

1                                   A bill to be entitled  
 2           An act relating to public records; amending s. 815.04,  
 3           F.S.; amending an exemption from public records  
 4           requirements for data, programs, and supporting  
 5           documentation that are trade secrets residing or  
 6           existing internal or external to a computer, computer  
 7           system, or computer network; expanding the exemption  
 8           to include such trade secret information residing or  
 9           existing internal or external to an electronic device;  
 10          providing for legislative review and repeal of the  
 11          exemption; providing a statement of public necessity;  
 12          providing a contingent effective date.

13  
 14 Be It Enacted by the Legislature of the State of Florida:

15  
 16           Section 1. Subsection (3) of section 815.04, Florida  
 17 Statutes, is amended to read:

18           815.04 Offenses against intellectual property; public  
 19 records exemption.—

20           (3) (a) Data, programs, or supporting documentation that  
 21 ~~which~~ is a trade secret as defined in s. 812.081, that is held  
 22 by an agency as defined in chapter 119, and that ~~which~~ resides  
 23 or exists internal or external to a computer, computer system,  
 24 or computer network, or electronic device ~~which is held by an~~  
 25 ~~agency as defined in chapter 119~~ is confidential and exempt from  
 26 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State

27 Constitution.

28 (b) A person who ~~Whoever~~ willfully, knowingly, and without  
29 authorization discloses or takes data, programs, or supporting  
30 documentation that ~~which~~ is a trade secret as defined in s.  
31 812.081 or is confidential as provided by law residing or  
32 existing internal or external to a computer, computer system, ~~or~~  
33 computer network, or electronic device commits an offense  
34 against intellectual property.

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37 repealed on October 2, 2019, unless reviewed and saved from  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

39 Section 2. The Legislature finds that it is a public  
40 necessity that trade secrets and intellectual property be  
41 protected from disclosure by persons gaining unauthorized access  
42 into computer networks and electronic devices. Trade secrets and  
43 intellectual property are already afforded public records  
44 exemptions because of the immense importance of this type of  
45 proprietary information to the economic competition between this  
46 state and other states and nations. As technology continues to  
47 evolve, it is important that the existing public records  
48 exemption for trade secrets and intellectual property expand  
49 accordingly to encompass new technology used in association with  
50 sensitive trade secrets and intellectual property. Thus the  
51 Legislature declares that it is a public necessity that data,  
52 programs, and supporting documentation that are trade secrets

HB 643

2014

53 which are held by an agency and which reside or exist internal  
54 or external to a computer, computer system, computer network, or  
55 electronic device be confidential and exempt from the  
56 requirements of s. 119.07(1), Florida Statutes, and s. 24(a),  
57 Article I of the State Constitution.

58 Section 3. This act shall take effect on the same date  
59 that HB 641 or similar legislation takes effect, if such  
60 legislation is adopted in the same legislative session or an  
61 extension thereof and becomes a law.