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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to the regulation of oil and gas resources; amending s. 377.19, F.S.; applying the definitions of certain terms to additional sections of ch. 377, F.S.; conforming a cross-reference; defining the term "high pressure well stimulation"; amending s. 377.22, F.S.; revising the rulemaking authority of the Department of Environmental Protection; providing that certain information may be considered proprietary business information; amending s. 377.24, F.S.; requiring that a permit be obtained before the performance of any high pressure well stimulation; specifying that a permit may authorize single or multiple activities; amending s. 377.241, F.S.; requiring the Division of Resource Management to give consideration to and be guided by certain additional criteria when issuing permits; amending s. 377.242, F.S.; authorizing the department to issue permits for the performance of high pressure well stimulation; clarifying provisions relating to division inspection; amending s. 377.2425, F.S.; requiring an applicant or operator to provide surety that performance of a high pressure well stimulation will be conducted in a safe and environmentally compatible manner; creating s. 377.2436, F.S.; requiring a study on high pressure well stimulations; requiring the study to be submitted to the Governor and the Legislature by a specified



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28 date; requiring the findings of the study to be posted  
29 on the department website; requiring the department to  
30 adopt rules under certain circumstances; requiring the  
31 department to provide recommendations for legislation  
32 under certain circumstances; prohibiting the approval  
33 of permits for high pressure well stimulations until  
34 the study has been submitted and all necessary  
35 rulemaking is complete or additional legislation is  
36 enacted; amending s. 377.37, F.S.; increasing the  
37 maximum amount for civil penalties; creating s.  
38 377.45, F.S.; requiring the department to designate  
39 the national chemical registry as the state's  
40 registry; requiring service providers, vendors, or  
41 well owners or operators to report certain information  
42 to the registry; providing applicability; providing an  
43 effective date.

44

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

46

47 Section 1. Subsection (5) of section 377.19, Florida  
48 Statutes, is amended, present subsections (6) through (32) of  
49 that section are redesignated as subsections (7) through (33),  
50 respectively, and a new subsection (6) is added to that section,  
51 to read:

52 377.19 Definitions.—As used in ss. 377.06, 377.07, and  
53 377.10-377.45 ~~377.10-377.40~~, the term:

54 (5) "Gas" means all natural gas, including casinghead gas,  
55 and all other hydrocarbons not defined as oil in subsection (16)  
56 ~~(15)~~.



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57       (6) "High pressure well stimulation" means a well  
58 intervention performed by injecting more than 100,000 gallons of  
59 fluids into a rock formation at high pressure that exceeds the  
60 fracture gradient of the rock formation in order to propagate  
61 fractures in such formation to increase production at an oil or  
62 gas well by improving flow of hydrocarbons from the formation  
63 into the wellbore.

64       Section 2. Subsection (2) of section 377.22, Florida  
65 Statutes, is amended to read:

66       377.22 Rules and orders.—

67       (2) The department shall issue orders and adopt rules  
68 pursuant to ss. 120.536 and 120.54 to implement and enforce the  
69 provisions of this chapter. Such rules and orders shall ensure  
70 that all precautions are taken to prevent the spillage of oil or  
71 any other pollutant in all phases of the drilling for, and  
72 extracting of, oil, gas, or other petroleum products, including  
73 high pressure well stimulations, or during the injection of gas  
74 into and recovery of gas from a natural gas storage reservoir.  
75 The department shall revise such rules from time to time as  
76 necessary for the proper administration and enforcement of this  
77 chapter. Rules adopted and orders issued in accordance with this  
78 section are for, but not limited to, the following purposes:

79       (a) To require the drilling, casing, and plugging of wells  
80 to be done in such a manner as to prevent the pollution of the  
81 fresh, salt, or brackish waters or the lands of the state and to  
82 protect the integrity of natural gas storage reservoirs.

83       (b) To prevent the alteration of the sheet flow of water in  
84 any area.

85       (c) To require that appropriate safety equipment be



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86 installed to minimize the possibility of an escape of oil or  
87 other petroleum products in the event of accident, human error,  
88 or a natural disaster during drilling, casing, or plugging of  
89 any well and during extraction operations.

