



526826

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/25/2019	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 119.07135, Florida Statutes, is created
to read:

119.07135 Agency contracts; public records.-

(1) Any contract or agreement, or an addendum thereto, to
which an agency or an entity subject to this chapter is a party,
is a public record, except that confidential or exempt



526826

11 information contained therein may be redacted before release of
12 the contract or agreement, or an addendum thereto, if the
13 specific statutory exemption is identified.

14 (2) Notwithstanding any other provision of law, the
15 following information related to any contract or agreement, or
16 an addendum thereto, with an agency or an entity subject to this
17 chapter is not confidential or exempt from s. 119.07(1) and s.
18 24(a), Art. I of the State Constitution:

19 (a) The parties to the contract or agreement, or an
20 addendum thereto, if the contract or agreement, or the addendum
21 thereto, includes a provision requiring the agency or an entity
22 subject to this chapter to expend funds.

23 (b) The amount of money paid, any payment structure or
24 plan, expenditures, incentives, bonuses, fees, or penalties.

25 (c) The nature or type of the commodities or services
26 purchased.

27 (d) Applicable contract unit prices and deliverables.

28 (3) This section does not apply to research institutes
29 created or established in law, divisions of sponsored research
30 at state universities, or technology transfer centers at Florida
31 College System institutions.

32 Section 2. Subsection (12) of section 24.105, Florida
33 Statutes, is amended to read:

34 24.105 Powers and duties of department.—The department
35 shall:

36 ~~(12) (a) Determine by rule information relating to the~~
37 ~~operation of the lottery which is confidential and exempt from~~
38 ~~the provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
39 ~~Constitution. Such information includes trade secrets; security~~



526826

40 ~~measures, systems, or procedures; security reports; information~~
41 ~~concerning bids or other contractual data, the disclosure of~~
42 ~~which would impair the efforts of the department to contract for~~
43 ~~goods or services on favorable terms; employee personnel~~
44 ~~information unrelated to compensation, duties, qualifications,~~
45 ~~or responsibilities; and information obtained by the Division of~~
46 ~~Security pursuant to its investigations which is otherwise~~
47 ~~confidential. To be deemed confidential, the information must be~~
48 ~~necessary to the security and integrity of the lottery.~~
49 ~~Confidential information may be released to other governmental~~
50 ~~entities as needed in connection with the performance of their~~
51 ~~duties. The receiving governmental entity shall retain the~~
52 ~~confidentiality of such information as provided for in this~~
53 ~~subsection.~~

54 (a) ~~(b)~~ Maintain the confidentiality of the street address
55 and the telephone number of a winner, in that such information
56 is confidential and exempt from the provisions of s. 119.07(1)
57 and s. 24(a), Art. I of the State Constitution, unless the
58 winner consents to the release of such information or as
59 provided for in s. 24.115(4) or s. 409.2577.

60 (b) ~~(c)~~ Any information made confidential and exempt from
61 the provisions of s. 119.07(1) under this subsection shall be
62 disclosed to the Auditor General, to the Office of Program
63 Policy Analysis and Government Accountability, or to the
64 independent auditor selected under s. 24.123 upon such person's
65 request therefor. If the President of the Senate or the Speaker
66 of the House of Representatives certifies that information made
67 confidential under this subsection is necessary for effecting
68 legislative changes, the requested information shall be



526826

69 disclosed to him or her, and he or she may disclose such
70 information to members of the Legislature and legislative staff
71 as necessary to effect such purpose.

72 Section 3. Paragraph (e) of subsection (1) of section
73 73.0155, Florida Statutes, is amended to read:

74 73.0155 Confidentiality; business information provided to a
75 governmental condemning authority.—

76 (1) The following business information provided by the
77 owner of a business to a governmental condemning authority as
78 part of an offer of business damages under s. 73.015 is
79 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
80 of the State Constitution if the owner requests in writing that
81 the business information be held confidential and exempt:

82 (e) Materials that relate to methods of manufacture or
83 production ~~or, potential trade secrets, patentable material, or~~
84 ~~actual trade secrets as defined in s. 688.002.~~

85 Section 4. Paragraph (f) of subsection (1) of section
86 119.071, Florida Statutes, is amended to read:

87 119.071 General exemptions from inspection or copying of
88 public records.—

89 (1) AGENCY ADMINISTRATION.—

90 (f) ~~Data processing software obtained by an agency under a~~
91 ~~licensing agreement that prohibits its disclosure and which~~
92 ~~software is a trade secret, as defined in s. 812.081, and~~
93 Agency-produced data processing software that is sensitive is
94 ~~are~~ exempt from s. 119.07(1) and s. 24(a), Art. I of the State
95 Constitution. The designation of agency-produced software as
96 sensitive does not prohibit an agency head from sharing or
97 exchanging such software with another public agency. ~~This~~



526826

98 ~~paragraph is subject to the Open Government Sunset Review Act in~~
99 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
100 ~~2021, unless reviewed and saved from repeal through reenactment~~
101 ~~by the Legislature.~~

102 Section 5. Paragraph (a) of subsection (4) of section
103 119.0713, Florida Statutes, is amended to read:

104 119.0713 Local government agency exemptions from inspection
105 or copying of public records.—

106 (4) (a) Proprietary confidential business information means
107 information, regardless of form or characteristics, which is
108 held by an electric utility that is subject to this chapter, is
109 intended to be and is treated by the entity that provided the
110 information to the electric utility as private in that the
111 disclosure of the information would cause harm to the entity
112 providing the information or its business operations, and has
113 not been disclosed unless disclosed pursuant to a statutory
114 provision, an order of a court or administrative body, or a
115 private agreement that provides that the information will not be
116 released to the public. Proprietary confidential business
117 information includes:

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

119 2. Internal auditing controls and reports of internal
120 auditors.

121 2.3. Security measures, systems, or procedures.

122 3.4. Information concerning bids or other contractual data,
123 the disclosure of which would impair the efforts of the electric
124 utility to contract for goods or services on favorable terms.

125 4.5. Information relating to competitive interests, the
126 disclosure of which would impair the competitive business of the



526826

127 provider of the information.

128 Section 6. Paragraph (d) of subsection (9) of section
129 125.0104, Florida Statutes, is amended to read:

130 125.0104 Tourist development tax; procedure for levying;
131 authorized uses; referendum; enforcement.—

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

136 (d) Undertake marketing research and advertising research
137 studies and provide reservations services and convention and
138 meetings booking services consistent with the authorized uses of
139 revenue as set forth in subsection (5).

140 1. Information given to a county tourism promotion agency
141 which, if released, would reveal the identity of persons or
142 entities who provide data or other information as a response to
143 a sales promotion effort, an advertisement, or a research
144 project or whose names, addresses, meeting or convention plan
145 information or accommodations or other visitation needs become
146 booking or reservation list data, is exempt from s. 119.07(1)
147 and s. 24(a), Art. I of the State Constitution.

148 2. ~~The following information,~~ When held by a county tourism
149 promotion agency, booking business records, as defined in s.
150 255.047, are is exempt from s. 119.07(1) and s. 24(a), Art. I of
151 the State Constitution.÷

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

153 b. ~~Trade secrets and commercial or financial information~~
154 ~~gathered from a person and privileged or confidential, as~~
155 ~~defined and interpreted under 5 U.S.C. s. 552(b)(4), or any~~



526826

156 ~~amendments thereto.~~

157 ~~3. A trade secret, as defined in s. 812.081, held by a~~
158 ~~county tourism promotion agency is exempt from s. 119.07(1) and~~
159 ~~s. 24(a), Art. I of the State Constitution. This subparagraph is~~
160 ~~subject to the Open Government Sunset Review Act in accordance~~
161 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
162 ~~unless reviewed and saved from repeal through reenactment by the~~
163 ~~Legislature.~~

164 Section 7. Paragraph (m) of subsection (15) of section
165 163.01, Florida Statutes, is amended to read:

166 163.01 Florida Interlocal Cooperation Act of 1969.—

167 (15) Notwithstanding any other provision of this section or
168 of any other law except s. 361.14, any public agency of this
169 state which is an electric utility, or any separate legal entity
170 created pursuant to the provisions of this section, the
171 membership of which consists only of electric utilities, and
172 which exercises or proposes to exercise the powers granted by
173 part II of chapter 361, the Joint Power Act, may exercise any or
174 all of the following powers:

175 (m) In the event that any public agency or any such legal
176 entity, or both, should receive, in connection with its joint
177 ownership or right to the services, output, capacity, or energy
178 of an electric project, as defined in paragraph (3)(d), any
179 material which is designated by the person supplying such
180 material as proprietary confidential business information or
181 which a court of competent jurisdiction has designated as
182 confidential or secret shall be kept confidential and shall be
183 exempt from the provisions of s. 119.07(1). As used in this
184 paragraph, "proprietary confidential business information"



526826

185 ~~includes, but is not limited to, trade secrets;~~ internal
186 auditing controls and reports of internal auditors; security
187 measures, systems, or procedures; ~~information concerning bids or~~
188 ~~other contractual data, the disclosure of which would impair the~~
189 ~~efforts of the utility to contract for services on favorable~~
190 ~~terms;~~ employee personnel information unrelated to compensation,
191 duties, qualifications, or responsibilities; and formulas,
192 patterns, devices, combinations of devices, ~~contract costs,~~ or
193 other information the disclosure of which would injure the
194 affected entity in the marketplace.

195 Section 8. Subsection (2) of section 202.195, Florida
196 Statutes, is amended to read:

197 202.195 Proprietary confidential business information;
198 public records exemption.—

199 (2) For the purposes of this exemption, "proprietary
200 confidential business information" includes maps, plans, billing
201 and payment records, ~~trade secrets,~~ or other information
202 relating to the provision of or facilities for communications
203 service:

204 (a) That is intended to be and is treated by the company as
205 confidential;

206 (b) The disclosure of which would be reasonably likely to
207 be used by a competitor to harm the business interests of the
208 company; and

209 (c) That is not otherwise readily ascertainable or publicly
210 available by proper means by other persons from another source
211 in the same configuration as requested by the local governmental
212 entity.

213



526826

214 Proprietary confidential business information does not include
215 schematics indicating the location of facilities for a specific
216 site that are provided in the normal course of the local
217 governmental entity's permitting process.

218 Section 9. Paragraphs (a), (c), and (d) of subsection (3)
219 of section 215.4401, Florida Statutes, are amended to read:

220 215.4401 Board of Administration; public record
221 exemptions.—

222 (3)(a) As used in this subsection, the term:

223 1. "Alternative investment" means an investment by the
224 State Board of Administration in a private equity fund, venture
225 fund, hedge fund, or distress fund or a direct investment in a
226 portfolio company through an investment manager.

227 2. "Alternative investment vehicle" means the limited
228 partnership, limited liability company, or similar legal
229 structure or investment manager through which the State Board of
230 Administration invests in a portfolio company.

231 3. "Portfolio company" means a corporation or other issuer,
232 any of whose securities are owned by an alternative investment
233 vehicle or the State Board of Administration and any subsidiary
234 of such corporation or other issuer.

235 4. "Portfolio positions" means individual investments in
236 portfolio companies which are made by the alternative investment
237 vehicles, including information or specific investment terms
238 associated with any portfolio company investment.

239 5. "Proprietor" means an alternative investment vehicle, a
240 portfolio company in which the alternative investment vehicle is
241 invested, or an outside consultant, including the respective
242 authorized officers, employees, agents, or successors in



526826

243 interest, which controls or owns information provided to the
244 State Board of Administration.

245 6. "Proprietary confidential business information" means
246 information that has been designated by the proprietor when
247 provided to the State Board of Administration as information
248 that is owned or controlled by a proprietor; that is intended to
249 be and is treated by the proprietor as private, the disclosure
250 of which would harm the business operations of the proprietor
251 and has not been intentionally disclosed by the proprietor
252 unless pursuant to a private agreement that provides that the
253 information will not be released to the public except as
254 required by law or legal process, or pursuant to law or an order
255 of a court or administrative body; and that concerns:

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

257 ~~b.~~ Information provided to the State Board of
258 Administration regarding a prospective investment in a private
259 equity fund, venture fund, hedge fund, distress fund, or
260 portfolio company which is proprietary to the provider of the
261 information.

262 ~~b.e.~~ Financial statements and auditor reports of an
263 alternative investment vehicle.

264 ~~c.d.~~ Meeting materials of an alternative investment vehicle
265 relating to financial, operating, or marketing information of
266 the alternative investment vehicle.

267 ~~d.e.~~ Information regarding the portfolio positions in which
268 the alternative investment vehicles invest.

269 ~~e.f.~~ Capital call and distribution notices to investors of
270 an alternative investment vehicle.

271 ~~f.g.~~ Alternative investment agreements and related records.



526826

272 ~~g.h.~~ Information concerning investors, other than the State
273 Board of Administration, in an alternative investment vehicle.

274 7. "Proprietary confidential business information" does not
275 include:

276 a. The name, address, and vintage year of an alternative
277 investment vehicle and the identity of the principals involved
278 in the management of the alternative investment vehicle.

279 b. The dollar amount of the commitment made by the State
280 Board of Administration to each alternative investment vehicle
281 since inception.

282 c. The dollar amount and date of cash contributions made by
283 the State Board of Administration to each alternative investment
284 vehicle since inception.

285 d. The dollar amount, on a fiscal-year-end basis, of cash
286 distributions received by the State Board of Administration from
287 each alternative investment vehicle.

288 e. The dollar amount, on a fiscal-year-end basis, of cash
289 distributions received by the State Board of Administration plus
290 the remaining value of alternative-vehicle assets that are
291 attributable to the State Board of Administration's investment
292 in each alternative investment vehicle.

293 f. The net internal rate of return of each alternative
294 investment vehicle since inception.

295 g. The investment multiple of each alternative investment
296 vehicle since inception.

297 h. The dollar amount of the total management fees and costs
298 paid on an annual fiscal-year-end basis by the State Board of
299 Administration to each alternative investment vehicle.

