

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

27 Department of Agriculture and Consumer Services, trade  
 28 secret information provided to the Department of  
 29 Citrus, trade secret information of noncommodity  
 30 advertising and promotional program participants held  
 31 by the Department of Citrus, trade secret information  
 32 of a person subject to a marketing order held by the  
 33 Department of Citrus, a manufacturer's formula filed  
 34 with the Department of Agriculture and Consumer  
 35 Services, and specified data, programs, or supporting  
 36 documentation held by an agency, respectively, to  
 37 incorporate changes made to the definition of the term  
 38 "trade secret" in s. 812.081, F.S., by CS/CS/HB 91;  
 39 expanding a public meeting exemption for any meeting  
 40 or portion of a meeting of Space Florida's board at  
 41 which trade secrets are discussed to incorporate  
 42 changes made to the definition of the term "trade  
 43 secret" in s. 812.081, F.S., by CS/CS/HB 91; providing  
 44 for future legislative review and repeal of the  
 45 exemptions; providing a statement of public necessity;  
 46 providing a contingent effective date.

47

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

49

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

52 119.071 General exemptions from inspection or copying of

53 public records.—

54 (1) AGENCY ADMINISTRATION.—

55 (f) Data processing software obtained by an agency under a  
 56 licensing agreement that prohibits its disclosure and which  
 57 software is a trade secret, as defined in s. 812.081, and  
 58 agency-produced data processing software that is sensitive are  
 59 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 60 Constitution. The designation of agency-produced software as  
 61 sensitive does ~~shall~~ not prohibit an agency head from sharing or  
 62 exchanging such software with another public agency. This  
 63 paragraph is subject to the Open Government Sunset Review Act in  
 64 accordance with s. 119.15 and shall stand repealed on October 2,  
 65 2020, unless reviewed and saved from repeal through reenactment  
 66 by the Legislature.

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

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

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

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

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

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

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

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

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

96 | 3. A trade secret, as defined in s. 812.081, held by a  
 97 | county tourism promotion agency is exempt from s. 119.07(1) and  
 98 | s. 24(a), Art. I of the State Constitution. This subparagraph is  
 99 | subject to the Open Government Sunset Review Act in accordance  
 100 | with s. 119.15 and shall stand repealed on October 2, 2020,  
 101 | unless reviewed and saved from repeal through reenactment by the  
 102 | Legislature.

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

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

107 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person  
 108 who responds to a marketing project or advertising research  
 109 project conducted by the corporation in the performance of its  
 110 duties on behalf of Enterprise Florida, Inc., or trade secrets  
 111 as defined by s. 812.081 obtained pursuant to such activities,  
 112 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 113 Constitution. This subsection is subject to the Open Government  
 114 Sunset Review Act in accordance with s. 119.15 and shall stand  
 115 repealed on October 2, 2020, unless reviewed and saved from  
 116 repeal through reenactment by the Legislature.

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

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

131 final order as defined in s. 120.52. Any meeting or portion of a  
132 meeting of Space Florida's board is exempt from ~~the provisions~~  
133 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution  
134 when the board is discussing trade secrets. Any public record  
135 generated during the closed portions of the meetings, such as  
136 minutes, tape recordings, and notes, is confidential and exempt  
137 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the  
138 State Constitution. This section is subject to the Open  
139 Government Sunset Review Act in accordance with s. 119.15 and  
140 shall stand repealed on October 2, 2020, unless reviewed and  
141 saved from repeal through reenactment by the Legislature.

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

144 365.174 Proprietary confidential business information.—

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

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

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

157 repealed on October 2, 2020 ~~2019~~, unless reviewed and saved from  
158 repeal through reenactment by the Legislature.

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

161 381.83 Trade secrets; confidentiality.—

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

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

187 (2) This section is subject to the Open Government Sunset  
 188 Review Act in accordance with s. 119.15 and shall stand repealed  
 189 on October 2, 2020, unless reviewed and saved from repeal  
 190 through reenactment by the Legislature.