90 (d) To require the drilling, casing, and plugging of wells  
91 to be done in such a manner as to prevent the escape of oil or  
92 other petroleum products from one stratum to another.

93 (e) To prevent the intrusion of water into an oil or gas  
94 stratum from a separate stratum, except as provided by rules of  
95 the division relating to the injection of water for proper  
96 reservoir conservation and brine disposal.

97 (f) To require a reasonable bond, or other form of security  
98 acceptable to the department, conditioned upon properly  
99 drilling, casing, producing, and operating each well, and  
100 properly plugging ~~the performance of the duty to plug properly~~  
101 each dry and abandoned well, and the full and complete  
102 restoration by the applicant of the area over which geophysical  
103 exploration, drilling, or production is conducted to the similar  
104 contour and general condition in existence prior to such  
105 operation.

106 (g) To require and carry out a reasonable program of  
107 monitoring and inspecting ~~or inspection of~~ all drilling  
108 operations, high pressure well stimulations, producing wells, ~~or~~  
109 injecting wells, and well sites, including regular inspections  
110 by division personnel.

111 (h) To require the making of reports showing the location  
112 of all oil and gas wells; the making and filing of logs; the  
113 taking and filing of directional surveys; the filing of  
114 electrical, sonic, radioactive, and mechanical logs of oil and



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115 gas wells; if taken, the saving of cutting and cores, the cuts  
116 of which shall be given to the Bureau of Geology; and the making  
117 of reports with respect to drilling, ~~and~~ production, and high  
118 pressure well stimulations; and the disclosure of chemicals and  
119 other materials added during high pressure well stimulations to  
120 the chemical disclosure registry, known as FracFocus ~~records~~.  
121 However, such information, or any part thereof, at the request  
122 of the operator:7

123 1. Shall be exempt from ~~the provisions of~~ s. 119.07(1) and  
124 held confidential by the division for a period of 1 year after  
125 the completion of a well; or

126 2. May be considered proprietary business information, as  
127 defined in s. 377.24075(1)(a)-(e).

128 (i) To prevent wells from being drilled, operated, or  
129 produced in such a manner as to cause injury to neighboring  
130 leases, property, or natural gas storage reservoirs.

131 (j) To prevent the drowning by water of any stratum, or  
132 part thereof, capable of producing oil or gas in paying  
133 quantities and to prevent the premature and irregular  
134 encroachment of water which reduces, or tends to reduce, the  
135 total ultimate recovery of oil or gas from any pool.

136 (k) To require the operation of wells with efficient gas-  
137 oil ratio, and to fix such ratios.

138 (l) To prevent "blowouts," "caving," and "seepage," in the  
139 sense that conditions indicated by such terms are generally  
140 understood in the oil and gas business.

141 (m) To prevent fires.

142 (n) To identify the ownership of all oil or gas wells,  
143 producing leases, refineries, tanks, plants, structures, and



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144 storage and transportation equipment and facilities.

145 (o) To regulate the "shooting," perforating, ~~and~~ chemical  
146 treatment, and high pressure well stimulations of wells.

147 (p) To regulate secondary recovery methods, including the  
148 introduction of gas, air, water, or other substance into  
149 producing formations.

150 (q) To regulate gas cycling operations.

151 (r) To regulate the storage and recovery of gas injected  
152 into natural gas storage facilities.

153 (s) If necessary for the prevention of waste, as herein  
154 defined, to determine, limit, and prorate the production of oil  
155 or gas, or both, from any pool or field in the state.

156 (t) To require, either generally or in or from particular  
157 areas, certificates of clearance or tenders in connection with  
158 the transportation or delivery of oil or gas, or any product.

159 (u) To regulate the spacing of wells and to establish  
160 drilling units.

161 (v) To prevent, so far as is practicable, reasonably  
162 avoidable drainage from each developed unit which is not  
163 equalized by counterdrainage.

164 (w) To require that geophysical operations requiring a  
165 permit be conducted in a manner which will minimize the impact  
166 on hydrology and biota of the area, especially environmentally  
167 sensitive lands and coastal areas.

168 (x) To regulate aboveground crude oil storage tanks in a  
169 manner which will protect the water resources of the state.

170 (y) To act in a receivership capacity for fractional  
171 mineral interests for which the owners are unknown or unlocated  
172 and to administratively designate the operator as the lessee.