300 i. The dollar amount of cash profit received by the State



526826

301 Board of Administration from each alternative investment vehicle
302 on a fiscal-year-end basis.

303 j. A description of any compensation, fees, or expenses,
304 including the amount or value, paid or agreed to be paid by a
305 proprietor to any person to solicit the board to make an
306 alternative investment or investment through an alternative
307 investment vehicle. This does not apply to an executive officer,
308 general partner, managing member, or other employee of the
309 proprietor, who is paid by the proprietor to solicit the board
310 to make such investments.

311 (c)1. Notwithstanding the provisions of paragraph (b), a
312 request to inspect or copy a record under s. 119.07(1) that
313 contains proprietary confidential business information shall be
314 granted if the proprietor of the information fails, within a
315 reasonable period of time after the request is received by the
316 State Board of Administration, to verify the following to the
317 State Board of Administration through a written declaration in
318 the manner provided by s. 92.525:

319 a. That the requested record contains proprietary
320 confidential business information and the specific location of
321 such information within the record;

322 ~~b. If the proprietary confidential business information is~~
323 ~~a trade secret, a verification that it is a trade secret as~~
324 ~~defined in s. 688.002;~~

325 ~~e.~~ That the proprietary confidential business information
326 is intended to be and is treated by the proprietor as private,
327 is the subject of efforts of the proprietor to maintain its
328 privacy, and is not readily ascertainable or publicly available
329 from any other source; and



526826

330 ~~c.d.~~ That the disclosure of the proprietary confidential
331 business information to the public would harm the business
332 operations of the proprietor.

333 2. The State Board of Administration shall maintain a list
334 and a description of the records covered by any verified,
335 written declaration made under this paragraph.

336 (d) Any person may petition a court of competent
337 jurisdiction for an order for the public release of those
338 portions of any record made confidential and exempt by paragraph
339 (b). Any action under this paragraph must be brought in Leon
340 County, Florida, and the petition or other initial pleading
341 shall be served on the State Board of Administration and, if
342 determinable upon diligent inquiry, on the proprietor of the
343 information sought to be released. In any order for the public
344 release of a record under this paragraph, the court shall make a
345 finding ~~that the record or portion thereof is not a trade secret~~
346 ~~as defined in s. 688.002,~~ that a compelling public interest is
347 served by the release of the record or portions thereof which
348 exceed the public necessity for maintaining the confidentiality
349 of such record, and that the release of the record will not
350 cause damage to or adversely affect the interests of the
351 proprietor of the released information, other private persons or
352 business entities, the State Board of Administration, or any
353 trust fund, the assets of which are invested by the State Board
354 of Administration.

355 Section 10. Subsection (1) of section 252.88, Florida
356 Statutes, is amended to read:

357 252.88 Public records.—

358 (1) Whenever EPCRA authorizes an employer to exclude trade



526826

359 secret information from its submittals, the employer shall
360 furnish the information so excluded to the commission upon
361 request. ~~Such information shall be confidential and exempt from~~
362 ~~the provisions of s. 119.07(1). The commission shall not~~
363 ~~disclose such information except pursuant to a final~~
364 ~~determination under s. 322 of EPCRA by the Administrator of the~~
365 ~~Environmental Protection Agency that such information is not~~
366 ~~entitled to trade secret protection, or pursuant to an order of~~
367 ~~court.~~

368 Section 11. Section 252.943, Florida Statutes, is repealed.

369 Section 12. Paragraph (h) of subsection (2) of section
370 287.0943, Florida Statutes, is amended to read:

371 287.0943 Certification of minority business enterprises.-

372 (2)

373 (h) The certification procedures should allow an applicant
374 seeking certification to designate on the application form the
375 information the applicant considers to be proprietary,
376 confidential business information. As used in this paragraph,
377 "proprietary, confidential business information" includes, ~~but~~
378 ~~is not limited to,~~ any information that would be exempt from
379 public inspection pursuant to the provisions of chapter 119;
380 ~~trade secrets;~~ internal auditing controls and reports; ~~contract~~
381 ~~costs;~~ or other information the disclosure of which would injure
382 the affected party in the marketplace or otherwise violate s.
383 286.041. The executor in receipt of the application shall issue
384 written and final notice of any information for which
385 noninspection is requested but not provided for by law.

386 Section 13. Subsection (7) of section 288.047, Florida
387 Statutes, is amended to read:



526826

388 288.047 Quick-response training for economic development.-

389 (7) In providing instruction pursuant to this section,
390 materials that relate to methods of manufacture or production,
391 ~~potential trade secrets~~, business transactions, or proprietary
392 information received, produced, ascertained, or discovered by
393 employees of the respective departments, district school boards,
394 community college district boards of trustees, or other
395 personnel employed for the purposes of this section is
396 confidential and exempt from the provisions of s. 119.07(1). The
397 state may seek copyright protection for instructional materials
398 and ancillary written documents developed wholly or partially
399 with state funds as a result of instruction provided pursuant to
400 this section, except for materials that are confidential and
401 exempt from the provisions of s. 119.07(1).

402 Section 14. Paragraph (c) of subsection (1) and subsection
403 (3) of section 288.075, Florida Statutes, are amended, and
404 present subsections (4) through (7) of that section are
405 renumbered as subsections (3) through (6), respectively, to
406 read:

407 288.075 Confidentiality of records.-

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

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

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

413 Section 15. Subsection (9) of section 288.1226, Florida
414 Statutes, is amended to read:

415 288.1226 Florida Tourism Industry Marketing Corporation;
416 use of property; board of directors; duties; audit.-



526826

417 (9) PUBLIC RECORDS EXEMPTION.—The identity of any person
418 who responds to a marketing project or advertising research
419 project conducted by the corporation in the performance of its
420 duties on behalf of Enterprise Florida, Inc., is ~~or trade~~
421 ~~secrets as defined by s. 812.081 obtained pursuant to such~~
422 ~~activities, are~~ exempt from s. 119.07(1) and s. 24(a), Art. I of
423 the State Constitution. ~~This subsection is subject to the Open~~
424 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
425 ~~shall stand repealed on October 2, 2021, unless reviewed and~~
426 ~~saved from repeal through reenactment by the Legislature.~~

427 Section 16. Paragraph (d) of subsection (3) of section
428 288.776, Florida Statutes, is amended to read:

429 288.776 Board of directors; powers and duties.—

430 (3) The board shall:

431 (d) Adopt policies, including criteria, establishing which
432 exporters and export transactions shall be eligible for
433 insurance, coinsurance, loan guarantees, and direct, guaranteed,
434 or collateralized loans which may be extended by the
435 corporation. Pursuant to this subsection, the board shall
436 include the following criteria:

437 1. Any individual signing any corporation loan application
438 and loan or guarantee agreement shall have an equity in the
439 business applying for financial assistance.

440 2. Each program shall exclusively support the export of
441 goods and services by small and medium-sized businesses which
442 are domiciled in this state. Priority shall be given to goods
443 which have value added in this state.

444 3. Financial assistance shall only be extended when at
445 least one of the following circumstances exists:



526826

446 a. The assistance is required to secure the participation
447 of small and medium-sized export businesses in federal, state,
448 or private financing programs.

449 b. No conventional source of lender support is available
450 for the business from public or private financing sources.

451
452 Personal financial records, ~~trade secrets~~, or proprietary
453 information of applicants shall be confidential and exempt from
454 the provisions of s. 119.07(1).

455 Section 17. Section 288.9520, Florida Statutes, is amended
456 to read:

457 288.9520 Public records exemption.—Materials that relate to
458 methods of manufacture or production, ~~potential trade secrets~~,
459 potentially patentable material, ~~actual trade secrets~~, business
460 transactions, financial and proprietary information, and
461 agreements or proposals to receive funding that are received,
462 generated, ascertained, or discovered by Enterprise Florida,
463 Inc., including its affiliates or subsidiaries and partnership
464 participants, such as private enterprises, educational
465 institutions, and other organizations, are confidential and
466 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
467 of the State Constitution, except that a recipient of Enterprise
468 Florida, Inc., research funds shall make available, upon
469 request, the title and description of the research project, the
470 name of the researcher, and the amount and source of funding
471 provided for the project.

472 Section 18. Subsection (5) of section 288.9607, Florida
473 Statutes, is amended to read:

474 288.9607 Guaranty of bond issues.—



526826

475 (5) Personal financial records, ~~trade secrets~~, or
476 proprietary information of applicants delivered to or obtained
477 by the corporation shall be confidential and exempt from the
478 provisions of s. 119.07(1).

479 Section 19. Paragraph (f) of subsection (1), paragraph (a)
480 of subsection (2), paragraph (a) of subsection (3), and
481 paragraphs (b) and (c) of subsection (4) of section 288.9626,
482 Florida Statutes, are amended to read:

483 288.9626 Exemptions from public records and public meetings
484 requirements for the Florida Opportunity Fund.—

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

486 (f)1. "Proprietary confidential business information" means
487 information that has been designated by the proprietor when
488 provided to the Florida Opportunity Fund as information that is
489 owned or controlled by a proprietor; that is intended to be and
490 is treated by the proprietor as private, the disclosure of which
491 would harm the business operations of the proprietor and has not
492 been intentionally disclosed by the proprietor unless pursuant
493 to a private agreement that provides that the information will
494 not be released to the public except as required by law or legal
495 process, or pursuant to law or an order of a court or
496 administrative body; and that concerns:

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

498 ~~b.~~ Information provided to the Florida Opportunity Fund
499 regarding an existing or prospective alternative investment in a
500 private equity fund, venture capital fund, angel fund, or
501 portfolio company that is proprietary to the provider of the
502 information.

503 ~~b.e.~~ Financial statements and auditor reports of an



526826

504 alternative investment vehicle or portfolio company, unless
505 publicly released by the alternative investment vehicle or
506 portfolio company.

507 ~~c.d.~~ Meeting materials of an alternative investment vehicle
508 or portfolio company relating to financial, operating, or
509 marketing information of the alternative investment vehicle or
510 portfolio company.

511 ~~d.e.~~ Information regarding the portfolio positions in which
512 the alternative investment vehicles or Florida Opportunity Fund
513 invest.

514 ~~e.f.~~ Capital call and distribution notices to investors or
515 the Florida Opportunity Fund of an alternative investment
516 vehicle.

517 ~~f.g.~~ Alternative investment agreements and related records.

518 ~~g.h.~~ Information concerning investors, other than the
519 Florida Opportunity Fund, in an alternative investment vehicle
520 or portfolio company.

521 2. "Proprietary confidential business information" does not
522 include:

523 a. The name, address, and vintage year of an alternative
524 investment vehicle or Florida Opportunity Fund and the identity
525 of the principals involved in the management of the alternative
526 investment vehicle or Florida Opportunity Fund.

527 b. The dollar amount of the commitment made by the Florida
528 Opportunity Fund to each alternative investment vehicle since
529 inception, if any.

530 c. The dollar amount and date of cash contributions made by
531 the Florida Opportunity Fund to each alternative investment
532 vehicle since inception, if any.



526826

533 d. The dollar amount, on a fiscal-year-end basis, of cash
534 or other fungible distributions received by the Florida
535 Opportunity Fund from each alternative investment vehicle.

536 e. The dollar amount, on a fiscal-year-end basis, of cash
537 or other fungible distributions received by the Florida
538 Opportunity Fund plus the remaining value of alternative-vehicle
539 assets that are attributable to the Florida Opportunity Fund's
540 investment in each alternative investment vehicle.

541 f. The net internal rate of return of each alternative
542 investment vehicle since inception.

543 g. The investment multiple of each alternative investment
544 vehicle since inception.

545 h. The dollar amount of the total management fees and costs
546 paid on an annual fiscal-year-end basis by the Florida
547 Opportunity Fund to each alternative investment vehicle.

548 i. The dollar amount of cash profit received by the Florida
549 Opportunity Fund from each alternative investment vehicle on a
550 fiscal-year-end basis.

551 (2) PUBLIC RECORDS EXEMPTION.—

552 (a) The following records held by the Florida Opportunity
553 Fund are confidential and exempt from s. 119.07(1) and s. 24(a),
554 Art. I of the State Constitution:

555 1. Materials that relate to methods of manufacture or
556 production, ~~potential trade secrets,~~ or patentable material
557 received, generated, ascertained, or discovered during the
558 course of research or through research projects and that are
559 provided by a proprietor.

560 2. Information that would identify an investor or potential
561 investor who desires to remain anonymous in projects reviewed by



526826

562 the Florida Opportunity Fund.

563 3. Proprietary confidential business information regarding
564 alternative investments for 7 years after the termination of the
565 alternative investment.

566 (3) PUBLIC MEETINGS EXEMPTION.—

567 (a) That portion of a meeting of the board of directors of
568 the Florida Opportunity Fund at which information is discussed
569 which is confidential and exempt under subsection (2) or s.
570 688.01 is exempt from s. 286.011 and s. 24(b), Art. I of the
571 State Constitution.

572 (4) REQUEST TO INSPECT OR COPY A RECORD.—

573 (b) Notwithstanding the provisions of paragraph (2)(a), a
574 request to inspect or copy a public record that contains
575 proprietary confidential business information shall be granted
576 if the proprietor of the information fails, within a reasonable
577 period of time after the request is received by the Florida
578 Opportunity Fund, to verify the following to the Florida
579 Opportunity Fund through a written declaration in the manner
580 provided by s. 92.525:

581 1. That the requested record contains proprietary
582 confidential business information and the specific location of
583 such information within the record;

584 ~~2. If the proprietary confidential business information is~~
585 ~~a trade secret, a verification that it is a trade secret as~~
586 ~~defined in s. 688.002;~~

587 ~~3.~~ That the proprietary confidential business information
588 is intended to be and is treated by the proprietor as private,
589 is the subject of efforts of the proprietor to maintain its
590 privacy, and is not readily ascertainable or publicly available



526826

591 from any other source; and

592 ~~3.4.~~ That the disclosure of the proprietary confidential
593 business information to the public would harm the business
594 operations of the proprietor.

