  
524 following:

525 (8) (a) To prepare and disseminate information of importance  
526 to citrus growers, handlers, shippers, processors, and industry-  
527 related and interested persons and organizations relating to  
528 department activities and the production, handling, shipping,  
529 processing, and marketing of citrus fruit and processed citrus  
530 products. ~~Any information that constitutes a trade secret as~~  
531 ~~defined in s. 812.081(1)(c) is confidential and exempt from s.~~  
532 ~~119.07(1) and shall not be disclosed.~~ For referendum and other  
533 notice and informational purposes, the department may prepare  
534 and maintain, from the best available sources, a citrus grower  
535 mailing list. Such list shall be a public record available as  
536 other public records, but is it shall not be subject to the  
537 purging provisions of s. 283.55.

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

545 (c) ~~(b)~~ Any nonpublished reports or data related to studies  
546 or research conducted, caused to be conducted, or funded by the  
547 department under s. 601.13 is confidential and exempt from s.  
548 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
549 paragraph is subject to the Open Government Sunset Review Act in  
550 accordance with s. 119.15 and shall stand repealed on October 2,  
551 2017, unless reviewed and saved from repeal through reenactment

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552 by the Legislature.

553 Section 17. Paragraph (d) of subsection (7) of section  
554 601.15, Florida Statutes, is amended to read:

555 601.15 Advertising campaign; methods of conducting;  
556 assessments; emergency reserve fund; citrus research.—

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

563 (d)1. The pro rata portion of moneys allocated to each type  
564 of citrus product in noncommodity programs shall be used by the  
565 department to encourage substantial increases in the  
566 effectiveness, frequency, and volume of noncommodity  
567 advertising, merchandising, publicity, and sales promotion of  
568 such citrus products through rebates and incentive payments to  
569 handlers and trade customers for these activities. The  
570 department shall adopt rules providing for the use of such  
571 moneys. The rules shall establish alternate incentive programs,  
572 including at least one incentive program for product sold under  
573 advertised brands, one incentive program for product sold under  
574 private label brands, and one incentive program for product sold  
575 in bulk. For each incentive program, the rules must ~~shall~~  
576 establish eligibility and performance requirements and must  
577 ~~shall~~ provide appropriate limitations on amounts payable to a  
578 handler or trade customer for a particular season. Such  
579 limitations may relate to the amount of citrus assessments  
580 levied and collected on the citrus product handled by such

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581 handler or trade customer during a 12-month representative  
582 period.

583 2. The department may require from participants in  
584 noncommodity advertising and promotional programs commercial  
585 information necessary to determine eligibility for and  
586 performance in such programs. Any information ~~so~~ required which  
587 ~~that~~ constitutes a "trade secret" as defined in s. 812.081 is  
588 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
589 of the State Constitution. This subparagraph is subject to the  
590 Open Government Sunset Review Act in accordance with s. 119.15  
591 and shall stand repealed on October 2, 2021, unless reviewed and  
592 saved from repeal through reenactment by the Legislature.

593 Section 18. Paragraph (c) of subsection (8) of section  
594 601.152, Florida Statutes, is amended to read:

595 601.152 Special marketing orders.—

596 (8)

597 (c)1. Every handler shall, at such times as the department  
598 may require, file with the department a return, not under oath,  
599 on forms to be prescribed and furnished by the department,  
600 certified as true and correct, stating the quantity of the type,  
601 variety, and form of citrus fruit or citrus product specified in  
602 the marketing order first handled in the primary channels of  
603 trade in the state by such handler during the period of time  
604 specified in the marketing order. Such returns must ~~shall~~  
605 contain any further information deemed by the department to be  
606 reasonably necessary to properly administer or enforce this  
607 section or any marketing order implemented under this section.

608 2. Information that, if disclosed, would reveal a trade  
609 secret, as defined in s. 812.081, of any person subject to a

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610 marketing order is confidential and exempt from s. 119.07(1) and  
611 s. 24(a), Art. I of the State Constitution. This subparagraph is  
612 subject to the Open Government Sunset Review Act in accordance  
613 with s. 119.15 and shall stand repealed on October 2, 2021,  
614 unless reviewed and saved from repeal through reenactment by the  
615 Legislature.

616 Section 19. Section 601.76, Florida Statutes, is amended to  
617 read:

618 601.76 Manufacturer to furnish formula and other  
619 information.—Any formula required to be filed with the  
620 Department of Agriculture shall be deemed a trade secret as  
621 defined in s. 812.081, is confidential and exempt from s.  
622 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
623 may shall only be divulged only to the Department of Agriculture  
624 or to its duly authorized representatives or upon court order  
625 ~~orders of a court of competent jurisdiction~~ when necessary in  
626 the enforcement of this law. A person who receives such a  
627 formula from the Department of Agriculture under this section  
628 shall maintain the confidentiality of the formula. This section  
629 is subject to the Open Government Sunset Review Act in  
630 accordance with s. 119.15 and shall stand repealed on October 2,  
631 2021, unless reviewed and saved from repeal through reenactment  
632 by the Legislature.

633 Section 20. Subsections (3) and (6) of section 815.04,  
634 Florida Statutes, are amended to read:

635 815.04 Offenses against intellectual property; public  
636 records exemption.—

637 (3) Data, programs, or supporting documentation that is a  
638 trade secret as defined in s. 812.081, that is held by an agency

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639 as defined in chapter 119, and that resides or exists internal  
640 or external to a computer, computer system, computer network, or  
641 electronic device is confidential and exempt from the provisions  
642 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
643 This subsection is subject to the Open Government Sunset Review  
644 Act in accordance with s. 119.15 and shall stand repealed on  
645 October 2, 2021, unless reviewed and saved from repeal through  
646 reenactment by the Legislature.

647 ~~(6) Subsections (3) and (4) are subject to the Open~~  
648 ~~Government Sunset Review Act in accordance with s. 119.15, and~~  
649 ~~shall stand repealed on October 2, 2019, unless reviewed and~~  
650 ~~saved from repeal through reenactment by the Legislature.~~

651 Section 21. The Legislature finds that it is a public  
652 necessity that financial information comprising a trade secret  
653 as defined in s. 812.081, Florida Statutes, be made exempt or  
654 confidential and exempt from s. 119.07(1), Florida Statutes, and  
655 s. 24(a), Article I of the State Constitution. The Legislature  
656 also finds that it is a public necessity that any portion of a  
657 meeting in which a trade secret as defined in s. 812.081,  
658 Florida Statutes, is discussed be made exempt from s. 286.011,  
659 Florida Statutes, and s. 24(b), Article I of the State  
660 Constitution. The Legislature recognizes that, in many  
661 instances, businesses are required to provide financial  
662 information for regulatory or other purposes to public entities  
663 and that disclosure of such information to competitors of those  
664 businesses would be detrimental to the businesses. The  
665 Legislature's intent is to protect trade secret information of a  
666 confidential nature which includes, but is not limited to, a  
667 formula, a pattern, a device, a combination of devices, or a

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668 compilation of information used to protect or further a business  
669 advantage over those who do not know or use the information, the  
670 disclosure of which would injure the affected business in the  
671 marketplace. Therefore, the Legislature finds that the need to  
672 protect trade secret financial information is sufficiently  
673 compelling to override this state's public policy of open  
674 government and that the protection of such information cannot be  
675 accomplished without these exemptions.

676 Section 22. This act shall take effect on the same date  
677 that SB 180 or similar legislation relating to trade secrets  
678 takes effect, if such legislation is adopted in the same  
679 legislative session or an extension thereof and becomes a law.