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173       (z) To evaluate the history of past adjudicated violations  
174 of any substantive and material rule or statute pertaining to  
175 the regulation of oil and gas of permit applicants and the  
176 applicants' affiliated entities.

177       Section 3. Subsections (1), (2), and (4) of section 377.24,  
178 Florida Statutes, are amended to read:

179       377.24 Notice of intention to drill well; permits;  
180 abandoned wells and dry holes.—

181       (1) Before drilling a well in search of oil or gas, before  
182 performing a high pressure well stimulation, or before storing  
183 gas in or recovering gas from a natural gas storage reservoir,  
184 the person who desires to drill for, store, or recover gas, ~~or~~  
185 drill for oil or gas, or perform a high pressure well  
186 stimulation shall notify the division upon such form as it may  
187 prescribe and shall pay a reasonable fee set by rule of the  
188 department not to exceed the actual cost of processing and  
189 inspecting for each well or reservoir. The drilling of any well,  
190 the performance of any high pressure well stimulation, and the  
191 storing and recovering of gas are prohibited until such notice  
192 is given, the fee is paid, and a the permit is granted. A permit  
193 may authorize a single activity or multiple activities.

194       (2) An application for the drilling of a well in search of  
195 oil or gas, for the performance of a high pressure well  
196 stimulation, or for the storing of gas in and recovering of gas  
197 from a natural gas storage reservoir~~7~~ in this state must include  
198 the address of the residence of the applicant, or applicants,  
199 which must be the address of each person involved in accordance  
200 with the records of the Division of Resource Management until  
201 such address is changed on the records of the division after



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202 written request.

203 (4) Application for permission to drill or abandon any well  
204 or perform a high pressure well stimulation may be denied by the  
205 division for only just and lawful cause.

206 Section 4. Subsections (5) and (6) are added to section  
207 377.241, Florida Statutes, to read:

208 377.241 Criteria for issuance of permits.—The division, in  
209 the exercise of its authority to issue permits as hereinafter  
210 provided, shall give consideration to and be guided by the  
211 following criteria:

212 (5) For high pressure well stimulations, whether the high  
213 pressure well stimulation as proposed is designed to ensure  
214 that:

215 (a) The groundwater through which the well will be or has  
216 been drilled is not contaminated by the high pressure well  
217 stimulation; and

218 (b) The high pressure well stimulation is consistent with  
219 the public policy of this state as specified in s. 377.06.

220 (6) As a basis for permit denial or imposition of specific  
221 permit conditions, including increased bonding and monitoring,  
222 the history of adjudicated violations of any substantive and  
223 material rule or statute pertaining to the regulation of oil or  
224 gas, including violations that occurred outside the state,  
225 committed by the applicant or an affiliated entity of the  
226 applicant.

227 Section 5. Section 377.242, Florida Statutes, is amended to  
228 read:

229 377.242 Permits for drilling or exploring and extracting  
230 through well holes or by other means.—The department is vested





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231 with the power and authority:

232 (1) (a) To issue permits for the drilling for, exploring  
233 for, performing a high pressure well stimulation, or production  
234 of, oil, gas, or other petroleum products that ~~which~~ are to be  
235 extracted from below the surface of the land, including  
236 submerged land, only through the well hole drilled for oil, gas,  
237 and other petroleum products.

238 1. No structure intended for the drilling for, or  
239 production of, oil, gas, or other petroleum products may be  
240 permitted or constructed on any submerged land within any bay or  
241 estuary.

242 2. No structure intended for the drilling for, or  
243 production of, oil, gas, or other petroleum products may be  
244 permitted or constructed within 1 mile seaward of the coastline  
245 of the state.

246 3. No structure intended for the drilling for, or  
247 production of, oil, gas, or other petroleum products may be  
248 permitted or constructed within 1 mile of the seaward boundary  
249 of any state, local, or federal park or aquatic or wildlife  
250 preserve or on the surface of a freshwater lake, river, or  
251 stream.

252 4. No structure intended for the drilling for, or  
253 production of, oil, gas, or other petroleum products may be  
254 permitted or constructed within 1 mile inland from the shoreline  
255 of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary  
256 or within 1 mile of any freshwater lake, river, or stream unless  
257 the department is satisfied that the natural resources of such  
258 bodies of water and shore areas of the state will be adequately  
259 protected in the event of accident or blowout.