595 (c)1. Any person may petition a court of competent
596 jurisdiction for an order for the public release of those
597 portions of any record made confidential and exempt by
598 subsection (2).

599 2. Any action under this subsection must be brought in
600 Orange County, and the petition or other initial pleading shall
601 be served on the Florida Opportunity Fund and, if determinable
602 upon diligent inquiry, on the proprietor of the information
603 sought to be released.

604 3. In any order for the public release of a record under
605 this subsection, the court shall make a finding that:

606 a. ~~The record or portion thereof is not a trade secret as~~
607 ~~defined in s. 688.002;~~

608 ~~b.~~ A compelling public interest is served by the release of
609 the record or portions thereof which exceed the public necessity
610 for maintaining the confidentiality of such record; and

611 ~~b.e.~~ The release of the record will not cause damage to or
612 adversely affect the interests of the proprietor of the released
613 information, other private persons or business entities, or the
614 Florida Opportunity Fund.

615 Section 20. Paragraph (b) of subsection (1), paragraph (a)
616 of subsection (2), paragraph (a) of subsection (3), and
617 paragraphs (b) and (c) of subsection (4) of section 288.9627,
618 Florida Statutes, are amended to read:

619 288.9627 Exemptions from public records and public meetings



526826

620 requirements for the Institute for Commercialization of Florida
621 Technology.—

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

623 (b)1. “Proprietary confidential business information” means
624 information that has been designated by the proprietor when
625 provided to the institute as information that is owned or
626 controlled by a proprietor; that is intended to be and is
627 treated by the proprietor as private, the disclosure of which
628 would harm the business operations of the proprietor and has not
629 been intentionally disclosed by the proprietor unless pursuant
630 to a private agreement that provides that the information will
631 not be released to the public except as required by law or legal
632 process, or pursuant to law or an order of a court or
633 administrative body; and that concerns:

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

635 ~~b.~~ Financial statements and internal or external auditor
636 reports of a proprietor corporation, partnership, or person
637 requesting confidentiality under this statute, unless publicly
638 released by the proprietor.

639 ~~b.e.~~ Meeting materials related to financial, operating,
640 investment, or marketing information of the proprietor
641 corporation, partnership, or person.

642 ~~c.d.~~ Information concerning private investors in the
643 proprietor corporation, partnership, or person.

644 2. “Proprietary confidential business information” does not
645 include:

646 a. The identity and primary address of the proprietor’s
647 principals.

648 b. The dollar amount and date of the financial commitment



526826

649 or contribution made by the institute.

650 c. The dollar amount, on a fiscal-year-end basis, of cash
651 repayments or other fungible distributions received by the
652 institute from each proprietor.

653 d. The dollar amount, if any, of the total management fees
654 and costs paid on an annual fiscal-year-end basis by the
655 institute.

656 (2) PUBLIC RECORDS EXEMPTION.—

657 (a) The following records held by the institute are
658 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
659 of the State Constitution:

660 1. Materials that relate to methods of manufacture or
661 production, ~~potential trade secrets~~, or patentable material
662 received, generated, ascertained, or discovered during the
663 course of research or through research projects conducted by
664 universities and other publicly supported organizations in this
665 state and that are provided to the institute by a proprietor.

666 2. Information that would identify an investor or potential
667 investor who desires to remain anonymous in projects reviewed by
668 the institute for assistance.

669 3. Any information received from a person from another
670 state or nation or the Federal Government which is otherwise
671 confidential or exempt pursuant to the laws of that state or
672 nation or pursuant to federal law.

673 4. Proprietary confidential business information for 7
674 years after the termination of the institute's financial
675 commitment to the company.

676 (3) PUBLIC MEETINGS EXEMPTION.—

677 (a) That portion of a meeting of the institute's board of



526826

678 directors at which information is discussed which is
679 confidential and exempt under subsection (2) or s. 688.01 is
680 exempt from s. 286.011 and s. 24(b), Art. I of the State
681 Constitution.

682 (4) REQUEST TO INSPECT OR COPY A RECORD.—

683 (b) Notwithstanding the provisions of paragraph (2)(a), a
684 request to inspect or copy a public record that contains
685 proprietary confidential business information shall be granted
686 if the proprietor of the information fails, within a reasonable
687 period of time after the request is received by the institute,
688 to verify the following to the institute through a written
689 declaration in the manner provided by s. 92.525:

690 1. That the requested record contains proprietary
691 confidential business information and the specific location of
692 such information within the record;

693 ~~2. If the proprietary confidential business information is~~
694 ~~a trade secret, a verification that it is a trade secret as~~
695 ~~defined in s. 688.002;~~

696 ~~3.~~ That the proprietary confidential business information
697 is intended to be and is treated by the proprietor as private,
698 is the subject of efforts of the proprietor to maintain its
699 privacy, and is not readily ascertainable or publicly available
700 from any other source; and

701 ~~3.4.~~ That the disclosure of the proprietary confidential
702 business information to the public would harm the business
703 operations of the proprietor.

704 (c)1. Any person may petition a court of competent
705 jurisdiction for an order for the public release of those
706 portions of any record made confidential and exempt by



526826

707 subsection (2).

708 2. Any action under this subsection must be brought in Palm
709 Beach County or Alachua County, and the petition or other
710 initial pleading shall be served on the institute and, if
711 determinable upon diligent inquiry, on the proprietor of the
712 information sought to be released.

713 3. In any order for the public release of a record under
714 this subsection, the court shall make a finding that:

715 ~~a. The record or portion thereof is not a trade secret as~~
716 ~~defined in s. 688.002;~~

717 ~~b.~~ A compelling public interest is served by the release of
718 the record or portions thereof which exceed the public necessity
719 for maintaining the confidentiality of such record; and

720 ~~b.e.~~ The release of the record will not cause damage to or
721 adversely affect the interests of the proprietor of the released
722 information, other private persons or business entities, or the
723 institute.

724 Section 21. Section 331.326, Florida Statutes, is amended
725 to read:

726 331.326 Information relating to trade secrets
727 confidential.—The records of Space Florida regarding matters
728 encompassed by this act are public records subject to chapter
729 119. ~~Any information held by Space Florida which is a trade~~
730 ~~secret, as defined in s. 812.081, including trade secrets of~~
731 ~~Space Florida, any spaceport user, or the space industry~~
732 ~~business, is confidential and exempt from s. 119.07(1) and s.~~
733 ~~24(a), Art. I of the State Constitution and may not be~~
734 ~~disclosed. If Space Florida determines that any information~~
735 ~~requested by the public will reveal a trade secret, it shall, in~~



526826

736 ~~writing, inform the person making the request of that~~
737 ~~determination. The determination is a final order as defined in~~
738 ~~s. 120.52. Any meeting or portion of a meeting of Space~~
739 ~~Florida's board is exempt from s. 286.011 and s. 24(b), Art. I~~
740 ~~of the State Constitution when the board is discussing trade~~
741 ~~secrets as defined in s. 688.01. Any public record generated~~
742 ~~during the closed portions of the meetings, such as minutes,~~
743 ~~tape recordings, and notes, is confidential and exempt from s.~~
744 ~~119.07(1) and s. 24(a), Art. I of the State Constitution. This~~
745 ~~section is subject to the Open Government Sunset Review Act in~~
746 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
747 ~~2021, unless reviewed and saved from repeal through reenactment~~
748 ~~by the Legislature.~~

749 Section 22. Present subsection (4) of section 334.049,
750 Florida Statutes, is amended, and present subsection (5) of that
751 section is renumbered as subsection (4), to read:

752 334.049 Patents, copyrights, trademarks; notice to
753 Department of State; ~~confidentiality of trade secrets.~~

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

759 Section 23. Section 350.121, Florida Statutes, is amended
760 to read:

761 350.121 Commission inquiries; confidentiality of business
762 material.—If the commission undertakes an inquiry, any records,
763 documents, papers, maps, books, tapes, photographs, files, sound
764 recordings, or other business material, regardless of form or



526826

765 characteristics, obtained by the commission incident to the
766 inquiry are considered confidential and exempt from s. 119.07(1)
767 while the inquiry is pending. If at the conclusion of an inquiry
768 the commission undertakes a formal proceeding, any matter
769 determined by the commission or by a judicial or administrative
770 body, federal or state, to be ~~trade secrets or~~ proprietary
771 confidential business information coming into its possession
772 pursuant to such inquiry shall be considered confidential and
773 exempt from s. 119.07(1). Such material may be used in any
774 administrative or judicial proceeding so long as the
775 confidential or proprietary nature of the material is
776 maintained.

777 Section 24. Subsection (3) of section 364.183, Florida
778 Statutes, is amended to read:

779 364.183 Access to company records.—

780 (3) The term "proprietary confidential business
781 information" means information, regardless of form or
782 characteristics, which is owned or controlled by the person or
783 company, is intended to be and is treated by the person or
784 company as private in that the disclosure of the information
785 would cause harm to the ratepayers or the person's or company's
786 business operations, and has not been disclosed unless disclosed
787 pursuant to a statutory provision, an order of a court or
788 administrative body, or private agreement that provides that the
789 information will not be released to the public. The term
790 includes, ~~but is not limited to:~~

791 (a) ~~Trade secrets.~~

792 ~~(b)~~ Internal auditing controls and reports of internal
793 auditors.



526826

794 (b)~~(e)~~ Security measures, systems, or procedures.

795 (c)~~(d)~~ Information concerning bids or other contractual
796 data, the disclosure of which would impair the efforts of the
797 company or its affiliates to contract for goods or services on
798 favorable terms.

799 (d)~~(e)~~ Information relating to competitive interests, the
800 disclosure of which would impair the competitive business of the
801 provider of information.

802 (e)~~(f)~~ Employee personnel information unrelated to
803 compensation, duties, qualifications, or responsibilities.

804 Section 25. Subsection (3) of section 365.174, Florida
805 Statutes, is amended to read:

806 365.174 Proprietary confidential business information.—

807 (3) As used in this section, the term “proprietary
808 confidential business information” means customer lists,
809 customer numbers, individual or aggregate customer data by
810 location, usage and capacity data, network facilities used to
811 serve subscribers, technology descriptions, or technical
812 information, ~~or trade secrets, including trade secrets as~~
813 ~~defined in s. 812.081,~~ and the actual or developmental costs of
814 E911 systems that are developed, produced, or received
815 internally by a provider or by a provider’s employees,
816 directors, officers, or agents.

817 Section 26. Subsection (3) of section 366.093, Florida
818 Statutes, is amended to read:

819 366.093 Public utility records; confidentiality.—

820 (3) Proprietary confidential business information means
821 information, regardless of form or characteristics, which is
822 owned or controlled by the person or company, is intended to be



526826

823 and is treated by the person or company as private in that the
824 disclosure of the information would cause harm to the ratepayers
825 or the person's or company's business operations, and has not
826 been disclosed unless disclosed pursuant to a statutory
827 provision, an order of a court or administrative body, or
828 private agreement that provides that the information will not be
829 released to the public. Proprietary confidential business
830 information includes, ~~but is not limited to:~~

831 (a) ~~Trade secrets.~~

832 ~~(b)~~ Internal auditing controls and reports of internal
833 auditors.

834 ~~(b)(e)~~ Security measures, systems, or procedures.

835 ~~(c)(d)~~ Information concerning bids or other contractual
836 data, the disclosure of which would impair the efforts of the
837 public utility or its affiliates to contract for goods or
838 services on favorable terms.

839 ~~(d)(e)~~ Information relating to competitive interests, the
840 disclosure of which would impair the competitive business of the
841 provider of the information.

842 ~~(e)(f)~~ Employee personnel information unrelated to
843 compensation, duties, qualifications, or responsibilities.

844 Section 27. Subsection (3) of section 367.156, Florida
845 Statutes, is amended to read:

846 367.156 Public utility records; confidentiality.—

847 (3) Proprietary confidential business information means
848 information, regardless of form or characteristics, which is
849 owned or controlled by the person or company, is intended to be
850 and is treated by the person or company as private in that the
851 disclosure of the information would cause harm to the ratepayers



526826

852 or the person's or company's business operations, and has not
853 been disclosed unless disclosed pursuant to a statutory
854 provision, an order of a court or administrative body, or a
855 private agreement that provides that the information will not be
856 released to the public. Proprietary business information
857 includes, ~~but is not limited to:~~

858 (a) ~~Trade secrets.~~

859 ~~(b)~~ Internal auditing controls and reports of internal
860 auditors.

861 ~~(b)~~(e) Security measures, systems, or procedures.

862 ~~(c)~~(d) Information concerning bids or other contractual
863 data, the disclosure of which would impair the efforts of the
864 utility or its affiliates to contract for goods or services on
865 favorable terms.

866 ~~(d)~~(e) Information relating to competitive interests, the
867 disclosure of which would impair the competitive businesses of
868 the provider of the information.

869 ~~(e)~~(f) Employee personnel information unrelated to
870 compensation, duties, qualifications, or responsibilities.

871 Section 28. Subsection (3) of section 368.108, Florida
872 Statutes, is amended to read:

873 368.108 Confidentiality; discovery.—

874 (3) "Proprietary confidential business information" means
875 information, regardless of form or characteristics, which is
876 owned or controlled by the person or company, is intended to be
877 and is treated by the person or company as private in that the
878 disclosure of the information would cause harm to the ratepayers
879 or the person's or company's business operations, and has not
880 been disclosed unless disclosed pursuant to a statutory



526826

881 provision, an order of a court or administrative body, or a
882 private agreement that provides that the information will not be
883 released to the public. "Proprietary confidential business
884 information" includes, ~~but is not limited to:~~

885 (a) ~~Trade secrets.~~

886 ~~(b)~~ Internal auditing controls and reports of internal
887 auditors.

888 ~~(b)~~ ~~(e)~~ Security measures, systems, or procedures.

889 ~~(c)~~ ~~(d)~~ Information concerning bids or other contractual
890 data, the disclosure of which would impair the efforts of the
891 natural gas transmission company or its affiliates to contract
892 for goods or services on favorable terms.