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

194 (2) Information reported pursuant to ~~the requirements of~~  
 195 this section or any rule adopted pursuant to this section which,  
 196 if disclosed, would reveal a trade secret, as defined in s.  
 197 812.081 ~~812.081(1)(e)~~, is confidential and exempt from ~~the~~  
 198 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 199 Constitution. For reporting or information purposes, however,  
 200 the department may provide this information in such form that  
 201 the names of the persons reporting such information and the  
 202 specific information reported are not revealed. This subsection  
 203 is subject to the Open Government Sunset Review Act in  
 204 accordance with s. 119.15 and shall stand repealed on October 2,  
 205 2020, unless reviewed and saved from repeal through reenactment  
 206 by the Legislature.

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

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

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

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

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

264 2. Information reported under this subsection which, if  
265 disclosed, would reveal a trade secret, as defined in s.  
266 812.081, is confidential and exempt from s. 119.07(1) and s.  
267 24(a), Art. I of the State Constitution. This subparagraph is  
268 subject to the Open Government Sunset Review Act in accordance  
269 with s. 119.15 and shall stand repealed on October 2, 2020,  
270 unless reviewed and saved from repeal through reenactment by the  
271 Legislature.

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

274 403.73 Trade secrets; confidentiality.—

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

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

301 (2) This section is subject to the Open Government Sunset  
302 Review Act in accordance with s. 119.15 and shall stand repealed  
303 on October 2, 2020, unless reviewed and saved from repeal  
304 through reenactment by the Legislature.

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

307 499.012 Permit application requirements.—

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

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

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

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

328 3. Such portions of the information required pursuant to  
329 this paragraph which are a trade secret, as defined in s.  
330 812.081, shall be maintained by the department as trade secret  
331 information is required to be maintained under s. 499.051. This  
332 subparagraph is subject to the Open Government Sunset Review Act  
333 in accordance with s. 119.15 and shall stand repealed on October  
334 2, 2020, unless reviewed and saved from repeal through  
335 reenactment by the Legislature.

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

338 1. A personal background information statement containing

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

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

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

357 b. The portions of the information required pursuant to  
358 this subparagraph which are a trade secret, as defined in s.  
359 812.081, shall be maintained by the department as trade secret  
360 information is required to be maintained under s. 499.051. This  
361 sub-subparagraph is subject to the Open Government Sunset Review  
362 Act in accordance with s. 119.15 and shall stand repealed on  
363 October 2, 2020, unless reviewed and saved from repeal through  
364 reenactment by the Legislature.

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

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

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

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

381 (7) PRESCRIPTION DRUG PURCHASE LIST.—

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

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

391 information is required to be maintained under s. 499.051. This  
392 paragraph is subject to the Open Government Sunset Review Act in  
393 accordance with s. 119.15 and shall stand repealed on October 2,  
394 2020, unless reviewed and saved from repeal through reenactment  
395 by the Legislature.

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

398 499.051 Inspections and investigations.—

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

404 (b) Information that constitutes a ~~However,~~ trade secret,  
405 as defined in s. 812.081, information contained in the complaint  
406 and all information obtained by the department pursuant to the  
407 investigation therein as defined by s. 812.081(1)(c) shall  
408 remain confidential and exempt from the provisions of s.  
409 119.07(1) and s. 24(a), Art. I of the State Constitution, as  
410 long as the information is retained by the department. This  
411 paragraph is subject to the Open Government Sunset Review Act in  
412 accordance with s. 119.15 and shall stand repealed on October 2,  
413 2020, unless reviewed and saved from repeal through reenactment  
414 by the Legislature.

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

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

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

426 |       499.931 Trade secret information.—Information required to  
 427 | be submitted under this part which is a trade secret as defined  
 428 | in s. 812.081 ~~812.081(1)(c)~~ and designated as a trade secret by  
 429 | an applicant or permitholder must be maintained as required  
 430 | under s. 499.051. This section is subject to the Open Government  
 431 | Sunset Review Act in accordance with s. 119.15 and shall stand  
 432 | repealed on October 2, 2020, unless reviewed and saved from  
 433 | repeal through reenactment by the Legislature.