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260           5. Without exception, after July 1, 1989, no structure  
261 intended for the drilling for, or production of, oil, gas, or  
262 other petroleum products may be permitted or constructed south  
263 of 26°00'00" north latitude off Florida's west coast and south  
264 of 27°00'00" north latitude off Florida's east coast, within the  
265 boundaries of Florida's territorial seas as defined in 43 U.S.C.  
266 s. 1301. After July 31, 1990, no structure intended for the  
267 drilling for, or production of, oil, gas, or other petroleum  
268 products may be permitted or constructed north of 26°00'00"  
269 north latitude off Florida's west coast to the western boundary  
270 of the state bordering Alabama as set forth in s. 1, Art. II of  
271 the State Constitution, or located north of 27°00'00" north  
272 latitude off Florida's east coast to the northern boundary of  
273 the state bordering Georgia as set forth in s. 1, Art. II of the  
274 State Constitution, within the boundaries of Florida's  
275 territorial seas as defined in 43 U.S.C. s. 1301.

276           (b) Subparagraphs (a)1. and 4. do not apply to permitting  
277 or construction of structures intended for the drilling for, or  
278 production of, oil, gas, or other petroleum products pursuant to  
279 an oil, gas, or mineral lease of such lands by the state under  
280 which lease any valid drilling permits are in effect on the  
281 effective date of this act. In the event that such permits  
282 contain conditions or stipulations, such conditions and  
283 stipulations shall govern and supersede subparagraphs (a)1. and  
284 4.

285           (c) The prohibitions of subparagraphs (a)1.-4. in this  
286 subsection do not include "infield gathering lines," provided no  
287 other placement is reasonably available and all other required  
288 permits have been obtained.



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289 (2) To issue permits to explore for and extract minerals  
290 which are subject to extraction from the land by means other  
291 than through a well hole.

292 (3) To issue permits to establish natural gas storage  
293 facilities or construct wells for the injection and recovery of  
294 any natural gas for storage in natural gas storage reservoirs.

295  
296 Each permit shall contain an agreement by the permit holder that  
297 the permit holder will not prevent inspection by division  
298 personnel at any time, including during installation and  
299 cementing of casing, testing of blowout preventers, pressure  
300 testing of casing and casing shoe, and testing of cement plug  
301 integrity during plugging and abandoning operations. The  
302 provisions of this section prohibiting permits for drilling or  
303 exploring for oil in coastal waters do not apply to any leases  
304 entered into before June 7, 1991.

305 Section 6. Subsection (1) of section 377.2425, Florida  
306 Statutes, is amended to read:

307 377.2425 Manner of providing security for geophysical  
308 exploration, drilling, and production.—

309 (1) Before ~~Prior to~~ granting a permit to conduct  
310 geophysical operations; drilling of exploratory, injection, or  
311 production wells; producing oil and gas from a wellhead;  
312 performing a high pressure well stimulation; or transporting oil  
313 and gas through a field-gathering system, the department shall  
314 require the applicant or operator to provide surety that these  
315 operations will be conducted in a safe and environmentally  
316 compatible manner.

317 (a) The applicant for a drilling, production, high pressure



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318 well stimulation, or injection well permit or a geophysical  
319 permit may provide the following types of surety to the  
320 department for this purpose:

321 1. A deposit of cash or other securities made payable to  
322 the Minerals Trust Fund. Such cash or securities so deposited  
323 shall be held at interest by the Chief Financial Officer to  
324 satisfy safety and environmental performance provisions of this  
325 chapter. The interest shall be credited to the Minerals Trust  
326 Fund. Such cash or other securities shall be released by the  
327 Chief Financial Officer upon request of the applicant and  
328 certification by the department that all safety and  
329 environmental performance provisions established by the  
330 department for permitted activities have been fulfilled.

331 2. A bond of a surety company authorized to do business in  
332 the state in an amount as provided by rule.

333 3. A surety in the form of an irrevocable letter of credit  
334 in an amount as provided by rule guaranteed by an acceptable  
335 financial institution.