893 ~~(d)~~ ~~(e)~~ Information relating to competitive interests, the
894 disclosure of which would impair the competitive business of the
895 provider of the information.

896 ~~(e)~~ ~~(f)~~ Employee personnel information unrelated to
897 compensation, duties, qualifications, or responsibilities.

898 Section 29. Section 381.83, Florida Statutes, is repealed.

899 Section 30. Subsection (2) and paragraph (b) of subsection
900 (3) of section 403.7046, Florida Statutes, are amended to read:

901 403.7046 Regulation of recovered materials.—

902 (2) Notwithstanding s. 688.01, information reported
903 pursuant to this section or any rule adopted pursuant to this
904 section which, if disclosed, would reveal a trade secret, as
905 defined in s. 688.01, may be provided by the department ~~s.~~
906 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~
907 ~~24(a), Art. I of the State Constitution. For reporting or~~
908 ~~information purposes, however, the department may provide this~~
909 ~~information~~ in such form that the names of the persons reporting



526826

910 such information and the specific information reported are not
911 revealed. ~~This subsection is subject to the Open Government~~
912 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
913 ~~repealed on October 2, 2021, unless reviewed and saved from~~
914 ~~repeal through reenactment by the Legislature.~~

915 (3) Except as otherwise provided in this section or
916 pursuant to a special act in effect on or before January 1,
917 1993, a local government may not require a commercial
918 establishment that generates source-separated recovered
919 materials to sell or otherwise convey its recovered materials to
920 the local government or to a facility designated by the local
921 government, nor may the local government restrict such a
922 generator's right to sell or otherwise convey such recovered
923 materials to any properly certified recovered materials dealer
924 who has satisfied the requirements of this section. A local
925 government may not enact any ordinance that prevents such a
926 dealer from entering into a contract with a commercial
927 establishment to purchase, collect, transport, process, or
928 receive source-separated recovered materials.

929 (b)~~1~~. Before engaging in business within the jurisdiction
930 of the local government, a recovered materials dealer or
931 pyrolysis facility must provide the local government with a copy
932 of the certification provided for in this section. In addition,
933 the local government may establish a registration process
934 whereby a recovered materials dealer or pyrolysis facility must
935 register with the local government before engaging in business
936 within the jurisdiction of the local government. Such
937 registration process is limited to requiring the dealer or
938 pyrolysis facility to register its name, including the owner or



526826

939 operator of the dealer or pyrolysis facility, and, if the dealer
940 or pyrolysis facility is a business entity, its general or
941 limited partners, its corporate officers and directors, its
942 permanent place of business, evidence of its certification under
943 this section, and a certification that the recovered materials
944 or post-use polymers will be processed at a recovered materials
945 processing facility or pyrolysis facility satisfying the
946 requirements of this section. The local government may not use
947 the information provided in the registration application to
948 compete unfairly with the recovered materials dealer until 90
949 days after receipt of the application. All counties, and
950 municipalities whose population exceeds 35,000 according to the
951 population estimates determined pursuant to s. 186.901, may
952 establish a reporting process that must be limited to the
953 regulations, reporting format, and reporting frequency
954 established by the department pursuant to this section, which
955 must, at a minimum, include requiring the dealer or pyrolysis
956 facility to identify the types and approximate amount of
957 recovered materials or post-use polymers collected, recycled, or
958 reused during the reporting period; the approximate percentage
959 of recovered materials or post-use polymers reused, stored, or
960 delivered to a recovered materials processing facility or
961 pyrolysis facility or disposed of in a solid waste disposal
962 facility; and the locations where any recovered materials or
963 post-use polymers were disposed of as solid waste. The local
964 government may charge the dealer or pyrolysis facility a
965 registration fee commensurate with and no greater than the cost
966 incurred by the local government in operating its registration
967 program. Registration program costs are limited to those costs



526826

968 associated with the activities described in this paragraph
969 ~~subparagraph~~. Any reporting or registration process established
970 by a local government with regard to recovered materials or
971 post-use polymers is governed by this section and department
972 rules adopted pursuant thereto.

973 ~~2. Information reported under this subsection which, if~~
974 ~~disclosed, would reveal a trade secret, as defined in s.~~
975 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~
976 ~~24(a), Art. I of the State Constitution. This subparagraph is~~
977 ~~subject to the Open Government Sunset Review Act in accordance~~
978 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
979 ~~unless reviewed and saved from repeal through reenactment by the~~
980 ~~Legislature.~~

981 Section 31. Section 403.73, Florida Statutes, is repealed.

982 Section 32. Paragraph (c) of subsection (1) of section
983 408.061, Florida Statutes, is amended to read:

984 408.061 Data collection; uniform systems of financial
985 reporting; information relating to physician charges;
986 confidential information; immunity.-

987 (1) The agency shall require the submission by health care
988 facilities, health care providers, and health insurers of data
989 necessary to carry out the agency's duties and to facilitate
990 transparency in health care pricing data and quality measures.
991 Specifications for data to be collected under this section shall
992 be developed by the agency and applicable contract vendors, with
993 the assistance of technical advisory panels including
994 representatives of affected entities, consumers, purchasers, and
995 such other interested parties as may be determined by the
996 agency.



526826

997 (c) Data to be submitted by health insurers may include,
998 but are not limited to: claims, payments to health care
999 facilities and health care providers as specified by rule,
1000 premium, administration, and financial information. Data
1001 submitted shall be certified by the chief financial officer, an
1002 appropriate and duly authorized representative, or an employee
1003 of the insurer that the information submitted is true and
1004 accurate. ~~Information that is considered a trade secret under s.~~
1005 ~~812.081 shall be clearly designated.~~

1006 Section 33. Present subsection (1) of section 408.185,
1007 Florida Statutes, is amended, and present subsections (2)
1008 through (5) of that section are renumbered as subsections (1)
1009 through (4), respectively, to read:

1010 408.185 Information submitted for review of antitrust
1011 issues; confidentiality.—The following information held by the
1012 Office of the Attorney General, which is submitted by a member
1013 of the health care community pursuant to a request for an
1014 antitrust no-action letter shall be confidential and exempt from
1015 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1016 Constitution for 1 year after the date of submission.

1017 ~~(1) Documents that reveal trade secrets as defined in s.~~
1018 ~~688.002.~~

1019 Section 34. Paragraph (a) of subsection (14) of section
1020 408.910, Florida Statutes, is amended to read:

1021 408.910 Florida Health Choices Program.—

1022 (14) EXEMPTION FROM PUBLIC RECORDS REQUIREMENTS.—

1023 (a) *Definitions.*—For purposes of this subsection, the term:

1024 1. "Buyer's representative" means a participating insurance
1025 agent as described in paragraph (4)(g).



526826

1026 2. "Enrollee" means an employer who is eligible to enroll
1027 in the program pursuant to paragraph (4) (a).

1028 3. "Participant" means an individual who is eligible to
1029 participate in the program pursuant to paragraph (4) (b).

1030 4. "Proprietary confidential business information" means
1031 information, regardless of form or characteristics, that is
1032 owned or controlled by a vendor requesting confidentiality under
1033 this section; that is intended to be and is treated by the
1034 vendor as private in that the disclosure of the information
1035 would cause harm to the business operations of the vendor; that
1036 has not been disclosed unless disclosed pursuant to a statutory
1037 provision, an order of a court or administrative body, or a
1038 private agreement providing that the information may be released
1039 to the public; and that is information concerning:

1040 a. Business plans.

1041 b. Internal auditing controls and reports of internal
1042 auditors.

1043 c. Reports of external auditors for privately held
1044 companies.

1045 d. Client and customer lists.

1046 e. Potentially patentable material.

1047 ~~f. A trade secret as defined in s. 688.002.~~

1048 5. "Vendor" means a participating insurer or other provider
1049 of services as described in paragraph (4) (d).

1050 Section 35. Section 409.91196, Florida Statutes, is amended
1051 to read:

1052 409.91196 Supplemental rebate agreements; public records
1053 and public meetings exemption.—

1054 (1) The rebate amount, percent of rebate, manufacturer's



526826

1055 pricing, and supplemental rebate, ~~and other trade secrets as~~
1056 ~~defined in s. 688.002 that the agency has identified for use in~~
1057 ~~negotiations,~~ held by the Agency for Health Care Administration
1058 under s. 409.912(5)(a)7. are confidential and exempt from s.
1059 119.07(1) and s. 24(a), Art. I of the State Constitution.

1060 (2) That portion of a meeting of the Medicaid
1061 Pharmaceutical and Therapeutics Committee at which the rebate
1062 amount, percent of rebate, manufacturer's pricing, or
1063 supplemental rebate, or confidential and exempt ~~other~~ trade
1064 secrets as provided for in s. 688.01 ~~defined in s. 688.002~~ that
1065 the agency has identified for use in negotiations, are discussed
1066 is exempt from s. 286.011 and s. 24(b), Art. I of the State
1067 Constitution. A record shall be made of each exempt portion of a
1068 meeting. Such record must include the times of commencement and
1069 termination, all discussions and proceedings, the names of all
1070 persons present at any time, and the names of all persons
1071 speaking. No exempt portion of a meeting may be held off the
1072 record.

1073 Section 36. Subsection (2) of section 440.108, Florida
1074 Statutes, is amended to read:

1075 440.108 Investigatory records relating to workers'
1076 compensation employer compliance; confidentiality.—

1077 (2) After an investigation is completed or ceases to be
1078 active, information in records relating to the investigation
1079 remains confidential and exempt from the provisions of s.
1080 119.07(1) and s. 24(a), Art. I of the State Constitution if
1081 disclosure of that information would:

1082 (a) Jeopardize the integrity of another active
1083 investigation;



526826

1084 (b) ~~Reveal a trade secret, as defined in s. 688.002;~~
1085 ~~(e)~~ Reveal business or personal financial information;
1086 (c) ~~(d)~~ Reveal personal identifying information regarding
1087 the identity of a confidential source;
1088 (d) ~~(e)~~ Defame or cause unwarranted damage to the good name
1089 or reputation of an individual or jeopardize the safety of an
1090 individual; or
1091 (e) ~~(f)~~ Reveal investigative techniques or procedures.
1092 Section 37. Paragraph (c) of subsection (1) of section
1093 494.00125, Florida Statutes, is amended to read:
1094 494.00125 Public records exemptions.—
1095 (1) INVESTIGATIONS OR EXAMINATIONS.—
1096 (c) Except as necessary for the office to enforce the
1097 provisions of this chapter, a consumer complaint and other
1098 information relative to an investigation or examination shall
1099 remain confidential and exempt from s. 119.07(1) after the
1100 investigation or examination is completed or ceases to be active
1101 to the extent disclosure would:
1102 1. Jeopardize the integrity of another active investigation
1103 or examination.
1104 2. Reveal the name, address, telephone number, social
1105 security number, or any other identifying number or information
1106 of any complainant, customer, or account holder.
1107 3. Disclose the identity of a confidential source.
1108 4. Disclose investigative techniques or procedures.
1109 ~~5. Reveal a trade secret as defined in s. 688.002.~~
1110 Section 38. Subsection (4) of section 497.172, Florida
1111 Statutes, is amended to read:
1112 497.172 Public records exemptions; public meetings



526826

1113 exemptions.-

1114 ~~(4) TRADE SECRETS. Trade secrets, as defined in s. 688.002,~~
1115 ~~held by the department or board, are confidential and exempt~~
1116 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
1117 ~~Constitution.~~

1118 Section 39. Paragraph (c) of subsection (3) of section
1119 499.012, Florida Statutes, is amended to read:

1120 499.012 Permit application requirements.-

1121 (3)

1122 ~~(c) Information submitted by an applicant on an application~~
1123 ~~required pursuant to this subsection which is a trade secret, as~~
1124 ~~defined in s. 812.081, shall be maintained by the department as~~
1125 ~~trade secret information pursuant to s. 499.051(7).~~

1126 Section 40. Subsection (7) of section 499.0121, Florida
1127 Statutes, is amended to read:

1128 499.0121 Storage and handling of prescription drugs;
1129 recordkeeping.-The department shall adopt rules to implement
1130 this section as necessary to protect the public health, safety,
1131 and welfare. Such rules shall include, but not be limited to,
1132 requirements for the storage and handling of prescription drugs
1133 and for the establishment and maintenance of prescription drug
1134 distribution records.

1135 (7) PRESCRIPTION DRUG PURCHASE LIST.-

1136 ~~(a)~~ Each wholesale distributor, except for a manufacturer,
1137 shall annually provide the department with a written list of all
1138 wholesale distributors and manufacturers from whom the wholesale
1139 distributor purchases prescription drugs. A wholesale
1140 distributor, except a manufacturer, shall notify the department
1141 not later than 10 days after any change to either list.



526826

1142 ~~(b) Such portions of the information required pursuant to~~
1143 ~~this subsection which are a trade secret, as defined in s.~~
1144 ~~812.081, shall be maintained by the department as trade secret~~
1145 ~~information is required to be maintained under s. 499.051. This~~
1146 ~~paragraph is subject to the Open Government Sunset Review Act in~~
1147 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
1148 ~~2021, unless reviewed and saved from repeal through reenactment~~
1149 ~~by the Legislature.~~

1150 Section 41. Paragraph (g) of subsection (1) of section
1151 499.05, Florida Statutes, is amended to read:

1152 499.05 Rules.—

1153 (1) The department shall adopt rules to implement and
1154 enforce this chapter with respect to:

1155 (g) Inspections and investigations conducted under s.
1156 499.051 or s. 499.93, ~~and the identification of information~~
1157 ~~claimed to be a trade secret and exempt from the public records~~
1158 ~~law as provided in s. 499.051(7).~~

1159 Section 42. Subsection (7) of section 499.051, Florida
1160 Statutes, is amended to read:

1161 499.051 Inspections and investigations.—

1162 (7) (a) The complaint and all information obtained pursuant
1163 to the investigation by the department are confidential and
1164 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1165 Constitution until the investigation and the enforcement action
1166 are completed.