336 (b) An applicant for a drilling, production, or injection  
337 well permit, or a permittee who intends to continue  
338 participating in long-term production activities of such wells,  
339 has the option to provide surety to the department by paying an  
340 annual fee to the Minerals Trust Fund. For an applicant or  
341 permittee choosing this option the following shall apply:

342 1. For the first year, or part of a year, of a drilling,  
343 production, or injection well permit, or change of operator, the  
344 fee is \$4,000 per permitted well.

345 2. For each subsequent year, or part of a year, the fee is  
346 \$1,500 per permitted well.



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347           3. The maximum fee that an applicant or permittee may be  
348 required to pay into the trust fund is \$30,000 per calendar  
349 year, regardless of the number of permits applied for or in  
350 effect.

351           4. The fees set forth in subparagraphs 1., 2., and 3. shall  
352 be reviewed by the department on a biennial basis and adjusted  
353 for the cost of inflation. The department shall establish by  
354 rule a suitable index for implementing such fee revisions.

355           (c) An applicant for a drilling or operating permit for  
356 operations planned in coastal waters that by their nature  
357 warrant greater surety shall provide surety only in accordance  
358 with paragraph (a), or similar proof of financial responsibility  
359 other than as provided in paragraph (b). For all such  
360 applications, including applications pending at the effective  
361 date of this act and notwithstanding the provisions of paragraph  
362 (b), the Governor and Cabinet in their capacity as the  
363 Administration Commission, at the recommendation of the  
364 Department of Environmental Protection, shall set a reasonable  
365 amount of surety required under this subsection. The surety  
366 amount shall be based on the projected cleanup costs and natural  
367 resources damages resulting from a maximum oil spill and adverse  
368 hydrographic and atmospheric conditions that would tend to  
369 transport the oil into environmentally sensitive areas, as  
370 determined by the Department of Environmental Protection.

371           Section 7. Section 377.2436, Florida Statutes, is created  
372 to read:

373           377.2436 Study on high pressure well stimulations.—

374           (1) The department shall conduct a study on high pressure  
375 well stimulations. The study shall:



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376       (a) Evaluate the underlying geologic features present in  
377 the counties where oil wells have been permitted and analyze the  
378 potential impact that high pressure well stimulation and  
379 wellbore construction may have on the underlying geologic  
380 features.

381       (b) Evaluate the potential hazards and risks that high  
382 pressure well stimulation poses to surface water and groundwater  
383 resources. The study shall assess the potential impacts of high  
384 pressure well stimulation on drinking water resources and  
385 identify the main factors affecting the severity and frequency  
386 of impacts and shall analyze the potential for the use or reuse  
387 of recycled water in high pressure well stimulation fluids while  
388 meeting appropriate water quality standards.

389       (c) Review and evaluate the potential for groundwater  
390 contamination from conducting high pressure well stimulation  
391 under or near wells that have been previously abandoned and  
392 plugged and identify a setback radius from previously plugged  
393 and abandoned wells that could be impacted by high pressure well  
394 stimulation.

395       (d) Review and evaluate the ultimate disposition of high  
396 pressure well stimulation after use in high pressure well  
397 stimulation processes.

398       (e) Analyze the risks associated with the handling,  
399 treatment, and disposal of flowback fluids and other materials,  
400 if any, generated by the treatment.

401       (f) Review and evaluate all known and potential  
402 environmental impacts resulting from high pressure well  
403 stimulation treatments, including harmful atmospheric emissions,  
404 greenhouse gas emissions, the degradation of air quality,



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405 impacts to wildlife, native plants, and habitat, habitat  
406 fragmentation, groundwater and surface water contamination,  
407 noise pollution, fire and explosions, and induced seismicity.

408 (2) The study is subject to independent scientific peer  
409 review, and the findings of the study shall be submitted to the  
410 Governor, the President of the Senate, and the Speaker of the  
411 House of Representatives by March 1, 2016, and shall be  
412 prominently posted on the department website.

413 (3) The department shall adopt rules to implement the  
414 findings of the study if such rules are warranted by the study  
415 and the department determines that additional legislation is not  
416 needed. If the department determines legislation is needed to  
417 protect surface water and groundwater resources, the department  
418 shall provide recommendations for such legislation to the  
419 Legislature.