1167 ~~(b) Information that constitutes a trade secret, as defined~~
1168 ~~in s. 812.081, contained in the complaint or obtained by the~~
1169 ~~department pursuant to the investigation must remain~~
1170 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~



526826

1171 ~~of the State Constitution as long as the information is held by~~
1172 ~~the department. This paragraph is subject to the Open Government~~
1173 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
1174 ~~repealed on October 2, 2021, unless reviewed and saved from~~
1175 ~~repeal through reenactment by the Legislature.~~

1176 ~~(e)~~ This subsection does not prohibit the department from
1177 using such information for regulatory or enforcement proceedings
1178 under this chapter or from providing such information to any law
1179 enforcement agency or any other regulatory agency. However, the
1180 receiving agency shall keep such records confidential and exempt
1181 as provided in this subsection.

1182 Section 43. Section 499.931, Florida Statutes, is repealed.

1183 Section 44. Paragraph (d) of subsection (11) of section
1184 501.171, Florida Statutes, is amended to read:

1185 501.171 Security of confidential personal information.—

1186 (11) PUBLIC RECORDS EXEMPTION.—

1187 (d) For purposes of this subsection, the term "proprietary
1188 information" means information that:

1189 1. Is owned or controlled by the covered entity.

1190 2. Is intended to be private and is treated by the covered
1191 entity as private because disclosure would harm the covered
1192 entity or its business operations.

1193 3. Has not been disclosed except as required by law or a
1194 private agreement that provides that the information will not be
1195 released to the public.

1196 4. Is not publicly available or otherwise readily
1197 ascertainable through proper means from another source in the
1198 same configuration as received by the department.

1199 5. Includes÷



526826

1200 ~~a. Trade secrets as defined in s. 688.002.~~
1201 ~~b.~~ competitive interests, the disclosure of which would
1202 impair the competitive business of the covered entity who is the
1203 subject of the information.

1204 Section 45. Section 502.222, Florida Statutes, is repealed.

1205 Section 46. Paragraph (b) of subsection (1) of section
1206 517.2015, Florida Statutes, is amended to read:

1207 517.2015 Confidentiality of information relating to
1208 investigations and examinations.—

1209 (1)

1210 (b) Except as necessary for the office to enforce the
1211 provisions of this chapter, a consumer complaint and other
1212 information relative to an investigation or examination shall
1213 remain confidential and exempt from s. 119.07(1) after the
1214 investigation or examination is completed or ceases to be active
1215 to the extent disclosure would:

1216 1. Jeopardize the integrity of another active investigation
1217 or examination.

1218 2. Reveal the name, address, telephone number, social
1219 security number, or any other identifying number or information
1220 of any complainant, customer, or account holder.

1221 3. Disclose the identity of a confidential source.

1222 4. Disclose investigative techniques or procedures.

1223 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1224 Section 47. Paragraph (b) of subsection (1) of section
1225 520.9965, Florida Statutes, is amended to read:

1226 520.9965 Confidentiality of information relating to
1227 investigations and examinations.—

1228 (1)



526826

1229 (b) Except as necessary for the office to enforce the
1230 provisions of this chapter, a consumer complaint and other
1231 information relative to an investigation or examination shall
1232 remain confidential and exempt from s. 119.07(1) after the
1233 investigation or examination is completed or ceases to be active
1234 to the extent disclosure would:

1235 1. Jeopardize the integrity of another active investigation
1236 or examination.

1237 2. Reveal the name, address, telephone number, social
1238 security number, or any other identifying number or information
1239 of any complainant, customer, or account holder.

1240 3. Disclose the identity of a confidential source.

1241 4. Disclose investigative techniques or procedures.

1242 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1243 Section 48. Subsection (2) of section 526.311, Florida
1244 Statutes, is amended to read:

1245 526.311 Enforcement; civil penalties; injunctive relief.—

1246 (2) The Department of Agriculture and Consumer Services
1247 shall investigate any complaints regarding violations of this
1248 act and may request in writing the production of documents and
1249 records as part of its investigation of a complaint. If the
1250 person upon whom such request was made fails to produce the
1251 documents or records within 30 days after the date of the
1252 request, the department, through the department's office of
1253 general counsel, may issue and serve a subpoena to compel the
1254 production of such documents and records. If any person shall
1255 refuse to comply with a subpoena issued under this section, the
1256 department may petition a court of competent jurisdiction to
1257 enforce the subpoena and assess such sanctions as the court may



526826

1258 direct. Refiners shall afford the department reasonable access
1259 to the refiners' posted terminal price. Any records, documents,
1260 papers, maps, books, tapes, photographs, files, sound
1261 recordings, or other business material, regardless of form or
1262 characteristics, obtained by the department are confidential and
1263 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
1264 of the State Constitution while the investigation is pending. At
1265 the conclusion of an investigation, any matter determined by the
1266 department or by a judicial or administrative body, federal or
1267 state, to be ~~a trade secret or~~ proprietary confidential business
1268 information held by the department pursuant to such
1269 investigation shall be considered confidential and exempt from
1270 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1271 Constitution. Such materials may be used in any administrative
1272 or judicial proceeding so long as the confidential or
1273 proprietary nature of the material is maintained.

1274 Section 49. Paragraph (e) of subsection (1) of section
1275 548.062, Florida Statutes, is amended to read:

1276 548.062 Public records exemption.—

1277 (1) As used in this section, the term "proprietary
1278 confidential business information" means information that:

1279 (e) Concerns any of the following:

- 1280 1. The number of ticket sales for a match;
- 1281 2. The amount of gross receipts after a match;
- 1282 3. ~~A trade secret, as defined in s. 688.002;~~
- 1283 ~~4.~~ Business plans;
- 1284 ~~4.5.~~ Internal auditing controls and reports of internal
1285 auditors; or
- 1286 ~~5.6.~~ Reports of external auditors.



526826

1287 Section 50. Paragraph (a) of subsection (1) of section
1288 556.113, Florida Statutes, is amended to read:

1289 556.113 Sunshine State One-Call of Florida, Inc.; public
1290 records exemption.—

1291 (1) As used in this section, the term "proprietary
1292 confidential business information" means information provided
1293 by:

1294 (a) A member operator which is a map, plan, facility
1295 location diagram, internal damage investigation report or
1296 analysis, or dispatch methodology, ~~or trade secret as defined in~~
1297 ~~s. 688.002~~, or which describes the exact location of a utility
1298 underground facility or the protection, repair, or restoration
1299 thereof, and:

1300 1. Is intended to be and is treated by the member operator
1301 as confidential;

1302 2. The disclosure of which would likely be used by a
1303 competitor to harm the business interests of the member operator
1304 or could be used for the purpose of inflicting damage on
1305 underground facilities; and

1306 3. Is not otherwise readily ascertainable or publicly
1307 available by proper means by other persons from another source
1308 in the same configuration as provided to Sunshine State One-Call
1309 of Florida, Inc.

1310 Section 51. Paragraph (b) of subsection (2) of section
1311 559.5558, Florida Statutes, is amended to read:

1312 559.5558 Public records exemption; investigations and
1313 examinations.—

1314 (2)

1315 (b) Information made confidential and exempt pursuant to



526826

1316 this section is no longer confidential and exempt once the
1317 investigation or examination is completed or ceases to be active
1318 unless disclosure of the information would:

1319 1. Jeopardize the integrity of another active investigation
1320 or examination.

1321 2. Reveal the personal identifying information of a
1322 consumer, unless the consumer is also the complainant. A
1323 complainant's personal identifying information is subject to
1324 disclosure after the investigation or examination is completed
1325 or ceases to be active. However, a complainant's personal
1326 financial and health information remains confidential and
1327 exempt.

1328 3. Reveal the identity of a confidential source.

1329 4. Reveal investigative or examination techniques or
1330 procedures.

1331 ~~5. Reveal trade secrets, as defined in s. 688.002.~~

1332 Section 52. Paragraph (c) of subsection (3) of section
1333 559.9285, Florida Statutes, is amended to read:

1334 559.9285 Certification of business activities.—

1335 (3) The department shall specify by rule the form of each
1336 certification under this section which shall include the
1337 following information:

1338 (c) The legal name, any trade names or fictitious names,
1339 mailing address, physical address, telephone number or numbers,
1340 facsimile number or numbers, and all Internet and electronic
1341 contact information of every other commercial entity with which
1342 the certifying party engages in business or commerce that is
1343 related in any way to the certifying party's business or
1344 commerce with any terrorist state. The information disclosed



526826

1345 pursuant to this paragraph does not constitute customer lists
1346 or, customer names, ~~or trade secrets~~ protected under s.
1347 570.544(8) or trade secrets protected under s. 688.01.

1348 Section 53. Subsection (2) of section 560.129, Florida
1349 Statutes, is amended to read:

1350 560.129 Confidentiality.—

1351 (2) All information obtained by the office in the course of
1352 its investigation or examination ~~which is a trade secret, as~~
1353 ~~defined in s. 688.002, or~~ which is personal financial
1354 information shall remain confidential and exempt from s.
1355 119.07(1) and s. 24(a), Art. I of the State Constitution. If any
1356 administrative, civil, or criminal proceeding against a money
1357 services business, its authorized vendor, or an affiliated party
1358 is initiated and the office seeks to use matter that a licensee
1359 believes to be ~~a trade secret or~~ personal financial information,
1360 such records shall be subject to an in camera review by the
1361 administrative law judge, if the matter is before the Division
1362 of Administrative Hearings, or a judge of any court of this
1363 state, any other state, or the United States, as appropriate,
1364 for the purpose of determining if the matter is ~~a trade secret~~
1365 ~~or is~~ personal financial information. ~~If it is determined that~~
1366 ~~the matter is a trade secret, the matter shall remain~~
1367 ~~confidential.~~ If it is determined that the matter is personal
1368 financial information, the matter shall remain confidential
1369 unless the administrative law judge or judge determines that, in
1370 the interests of justice, the matter should become public.

1371 Section 54. Subsection (3) of section 570.48, Florida
1372 Statutes, is amended to read:

1373 570.48 Division of Fruit and Vegetables; powers and duties;



526826

1374 records.—The duties of the Division of Fruit and Vegetables
1375 include, but are not limited to:

1376 (3) Maintaining the records of the division. The records of
1377 the division are public records; ~~however, trade secrets as~~
1378 ~~defined in s. 812.081 are confidential and exempt from s.~~
1379 ~~119.07(1) and s. 24(a), Art. I of the State Constitution. This~~
1380 ~~subsection is subject to the Open Government Sunset Review Act~~
1381 ~~in accordance with s. 119.15 and shall stand repealed on October~~
1382 ~~2, 2021, unless reviewed and saved from repeal through~~
1383 ~~reenactment by the Legislature. This Section 688.01 may not be~~
1384 ~~construed to prohibit:~~

1385 ~~(a) A disclosure necessary to enforcement procedures.~~

1386 ~~(b) The department from releasing information to other~~
1387 ~~governmental agencies. Other governmental agencies that receive~~
1388 ~~confidential information from the department under this~~
1389 ~~subsection shall maintain the confidentiality of that~~
1390 ~~information.~~

1391 ~~(c) the department or other agencies from compiling and~~
1392 ~~publishing appropriate data regarding procedures, yield,~~
1393 ~~recovery, quality, and related matters, provided such released~~
1394 ~~data do not reveal by whom the activity to which the data relate~~
1395 ~~was conducted.~~

1396 Section 55. Subsection (8) of section 570.544, Florida
1397 Statutes, is amended to read:

1398 570.544 Division of Consumer Services; director; powers;
1399 processing of complaints; records.—

1400 (8) The records of the Division of Consumer Services are
1401 public records. However, customer lists and, ~~customer names, and~~
1402 ~~trade secrets~~ are confidential and exempt from the provisions of



526826

1403 s. 119.07(1). Disclosure necessary to enforcement procedures
1404 does not violate this prohibition.

1405 Section 56. Present subsection (2) of section 573.123,
1406 Florida Statutes, is amended, and present subsections (3) and
1407 (4) of that subsection are renumbered as subsections (2) and
1408 (3), respectively, to read:

1409 573.123 Maintenance and production of records.—

1410 ~~(2) Information that, if disclosed, would reveal a trade~~
1411 ~~secret, as defined in s. 812.081, of any person subject to a~~
1412 ~~marketing order is confidential and exempt from s. 119.07(1) and~~
1413 ~~s. 24(a), Art. I of the State Constitution and may not be~~
1414 ~~disclosed except to an attorney who provides legal advice to the~~
1415 ~~division about enforcing a marketing order or by court order. A~~
1416 ~~person who receives confidential information under this~~
1417 ~~subsection shall maintain the confidentiality of that~~
1418 ~~information. This subsection is subject to the Open Government~~
1419 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
1420 ~~repealed on October 2, 2021, unless reviewed and saved from~~
1421 ~~repeal through reenactment by the Legislature.~~

1422 Section 57. Section 581.199, Florida Statutes, is repealed.

1423 Section 58. Present paragraph (b) of subsection (8) of
1424 section 601.10, Florida Statutes, is amended, and present
1425 paragraph (c) of that subsection is redesignated as paragraph
1426 (b), to read:

1427 601.10 Powers of the Department of Citrus.—The department
1428 shall have and shall exercise such general and specific powers
1429 as are delegated to it by this chapter and other statutes of the
1430 state, which powers shall include, but are not limited to, the
1431 following:



526826

1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460

(8)

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

Section 59. Paragraph (d) of subsection (7) of section 601.15, Florida Statutes, is amended to read:

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

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

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



526826

1461 private label brands, and one incentive program for product sold
1462 in bulk. For each incentive program, the rules must establish
1463 eligibility and performance requirements and must provide
1464 appropriate limitations on amounts payable to a handler or trade
1465 customer for a particular season. Such limitations may relate to
1466 the amount of citrus assessments levied and collected on the
1467 citrus product handled by such handler or trade customer during
1468 a 12-month representative period.

1469 2. The department may require from participants in
1470 noncommodity advertising and promotional programs commercial
1471 information necessary to determine eligibility for and
1472 performance in such programs. ~~Any information required which~~
1473 ~~constitutes a trade secret as defined in s. 812.081 is~~
1474 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
1475 ~~of the State Constitution. This subparagraph is subject to the~~
1476 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
1477 ~~and shall stand repealed on October 2, 2021, unless reviewed and~~
1478 ~~saved from repeal through reenactment by the Legislature.~~

1479 Section 60. Paragraph (c) of subsection (8) of section
1480 601.152, Florida Statutes, is amended to read:

1481 601.152 Special marketing orders.—

1482 (8)

1483 (c)~~1~~. Every handler shall, at such times as the department
1484 may require, file with the department a return, not under oath,
1485 on forms to be prescribed and furnished by the department,
1486 certified as true and correct, stating the quantity of the type,
1487 variety, and form of citrus fruit or citrus product specified in
1488 the marketing order first handled in the primary channels of
1489 trade in the state by such handler during the period of time



526826

1490 specified in the marketing order. Such returns must contain any
1491 further information deemed by the department to be reasonably
1492 necessary to properly administer or enforce this section or any
1493 marketing order implemented under this section.

1494 ~~2. Information that, if disclosed, would reveal a trade~~
1495 ~~secret, as defined in s. 812.081, of any person subject to a~~
1496 ~~marketing order is confidential and exempt from s. 119.07(1) and~~
1497 ~~s. 24(a), Art. I of the State Constitution. This subparagraph is~~
1498 ~~subject to the Open Government Sunset Review Act in accordance~~
1499 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
1500 ~~unless reviewed and saved from repeal through reenactment by the~~
1501 ~~Legislature.~~

1502 Section 61. Section 601.76, Florida Statutes, is amended to
1503 read:

1504 601.76 Manufacturer to furnish formula and other
1505 information.—Any formula required to be filed with the
1506 Department of Agriculture ~~shall be deemed a trade secret as~~
1507 ~~defined in s. 812.081, is confidential and exempt from s.~~
1508 ~~119.07(1) and s. 24(a), Art. I of the State Constitution, and~~
1509 ~~may be divulged only to the Department of Agriculture or to its~~
1510 ~~duly authorized representatives or upon court order when~~
1511 ~~necessary in the enforcement of this law. A person who receives~~
1512 ~~such a formula from the Department of Agriculture under this~~
1513 ~~section shall maintain the confidentiality of the formula. This~~
1514 ~~section is subject to the Open Government Sunset Review Act in~~
1515 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
1516 ~~2021, unless reviewed and saved from repeal through reenactment~~
1517 ~~by the Legislature.~~

1518 Section 62. Subsection (6) of section 607.0505, Florida



526826

1519 Statutes, is amended to read:

1520 607.0505 Registered agent; duties.—

1521 (6) Information provided to, and records and transcriptions
1522 of testimony obtained by, the Department of Legal Affairs
1523 pursuant to this section are confidential and exempt from the
1524 provisions of s. 119.07(1) while the investigation is active.
1525 For purposes of this section, an investigation shall be
1526 considered "active" while such investigation is being conducted
1527 with a reasonable, good faith belief that it may lead to the
1528 filing of an administrative, civil, or criminal proceeding. An
1529 investigation does not cease to be active so long as the
1530 department is proceeding with reasonable dispatch and there is a
1531 good faith belief that action may be initiated by the department
1532 or other administrative or law enforcement agency. Except for
1533 active criminal intelligence or criminal investigative
1534 information, as defined in s. 119.011, and information which, if
1535 disclosed, ~~would reveal a trade secret, as defined in s.~~
1536 ~~688.002, or~~ would jeopardize the safety of an individual, all
1537 information, records, and transcriptions become public record
1538 when the investigation is completed or ceases to be active. The
1539 department shall not disclose confidential information, records,
1540 or transcriptions of testimony except pursuant to the
1541 authorization by the Attorney General in any of the following
1542 circumstances:

1543 (a) To a law enforcement agency participating in or
1544 conducting a civil investigation under chapter 895, or
1545 participating in or conducting a criminal investigation.

1546 (b) In the course of filing, participating in, or
1547 conducting a judicial proceeding instituted pursuant to this



526826

1548 section or chapter 895.

1549 (c) In the course of filing, participating in, or
1550 conducting a judicial proceeding to enforce an order or judgment
1551 entered pursuant to this section or chapter 895.

1552 (d) In the course of a criminal or civil proceeding.

1553

1554 A person or law enforcement agency which receives any
1555 information, record, or transcription of testimony that has been
1556 made confidential by this subsection shall maintain the
1557 confidentiality of such material and shall not disclose such
1558 information, record, or transcription of testimony except as
1559 provided for herein. Any person who willfully discloses any
1560 information, record, or transcription of testimony that has been
1561 made confidential by this subsection, except as provided for
1562 herein, is guilty of a misdemeanor of the first degree,
1563 punishable as provided in s. 775.082 or s. 775.083. If any
1564 information, record, or testimony obtained pursuant to
1565 subsection (2) is offered in evidence in any judicial
1566 proceeding, the court may, in its discretion, seal that portion
1567 of the record to further the policies of confidentiality set
1568 forth herein.

1569 Section 63. Subsection (6) of section 617.0503, Florida
1570 Statutes, is amended to read:

1571 617.0503 Registered agent; duties; confidentiality of
1572 investigation records.—

1573 (6) Information provided to, and records and transcriptions
1574 of testimony obtained by, the Department of Legal Affairs
1575 pursuant to this section are confidential and exempt from the
1576 provisions of s. 119.07(1) and s. 24(a), Art. I of the State



526826

1577 Constitution while the investigation is active. For purposes of
1578 this section, an investigation shall be considered "active"
1579 while such investigation is being conducted with a reasonable,
1580 good faith belief that it may lead to the filing of an
1581 administrative, civil, or criminal proceeding. An investigation
1582 does not cease to be active so long as the department is
1583 proceeding with reasonable dispatch and there is a good faith
1584 belief that action may be initiated by the department or other
1585 administrative or law enforcement agency. Except for active
1586 criminal intelligence or criminal investigative information, as
1587 defined in s. 119.011, and information which, if disclosed,
1588 ~~would reveal a trade secret, as defined in s. 688.002, or would~~
1589 jeopardize the safety of an individual, all information,
1590 records, and transcriptions become available to the public when
1591 the investigation is completed or ceases to be active. The
1592 department shall not disclose confidential information, records,
1593 or transcriptions of testimony except pursuant to authorization
1594 by the Attorney General in any of the following circumstances:

1595 (a) To a law enforcement agency participating in or
1596 conducting a civil investigation under chapter 895, or
1597 participating in or conducting a criminal investigation.

1598 (b) In the course of filing, participating in, or
1599 conducting a judicial proceeding instituted pursuant to this
1600 section or chapter 895.

1601 (c) In the course of filing, participating in, or
1602 conducting a judicial proceeding to enforce an order or judgment
1603 entered pursuant to this section or chapter 895.

1604 (d) In the course of a criminal proceeding.

1605



526826

1606 A person or law enforcement agency that receives any
1607 information, record, or transcription of testimony that has been
1608 made confidential by this subsection shall maintain the
1609 confidentiality of such material and shall not disclose such
1610 information, record, or transcription of testimony except as
1611 provided for herein. Any person who willfully discloses any
1612 information, record, or transcription of testimony that has been
1613 made confidential by this subsection, except as provided for in
1614 this subsection, commits a misdemeanor of the first degree,
1615 punishable as provided in s. 775.082 or s. 775.083. If any
1616 information, record, or testimony obtained pursuant to
1617 subsection (2) is offered in evidence in any judicial
1618 proceeding, the court may, in its discretion, seal that portion
1619 of the record to further the policies of confidentiality set
1620 forth in this subsection.

1621 Section 64. Paragraph (c) of subsection (1) and subsection
1622 (5) of section 624.4212, Florida Statutes, are amended to read:
1623 624.4212 Confidentiality of proprietary business and other
1624 information.-

1625 (1) As used in this section, the term "proprietary business
1626 information" means information, regardless of form or
1627 characteristics, which is owned or controlled by an insurer, or
1628 a person or an affiliated person who seeks acquisition of
1629 controlling stock in a domestic stock insurer or controlling
1630 company, and which:

1631 (c) Includes:

1632 1. ~~Trade secrets as defined in s. 688.002 which comply with~~
1633 ~~s. 624.4213.~~

1634 2. Information relating to competitive interests, the



526826

1635 disclosure of which would impair the competitive business of the
1636 provider of the information.

1637 ~~2.3.~~ The source, nature, and amount of the consideration
1638 used or to be used in carrying out a merger or other acquisition
1639 of control in the ordinary course of business, including the
1640 identity of the lender, if the person filing a statement
1641 regarding consideration so requests.

1642 ~~3.4.~~ Information relating to bids or other contractual
1643 data, the disclosure of which would impair the efforts of the
1644 insurer or its affiliates to contract for goods or services on
1645 favorable terms.

1646 ~~4.5.~~ Internal auditing controls and reports of internal
1647 auditors.

1648 (5) The office may disclose information made confidential
1649 and exempt under this section or s. 688.01:

1650 (a) If the insurer to which it pertains gives prior written
1651 consent;

1652 (b) Pursuant to a court order;

1653 (c) To the Actuarial Board for Counseling and Discipline
1654 upon a request stating that the information is for the purpose
1655 of professional disciplinary proceedings and specifying
1656 procedures satisfactory to the office for preserving the
1657 confidentiality of the information;

1658 (d) To other states, federal and international agencies,
1659 the National Association of Insurance Commissioners and its
1660 affiliates and subsidiaries, and state, federal, and
1661 international law enforcement authorities, including members of
1662 a supervisory college described in s. 628.805 if the recipient
1663 agrees in writing to maintain the confidential and exempt status



526826

1664 of the document, material, or other information and has
1665 certified in writing its legal authority to maintain such
1666 confidentiality; or

1667 (e) For the purpose of aggregating information on an
1668 industrywide basis and disclosing the information to the public
1669 only if the specific identities of the insurers, or persons or
1670 affiliated persons, are not revealed.

1671 Section 65. Section 624.4213, Florida Statutes, is
1672 repealed.

1673 Section 66. Paragraph (d) of subsection (1) of section
1674 626.84195, Florida Statutes, is amended to read:

1675 626.84195 Confidentiality of information supplied by title
1676 insurance agencies and insurers.—

1677 (1) As used in this section, the term “proprietary business
1678 information” means information that:

1679 (d) Concerns:

1680 1. Business plans;

1681 2. Internal auditing controls and reports of internal
1682 auditors;

1683 3. Reports of external auditors for privately held
1684 companies;

1685 4. ~~Trade secrets, as defined in s. 688.002;~~ or

1686 ~~5.~~ Financial information, including revenue data, loss
1687 expense data, gross receipts, taxes paid, capital investment,
1688 and employee wages.

1689 Section 67. Subsection (2) of section 626.884, Florida
1690 Statutes, is amended to read:

1691 626.884 Maintenance of records by administrator; access;
1692 confidentiality.—



526826

1693 (2) The office shall have access to books and records
1694 maintained by the administrator for the purpose of examination,
1695 audit, and inspection. ~~Information contained in such books and~~
1696 ~~records is confidential and exempt from the provisions of s.~~
1697 ~~119.07(1) if the disclosure of such information would reveal a~~
1698 ~~trade secret as defined in s. 688.002. However,~~ The office may
1699 use such information in any proceeding instituted against the
1700 administrator.

1701 Section 68. Subsection (1) of section 626.9936, Florida
1702 Statutes, is amended to read:

1703 626.9936 Access to records.—

1704 (1) Notwithstanding subsections (1) and (2) of Article
1705 VIII, subsection (2) of Article X, and subsection (6) of Article
1706 XII of the Interstate Insurance Product Regulation Compact, a
1707 request by a resident of this state for public inspection and
1708 copying of information, data, or official records that includes:

1709 (a) An insurer's trade secrets shall be referred to the
1710 commissioner who shall respond to the request, with the
1711 cooperation and assistance of the commission, in accordance with
1712 s. 688.01 ~~s. 624.4213~~; or

1713 (b) Matters of privacy of individuals shall be referred to
1714 the commissioner who shall respond to the request, with the
1715 cooperation and assistance of the commission, in accordance with
1716 s. 119.07(1).

1717 Section 69. Paragraph (g) of subsection (3) of section
1718 627.0628, Florida Statutes, is amended to read:

1719 627.0628 Florida Commission on Hurricane Loss Projection
1720 Methodology; public records exemption; public meetings
1721 exemption.—



526826

1722 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.-
1723 (g)1. ~~A trade secret, as defined in s. 688.002, which is~~
1724 ~~used in designing and constructing a hurricane or flood loss~~
1725 ~~model and which is provided pursuant to this section, by a~~
1726 ~~private company, to the commission, office, or consumer advocate~~
1727 ~~appointed pursuant to s. 627.0613 is confidential and exempt~~
1728 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
1729 ~~Constitution.~~

1730 ~~2.a.~~ That portion of a meeting of the commission or of a
1731 rate proceeding on an insurer's rate filing at which a trade
1732 secret made confidential and exempt pursuant to s. 688.01 ~~by~~
1733 ~~this paragraph~~ is discussed is exempt from s. 286.011 and s.
1734 24(b), Art. I of the State Constitution. The closed meeting must
1735 be recorded, and no portion of the closed meeting may be off the
1736 record.

1737 ~~2.b.~~ The recording of a closed portion of a meeting is
1738 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1739 Constitution.

1740 ~~e. This paragraph is subject to the Open Government Sunset~~
1741 ~~Review Act in accordance with s. 119.15 and shall stand repealed~~
1742 ~~on October 2, 2019, unless reviewed and saved from repeal~~
1743 ~~through reenactment by the Legislature.~~

1744 Section 70. Paragraphs (a) and (c) of subsection (11) of
1745 section 627.3518, Florida Statutes, are amended to read:

1746 627.3518 Citizens Property Insurance Corporation
1747 policyholder eligibility clearinghouse program.—The purpose of
1748 this section is to provide a framework for the corporation to
1749 implement a clearinghouse program by January 1, 2014.