420 (4) The department may not approve any permit to authorize  
421 high pressure well stimulations until the study required under  
422 this section is submitted to the Governor, the President of the  
423 Senate, and the Speaker of the House of Representatives and all  
424 rulemaking is complete, or additional legislation is enacted to  
425 protect human health, safety, and the environment.

426 Section 8. Paragraph (a) of subsection (1) of section  
427 377.37, Florida Statutes, is amended to read:

428 377.37 Penalties.—

429 (1) (a) Any person who violates any provision of this law or  
430 any rule, regulation, or order of the division made under this  
431 chapter or who violates the terms of any permit to drill for or  
432 produce oil, gas, or other petroleum products referred to in s.  
433 377.242(1) or to store gas in a natural gas storage facility, or



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434 any lessee, permitholder, or operator of equipment or facilities  
435 used in the exploration for, drilling for, or production of oil,  
436 gas, or other petroleum products, or storage of gas in a natural  
437 gas storage facility, who refuses inspection by the division as  
438 provided in this chapter, is liable to the state for any damage  
439 caused to the air, waters, or property, including animal, plant,  
440 or aquatic life, of the state and for reasonable costs and  
441 expenses of the state in tracing the source of the discharge, in  
442 controlling and abating the source and the pollutants, and in  
443 restoring the air, waters, and property, including animal,  
444 plant, and aquatic life, of the state. Furthermore, such person,  
445 lessee, permitholder, or operator is subject to the judicial  
446 imposition of a civil penalty in an amount of not more than  
447 \$25,000 ~~\$10,000~~ for each offense. However, the court may receive  
448 evidence in mitigation. Each day during any portion of which  
449 such violation occurs constitutes a separate offense. Nothing  
450 herein shall give the department the right to bring an action on  
451 behalf of any private person.

452 Section 9. Section 377.45, Florida Statutes, is created to  
453 read:

454 377.45 High pressure well stimulation chemical disclosure  
455 registry.-

456 (1) (a) The department shall designate the national chemical  
457 registry, known as FracFocus, developed by the Ground Water  
458 Protection Council and the Interstate Oil and Gas Compact  
459 Commission, as the state's registry for chemical disclosure for  
460 all wells on which high pressure well stimulations are  
461 performed. The department shall provide a link to FracFocus  
462 through the department's website.





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463       (b) In addition to providing such information to the  
464 department as part of the permitting process, a service  
465 provider, vendor, or well owner or operator shall report, by  
466 department rule, to the chemical disclosure registry, at a  
467 minimum, the following information:  
468       1. The owner's or operator's name;  
469       2. The date of completion of the high pressure well  
470 stimulation;  
471       3. The county in which the well is located;  
472       4. The API number for the well;  
473       5. The well name and number;  
474       6. The longitude and latitude of the wellhead;  
475       7. The total vertical depth of the well;  
476       8. The total volume of water used in the high pressure well  
477 stimulation; and  
478       9. Each chemical ingredient that is subject to 29 C.F.R. s.  
479 1910.1200(g) (2) for each well on which a high pressure well  
480 stimulation is performed.

481       (c) If the chemical disclosure registry cannot accept and  
482 make publicly available any information specified in this  
483 section, the service provider, vendor, or well owner or operator  
484 shall submit the information required under paragraph (b) to the  
485 department.

486       (2) A service provider, vendor, or well owner or operator  
487 shall:

488       (a) Report the information required under subsection (1) to  
489 the chemical disclosure registry within 60 days after the  
490 initiation of the high pressure well stimulation for each well  
491 on which such high pressure well stimulation is performed; and



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492       (b) Update the chemical disclosure registry and notify the  
493 department if any chemical ingredient not previously reported is  
494 intentionally included and used for the purpose of performing a  
495 high pressure well stimulation.

496       (3) This section does not apply to an ingredient that:

497       (a) Is not intentionally added to the high pressure well  
498 stimulation;

499       (b) Occurs incidentally or is otherwise unintentionally  
500 present in a high pressure well stimulation; or

501       (c) Is considered proprietary business information, as  
502 defined in s. 377.24075(1)(a)-(e).

503       Section 10. This act shall take effect July 1, 2015.