1750 (11) Proprietary business information provided to the



526826

1751 corporation's clearinghouse by insurers with respect to
1752 identifying and selecting risks for an offer of coverage is
1753 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1754 of the State Constitution.

1755 (a) As used in this subsection, the term "proprietary
1756 business information" means information, regardless of form or
1757 characteristics, which is owned or controlled by an insurer and:

1758 1. Is identified by the insurer as proprietary business
1759 information and is intended to be and is treated by the insurer
1760 as private in that the disclosure of the information would cause
1761 harm to the insurer, an individual, or the company's business
1762 operations and has not been disclosed unless disclosed pursuant
1763 to a statutory requirement, an order of a court or
1764 administrative body, or a private agreement that provides that
1765 the information will not be released to the public;

1766 2. Is not otherwise readily ascertainable or publicly
1767 available by proper means by other persons from another source
1768 in the same configuration as provided to the clearinghouse; and

1769 3. Includes:

1770 ~~a. Trade secrets, as defined in s. 688.002.~~

1771 ~~b.~~ information relating to competitive interests, the
1772 disclosure of which would impair the competitive business of the
1773 provider of the information.

1774
1775 Proprietary business information may be found in underwriting
1776 criteria or instructions which are used to identify and select
1777 risks through the program for an offer of coverage and are
1778 shared with the clearinghouse to facilitate the shopping of
1779 risks with the insurer.



526826

1780 Section 71. Present subsections (4), (5), (14), and (15) of
1781 section 655.057, Florida Statutes, are amended, present
1782 subsections (6) through (13) of that section are renumbered as
1783 subsections (5) through (12), respectively, and a new subsection
1784 (13) is added to that section, to read:

1785 655.057 Records; limited restrictions upon public access.—

1786 (4) ~~Except as otherwise provided in this section and except~~
1787 ~~for those portions that are otherwise public record, trade~~
1788 ~~secrets as defined in s. 688.002 which comply with s. 655.0591~~
1789 ~~and which are held by the office in accordance with its~~
1790 ~~statutory duties with respect to the financial institutions~~
1791 ~~codes are confidential and exempt from s. 119.07(1) and s.~~
1792 ~~24(a), Art. I of the State Constitution.~~

1793 ~~(5) Neither this section nor s. 688.01 prevents does not~~
1794 ~~prevent or restricts restrict:~~

1795 (a) Publishing reports that are required to be submitted to
1796 the office pursuant to s. 655.045(2) or required by applicable
1797 federal statutes or regulations to be published.

1798 (b) Furnishing records or information to any other state,
1799 federal, or foreign agency responsible for the regulation or
1800 supervision of financial institutions.

1801 (c) Disclosing or publishing summaries of the condition of
1802 financial institutions and general economic and similar
1803 statistics and data, provided that the identity of a particular
1804 financial institution is not disclosed.

1805 (d) Reporting any suspected criminal activity, with
1806 supporting documents and information, to appropriate law
1807 enforcement and prosecutorial agencies.

1808 (e) Furnishing information upon request to the Chief



526826

1809 Financial Officer or the Division of Treasury of the Department
1810 of Financial Services regarding the financial condition of any
1811 financial institution that is, or has applied to be, designated
1812 as a qualified public depository pursuant to chapter 280.

1813 (f) Furnishing information to Federal Home Loan Banks
1814 regarding its member institutions pursuant to an information
1815 sharing agreement between the Federal Home Loan Banks and the
1816 office.

1817
1818 Any confidential information or records obtained from the office
1819 pursuant to this subsection shall be maintained as confidential
1820 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1821 Constitution.

1822 (13) This section is ~~(14) Subsections (3) and (4) are~~
1823 ~~subject to the Open Government Sunset Review Act in accordance~~
1824 ~~with s. 119.15 and are repealed on October 2, 2019, unless~~
1825 ~~reviewed and saved from repeal through reenactment by the~~
1826 ~~Legislature.~~

1827 ~~(15) Subsections (1), (2), (5), and (9) are~~ subject to the
1828 Open Government Sunset Review Act in accordance with s. 119.15
1829 and is ~~are~~ repealed on October 2, 2022, unless reviewed and
1830 saved from repeal through reenactment by the Legislature.

1831 Section 72. Section 655.0591, Florida Statutes, is
1832 repealed.

1833 Section 73. Subsection (11) of section 663.533, Florida
1834 Statutes, is amended to read:

1835 663.533 Applicability of the financial institutions codes.—
1836 A qualified limited service affiliate is subject to the
1837 financial institutions codes. Without limiting the foregoing,



526826

1838 the following provisions are applicable to a qualified limited
1839 service affiliate:

1840 (11) Section 688.01 ~~655.0591~~, relating to trade secret
1841 documents.

1842

1843 This section does not prohibit the office from investigating or
1844 examining an entity to ensure that it is not in violation of
1845 this chapter or applicable provisions of the financial
1846 institutions codes.

1847 Section 74. Section 721.071, Florida Statutes, is repealed.

1848 Section 75. Subsection (3) and present subsection (4) of
1849 section 815.04, Florida Statutes, are amended, and present
1850 subsection (5) of that section is renumbered as subsection (4),
1851 to read:

1852 815.04 Offenses against intellectual property; ~~public~~
1853 ~~records exemption.~~-

1854 (3) ~~Data, programs, or supporting documentation that is a~~
1855 ~~trade secret as defined in s. 812.081, that is held by an agency~~
1856 ~~as defined in chapter 119, and that resides or exists internal~~
1857 ~~or external to a computer, computer system, computer network, or~~
1858 ~~electronic device is confidential and exempt from the provisions~~
1859 ~~of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~
1860 ~~This subsection is subject to the Open Government Sunset Review~~
1861 ~~Act in accordance with s. 119.15 and shall stand repealed on~~
1862 ~~October 2, 2021, unless reviewed and saved from repeal through~~
1863 ~~reenactment by the Legislature.~~

1864 (4) A person who willfully, knowingly, and without
1865 authorization discloses or takes data, programs, or supporting
1866 documentation that is a trade secret as defined in s. 812.081 ~~or~~



526826

1867 ~~is confidential as provided by law~~ residing or existing internal
1868 or external to a computer, computer system, computer network, or
1869 electronic device commits an offense against intellectual
1870 property.

1871 Section 76. Section 815.045, Florida Statutes, is repealed.

1872 Section 77. Paragraph (b) of subsection (8) of section
1873 1004.43, Florida Statutes, is amended to read:

1874 1004.43 H. Lee Moffitt Cancer Center and Research
1875 Institute.—There is established the H. Lee Moffitt Cancer Center
1876 and Research Institute, a statewide resource for basic and
1877 clinical research and multidisciplinary approaches to patient
1878 care.

1879 (8)

1880 (b) Proprietary confidential business information is
1881 confidential and exempt from the provisions of s. 119.07(1) and
1882 s. 24(a), Art. I of the State Constitution. However, the Auditor
1883 General, the Office of Program Policy Analysis and Government
1884 Accountability, and the Board of Governors, pursuant to their
1885 oversight and auditing functions, must be given access to all
1886 proprietary confidential business information upon request and
1887 without subpoena and must maintain the confidentiality of
1888 information so received. As used in this paragraph, the term
1889 "proprietary confidential business information" means
1890 information, regardless of its form or characteristics, which is
1891 owned or controlled by the not-for-profit corporation or its
1892 subsidiaries; is intended to be and is treated by the not-for-
1893 profit corporation or its subsidiaries as private and the
1894 disclosure of which would harm the business operations of the
1895 not-for-profit corporation or its subsidiaries; has not been



526826

1896 intentionally disclosed by the corporation or its subsidiaries
1897 unless pursuant to law, an order of a court or administrative
1898 body, a legislative proceeding pursuant to s. 5, Art. III of the
1899 State Constitution, or a private agreement that provides that
1900 the information may be released to the public; and which is
1901 information concerning:

1902 1. Internal auditing controls and reports of internal
1903 auditors;

1904 2. Matters reasonably encompassed in privileged attorney-
1905 client communications;

1906 3. Contracts for managed-care arrangements, including
1907 preferred provider organization contracts, health maintenance
1908 organization contracts, and exclusive provider organization
1909 contracts, and any documents directly relating to the
1910 negotiation, performance, and implementation of any such
1911 contracts for managed-care arrangements;

1912 4. Bids or other contractual data, banking records, and
1913 credit agreements the disclosure of which would impair the
1914 efforts of the not-for-profit corporation or its subsidiaries to
1915 contract for goods or services on favorable terms;

1916 5. Information relating to private contractual data, the
1917 disclosure of which would impair the competitive interest of the
1918 provider of the information;

1919 6. Corporate officer and employee personnel information;

1920 7. Information relating to the proceedings and records of
1921 credentialing panels and committees and of the governing board
1922 of the not-for-profit corporation or its subsidiaries relating
1923 to credentialing;

1924 8. Minutes of meetings of the governing board of the not-



526826

1925 for-profit corporation and its subsidiaries, except minutes of
1926 meetings open to the public pursuant to subsection (9);

1927 9. Information that reveals plans for marketing services
1928 that the corporation or its subsidiaries reasonably expect to be
1929 provided by competitors;

1930 10. Trade secrets as defined in s. 688.01 ~~s. 688.002~~,
1931 including:

1932 a. Information relating to methods of manufacture or
1933 production, ~~potential trade secrets~~, potentially patentable
1934 materials, or proprietary information received, generated,
1935 ascertained, or discovered during the course of research
1936 conducted by the not-for-profit corporation or its subsidiaries;
1937 and

1938 b. Reimbursement methodologies or rates;

1939 11. The identity of donors or prospective donors of
1940 property who wish to remain anonymous or any information
1941 identifying such donors or prospective donors. The anonymity of
1942 these donors or prospective donors must be maintained in the
1943 auditor's report; or

1944 12. Any information received by the not-for-profit
1945 corporation or its subsidiaries from an agency in this or
1946 another state or nation or the Federal Government which is
1947 otherwise exempt or confidential pursuant to the laws of this or
1948 another state or nation or pursuant to federal law.

1949
1950 As used in this paragraph, the term "managed care" means systems
1951 or techniques generally used by third-party payors or their
1952 agents to affect access to and control payment for health care
1953 services. Managed-care techniques most often include one or more



526826

1954 of the following: prior, concurrent, and retrospective review of
1955 the medical necessity and appropriateness of services or site of
1956 services; contracts with selected health care providers;
1957 financial incentives or disincentives related to the use of
1958 specific providers, services, or service sites; controlled
1959 access to and coordination of services by a case manager; and
1960 payor efforts to identify treatment alternatives and modify
1961 benefit restrictions for high-cost patient care.

1962 Section 78. Subsection (2) of section 1004.78, Florida
1963 Statutes, is amended to read:

1964 1004.78 Technology transfer centers at Florida College
1965 System institutions.—

1966 (2) The Florida College System institution board of
1967 trustees shall set such policies to regulate the activities of
1968 the technology transfer center as it may consider necessary to
1969 effectuate the purposes of this section and to administer the
1970 programs of the center in a manner which assures efficiency and
1971 effectiveness, producing the maximum benefit for the educational
1972 programs and maximum service to the state. To this end,
1973 materials that relate to methods of manufacture or production,
1974 ~~potential trade secrets~~, potentially patentable material, ~~actual~~
1975 trade secrets as defined in s. 688.01, business transactions, or
1976 proprietary information received, generated, ascertained, or
1977 discovered during the course of activities conducted within the
1978 Florida College System institutions shall be confidential and
1979 exempt from the provisions of s. 119.07(1), except that a
1980 Florida College System institution shall make available upon
1981 request the title and description of a project, the name of the
1982 investigator, and the amount and source of funding provided for



526826

1983 such project.

1984 Section 79. Section 601.80, Florida Statutes, is amended to
1985 read:

1986 601.80 Unlawful to use uncertified coloring matter.—It is
1987 unlawful for any person to use on oranges or citrus hybrids any
1988 coloring matter which has not first received the approval of the
1989 Department of Agriculture ~~as provided under s. 601.76.~~

1990 Section 80. Present subsection (11) of section 663.533,
1991 Florida Statutes, is amended, and present subsections (12) and
1992 (13) of that section are renumbered as subsections (11) and
1993 (12), respectively, to read:

1994 663.533 Applicability of the financial institutions codes.—
1995 A qualified limited service affiliate is subject to the
1996 financial institutions codes. Without limiting the foregoing,
1997 the following provisions are applicable to a qualified limited
1998 service affiliate:

1999 ~~(11) Section 655.0591, relating to trade secret documents.~~

2000
2001 This section does not prohibit the office from investigating or
2002 examining an entity to ensure that it is not in violation of
2003 this chapter or applicable provisions of the financial
2004 institutions codes.

2005 Section 81. Paragraph (c) of subsection (12) of section
2006 721.13, Florida Statutes, is amended to read:

2007 721.13 Management.—

2008 (12)

2009 (c) The managing entity shall maintain copies of all
2010 records, data, and information supporting the processes,
2011 analyses, procedures, and methods utilized by the managing



526826

2012 entity in its determination to reserve accommodations of the
2013 timeshare plan pursuant to this subsection for a period of 5
2014 years from the date of such determination. In the event of an
2015 investigation by the division for failure of a managing entity
2016 to comply with this subsection, the managing entity shall make
2017 all such records, data, and information available to the
2018 division for inspection, ~~provided that if the managing entity~~
2019 ~~complies with the provisions of s. 721.071, any such records,~~
2020 ~~data, and information provided to the division shall constitute~~
2021 ~~a trade secret pursuant to that section.~~

2022 Section 82. Paragraphs (a) and (c) of subsection (3) of
2023 section 921.0022, Florida Statutes, are amended to read:

2024 921.0022 Criminal Punishment Code; offense severity ranking
2025 chart.-

2026 (3) OFFENSE SEVERITY RANKING CHART

2027 (a) LEVEL 1

2028

Florida Statute	Felony Degree	Description
2029 24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
2030 212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
2031 212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than



526826

2032			\$300 but less than \$20,000.
	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
2033			
	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2034			
	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
2035			
	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2036			
	322.212	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
	(1)(a)-(c)		
2037			
	322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2038			
	322.212(5)(a)	3rd	False application for driver



526826

2039			license or identification card.
2040	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2041	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2042	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
2043	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2044	562.27 (1)	3rd	Possess still or still apparatus.
2045	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
	812.014 (3) (c)	3rd	Petit theft (3rd



526826

2046			conviction); theft of any property not specified in subsection (2).
	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2047	<u>815.04 (4) (a)</u> 815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2048	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2049	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2050	826.01	3rd	Bigamy.
2051	828.122 (3)	3rd	Fighting or baiting animals.
2052	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other



526826

2053			document listed in s. 92.28.
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2054			
	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2055			
	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
2056			
	838.15 (2)	3rd	Commercial bribe receiving.
2057			
	838.16	3rd	Commercial bribery.
2058			
	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
2059			
	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2060			
	849.01	3rd	Keeping gambling house.
2061			



526826

2062	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
2063	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2064	849.25(2)	3rd	Engaging in bookmaking.
2065	860.08	3rd	Interfere with a railroad signal.
2066	860.13(1)(a)	3rd	Operate aircraft while under the influence.
2067	893.13(2)(a)2.	3rd	Purchase of cannabis.
2068	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
2069	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.



526826

2070			
2071	(c) LEVEL 3		
2072			
	Florida	Felony	
	Statute	Degree	Description
2073			
	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2074			
	316.066	3rd	Unlawfully obtaining or using confidential crash reports.
	(3) (b) - (d)		
2075			
	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
2076			
	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2077			
	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2078			
	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a



526826

2079			motor vehicle or mobile home.
	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
2080			
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2081			
	327.35 (2) (b)	3rd	Felony BUI.
2082			
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2083			
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2084			
	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.



526826

2089			license.
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2090			
	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2091			
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2092			
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2093			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2094			



526826

2095	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2096	697.08	3rd	Equity skimming.
2097	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2098	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2099	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2100	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2101	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
	812.0145 (2) (c)	3rd	Theft from person 65 years



526826

2102			of age or older; \$300 or more but less than \$10,000.
	<u>815.04 (4) (b)</u>	2nd	Computer offense devised to defraud or obtain property.
	815.04 (5) (b)		
2103			
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2104			
	817.233	3rd	Burning to defraud insurer.
2105			
	817.234	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
	(8) (b) & (c)		
2106			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2107			
	817.236	3rd	Filing a false motor vehicle insurance application.
2108			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.



526826

2109	817.413 (2)	3rd	Sale of used goods as new.
2110	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2111	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2112	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2113	843.19	3rd	Injure, disable, or kill police dog or horse.
2114	860.15 (3)	3rd	Overcharging for repairs and parts.
2115	870.01 (2)	3rd	Riot; inciting or encouraging.
2116	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1.,



526826

2117	893.13(1)(d)2.	2nd	(2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
2118	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
2119	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2120			



526826

2121	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
2122	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
2123	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2124	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
2125	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance



526826

2126	893.13(8)(a)2.	3rd	through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
2127	893.13(8)(a)3.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
2128	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2129	918.13(1)(a)	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
		3rd	Alter, destroy, or conceal investigation evidence.



526826

2149 certain educational institutions; amending s. 24.105,
2150 F.S.; deleting provisions relating to exemptions from
2151 public records requirements for certain information
2152 held by the Department of the Lottery; amending s.
2153 73.0155, F.S.; deleting provisions relating to public
2154 records exemptions for trade secrets held by
2155 governmental condemning authorities; amending s.
2156 119.071, F.S.; deleting a provision declaring that
2157 certain data processing software exempt from public
2158 records requirements is considered a trade secret;
2159 removing the scheduled repeal of the public record
2160 exemption; amending s. 119.0713, F.S.; deleting a
2161 provision exempting trade secrets held by local
2162 government agencies from public records requirements;
2163 amending s. 125.0104, F.S.; deleting a provision
2164 exempting trade secrets held by county tourism
2165 development agencies from public records requirements;
2166 amending s. 163.01, F.S.; deleting a provision
2167 exempting trade secrets held by public agencies that
2168 are electric utilities from public records
2169 requirements; amending s. 202.195, F.S.; deleting a
2170 provision exempting trade secrets obtained from a
2171 telecommunications company or franchised cable company
2172 for certain purposes from public records requirements;
2173 amending s. 215.4401, F.S.; deleting provisions
2174 relating to confidentiality of trade secrets held by
2175 the State Board of Administration; amending s. 252.88,
2176 F.S.; deleting provisions exempting certain
2177 information from public records requirements under the



526826

2178 Florida Emergency Planning and Community Right-to-Know
2179 Act; repealing s. 252.943, F.S., relating to a public
2180 records exemption under the Florida Accidental Release
2181 Prevention and Risk Management Planning Act; amending
2182 s. 287.0943, F.S.; deleting provisions relating to
2183 confidentiality of certain information relating to
2184 applications for certification of minority business
2185 enterprises; amending s. 288.047, F.S.; deleting
2186 provisions exempting potential trade secrets from
2187 public records requirements; amending s. 288.075,
2188 F.S.; deleting provisions relating to a public records
2189 exemption for trade secrets held by economic
2190 development agencies; amending s. 288.1226, F.S.;
2191 deleting provisions relating to a public records
2192 exemption for trade secrets held by the Florida
2193 Tourism Industry Marketing Corporation; amending s.
2194 288.776, F.S.; deleting provisions relating to a
2195 public records exemption for trade secrets held by the
2196 Florida Export Finance Corporation; amending s.
2197 288.9520, F.S.; deleting provisions relating to a
2198 public records exemption for trade secrets and
2199 potential trade secrets held by Enterprise Florida,
2200 Inc., and related entities; amending s. 288.9607,
2201 F.S.; deleting provisions relating to a public records
2202 exemption for trade secrets held by the Florida
2203 Development Finance Corporation; amending s. 288.9626,
2204 F.S.; deleting provisions relating to a public records
2205 exemption for trade secrets and potential trade
2206 secrets held by the Florida Opportunity Fund;



526826

2207 conforming provisions to changes made by the act;
2208 amending s. 288.9627, F.S.; deleting provisions
2209 relating to a public records exemption for trade
2210 secrets and potential trade secrets held by the
2211 Institute for Commercialization of Florida Technology;
2212 conforming provisions to changes made by the act;
2213 amending s. 331.326, F.S.; deleting provisions
2214 relating to a public records exemption for trade
2215 secrets held by Space Florida; amending s. 334.049,
2216 F.S.; deleting provisions relating to a public records
2217 exemption for trade secrets held by the Department of
2218 State; amending ss. 350.121 and 364.183, F.S.;;
2219 deleting provisions relating to public records
2220 exemptions for trade secrets held by the Florida
2221 Public Service Commission; amending s. 365.174, F.S.;;
2222 deleting provisions relating to public records
2223 exemptions for trade secrets held by the E911 Board
2224 and the Technology Program within the Department of
2225 Management Services; amending ss. 366.093, 367.156,
2226 and 368.108, F.S.;; deleting provisions relating to
2227 public records exemptions for trade secrets held by
2228 the Florida Public Service Commission; repealing s.
2229 381.83, F.S., relating to confidentiality of certain
2230 information containing trade secrets obtained by the
2231 Department of Health; amending s. 403.7046, F.S.;;
2232 revising provisions relating to an exemption for trade
2233 secrets contained in certain reports to the Department
2234 of Environmental Protection; repealing s. 403.73,
2235 F.S., relating to confidentiality of certain



526826

2236 information containing trade secrets obtained by the
2237 Department of Environmental Protection; amending s.
2238 408.061, F.S.; deleting a requirement that certain
2239 trade secret information submitted to the Agency for
2240 Healthcare Administration be clearly designated as
2241 such; amending s. 408.185, F.S.; deleting provisions
2242 relating to public records exemptions for certain
2243 trade secrets held by the Office of the Attorney
2244 General; amending s. 408.910, F.S.; deleting
2245 provisions relating to public records exemptions for
2246 trade secrets held by the Florida Health Choices
2247 Program; amending s. 409.91196, F.S.; deleting
2248 provisions relating to public records exemptions for
2249 trade secrets held by the Agency for Health Care
2250 Administration; amending s. 440.108, F.S.; deleting
2251 provisions relating to public records exemptions for
2252 trade secrets held by the Department of Financial
2253 Services; amending s. 494.00125, F.S.; deleting
2254 provisions relating to public records exemptions for
2255 trade secrets held by the Office of Financial
2256 Regulation; amending s. 497.172, F.S.; deleting
2257 provisions relating to public records exemptions for
2258 trade secrets held by the Department of Financial
2259 Services or the Board of Funeral, Cemetery, and
2260 Consumer Services; amending ss. 499.012, 499.0121,
2261 499.05, and 499.051, F.S.; deleting provisions
2262 relating to public records exemptions for trade
2263 secrets held by the Department of Business and
2264 Professional Regulation; repealing s. 499.931, F.S.,



526826

2265 relating to maintenance of information held by the
2266 Department of Business and Professional Regulation
2267 which is deemed to be a trade secret; amending s.
2268 501.171, F.S.; deleting provisions relating to public
2269 records exemptions for trade secrets held by the
2270 Department of Legal Affairs; repealing s. 502.222,
2271 F.S., relating to trade secrets of a dairy business
2272 held by the Department of Agriculture and Consumer
2273 Services; amending ss. 517.2015 and 520.9965, F.S.;
2274 deleting provisions relating to public records
2275 exemptions for trade secrets held by the Office of
2276 Financial Regulation; amending s. 526.311, F.S.;
2277 deleting provisions relating to public records
2278 exemptions for trade secrets held by the Department of
2279 Agriculture and Consumer Services; amending s.
2280 548.062, F.S.; deleting provisions relating to public
2281 records exemptions for trade secrets held by the
2282 Florida State Boxing Commission; amending s. 556.113,
2283 F.S.; deleting provisions relating to public records
2284 exemptions for trade secrets held by Sunshine State
2285 One-Call of Florida, Inc.; amending s. 559.5558, F.S.;
2286 deleting provisions relating to public records
2287 exemptions for trade secrets held by the Office of
2288 Financial Regulation; amending s. 559.9285, F.S.;
2289 revising provisions specifying that certain
2290 information provided to the Department of Agriculture
2291 and Consumer Services does not constitute a trade
2292 secret; amending s. 560.129, F.S.; deleting provisions
2293 relating to public records exemptions for trade



526826

2294 secrets held by the Office of Financial Regulation;
2295 amending s. 570.48, F.S.; deleting provisions relating
2296 to public records exemptions for trade secrets held by
2297 the Division of Fruit and Vegetables; amending ss.
2298 570.544 and 573.123, F.S.; deleting provisions
2299 relating to public records exemptions for trade
2300 secrets held by the Division of Consumer Services;
2301 repealing s. 581.199, F.S., relating to a prohibition
2302 on the use of trade secret information obtained under
2303 specified provisions for personal use or gain;
2304 amending ss. 601.10, 601.15, and 601.152, F.S.;;
2305 deleting provisions relating to public records
2306 exemptions for trade secrets held by the Department of
2307 Citrus; amending s. 601.76, F.S.; deleting provisions
2308 relating to a public records exemption for certain
2309 formulas filed with the Department of Agriculture;
2310 amending ss. 607.0505 and 617.0503, F.S.; deleting
2311 provisions relating to public records exemptions for
2312 certain information that might reveal trade secrets
2313 held by the Department of Legal Affairs; amending s.
2314 624.4212, F.S.; deleting provisions relating to public
2315 records exemptions for trade secrets held by the
2316 Office of Insurance Regulation; revising a cross-
2317 reference; repealing s. 624.4213, F.S., relating to
2318 trade secret documents submitted to the Department of
2319 Financial Services or the Office of Insurance
2320 Regulation; amending ss. 626.84195 and 626.884, F.S.;;
2321 deleting provisions relating to public records
2322 exemptions for trade secrets held by the Office of



526826

2323 Insurance Regulation; amending s. 626.9936, F.S.;

2324 revising provisions relating to a public records

2325 exemption for trade secrets held by the Office of

2326 Insurance Regulation; amending ss. 627.0628 and

2327 627.3518, F.S.; deleting provisions relating to public

2328 records exemptions for trade secrets held by the

2329 Department of Financial Services or the Office of

2330 Insurance Regulation; amending s. 655.057, F.S.;

2331 revising provisions relating to a public records

2332 exemption for trade secrets held by the Office of

2333 Financial Regulation; repealing s. 655.0591, F.S.,

2334 relating to trade secret documents held by the Office

2335 of Financial Regulation; amending s. 663.533, F.S.;

2336 revising a cross-reference; repealing s. 721.071,

2337 F.S., relating to trade secret material filed with the

2338 Division of Florida Condominiums, Timeshares, and

2339 Mobile Homes of the Department of Business and

2340 Professional Regulation; amending s. 815.04, F.S.;

2341 deleting a public records exemption for certain trade

2342 secret information relating to offenses against

2343 intellectual property; repealing s. 815.045, F.S.,

2344 relating to trade secret information; amending s.

2345 1004.43, F.S.; revising provisions relating to public

2346 records exemptions for trade secrets and potential

2347 trade secrets held by the H. Lee Moffitt Cancer Center

2348 and Research Institute; amending s. 1004.78, F.S.;

2349 revising provisions relating to public records

2350 exemptions for trade secrets and potential trade

2351 secrets held by the technology transfers centers at



526826

2352 Florida College System institutions; amending s.
2353 601.80, F.S.; correcting a cross-reference; amending
2354 ss. 663.533, 721.13, and 921.0022, F.S.; conforming
2355 provisions to changes made by the act; providing a
2356 contingent effective date.