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

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

443 Constitution. If the department determines that any information  
 444 requested by the public will reveal a trade secret, it shall, in  
 445 writing, inform the person making the request of that  
 446 determination. The determination is a final order as defined in  
 447 s. 120.52. This section is subject to the Open Government Sunset  
 448 Review Act in accordance with s. 119.15 and shall stand repealed  
 449 on October 2, 2020, unless reviewed and saved from repeal  
 450 through reenactment by the Legislature.

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

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

456 (3) Maintaining the records of the division. The records  
 457 of the division are public records; however, trade secrets as  
 458 defined in s. 812.081 are confidential and exempt from ~~the~~  
 459 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 460 Constitution. This subsection is subject to the Open Government  
 461 Sunset Review Act in accordance with s. 119.15 and shall stand  
 462 repealed on October 2, 2020, unless reviewed and saved from  
 463 repeal through reenactment by the Legislature. This section may  
 464 ~~shall~~ not be construed to prohibit:

465 (a) A disclosure necessary to enforcement procedures.

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

469 subsection shall maintain the confidentiality of that  
 470 information.

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

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

478 573.123 Maintenance and production of records.—

479 (2) Information that, if disclosed, would reveal a trade  
 480 secret, as defined in s. 812.081, of any person subject to a  
 481 marketing order is confidential and exempt from ~~the provisions~~  
 482 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution  
 483 and may ~~shall~~ not be disclosed except to an attorney who  
 484 provides legal advice to the division about enforcing a  
 485 marketing market order or by court order. A person who receives  
 486 confidential information under this subsection shall maintain  
 487 the confidentiality of that information. This subsection is  
 488 subject to the Open Government Sunset Review Act in accordance  
 489 with s. 119.15 and shall stand repealed on October 2, 2020,  
 490 unless reviewed and saved from repeal through reenactment by the  
 491 Legislature.

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

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

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

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

512 (b) Any information provided to the department which  
 513 constitutes a trade secret as defined in s. 812.081 is  
 514 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 515 of the State Constitution. This paragraph is subject to the Open  
 516 Government Sunset Review Act in accordance with s. 119.15 and  
 517 shall stand repealed on October 2, 2020, unless reviewed and  
 518 saved from repeal through reenactment by the Legislature.

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

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

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

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

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

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

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

556 2. The department may require from participants in  
557 noncommodity advertising and promotional programs commercial  
558 information necessary to determine eligibility for and  
559 performance in such programs. Any information ~~so~~ required which  
560 ~~that~~ constitutes a "trade secret" as defined in s. 812.081 is  
561 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
562 of the State Constitution. This subparagraph is subject to the  
563 Open Government Sunset Review Act in accordance with s. 119.15  
564 and shall stand repealed on October 2, 2020, unless reviewed and  
565 saved from repeal through reenactment by the Legislature.

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

568 601.152 Special marketing orders.—

569 (8)

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

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

581 2. Information that, if disclosed, would reveal a trade  
582 secret, as defined in s. 812.081, of any person subject to a  
583 marketing order is confidential and exempt from s. 119.07(1) and  
584 s. 24(a), Art. I of the State Constitution. This subparagraph is  
585 subject to the Open Government Sunset Review Act in accordance  
586 with s. 119.15 and shall stand repealed on October 2, 2020,  
587 unless reviewed and saved from repeal through reenactment by the  
588 Legislature.

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

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

599 enforcement of this law. A person who receives such a formula  
600 from the Department of Agriculture under this section shall  
601 maintain the confidentiality of the formula. This section is  
602 subject to the Open Government Sunset Review Act in accordance  
603 with s. 119.15 and shall stand repealed on October 2, 2020,  
604 unless reviewed and saved from repeal through reenactment by the  
605 Legislature.

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

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

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

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

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

625 Government Sunset Review Act in accordance with s. 119.15~~7~~ and  
626 shall stand repealed on October 2, 2020 ~~2019~~, unless reviewed  
627 and saved from repeal through reenactment by the Legislature.

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

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

653 Section 22. This act shall take effect on the same date  
654 that CS/CS/HB 91 or similar legislation relating to trade  
655 secrets takes effect, if such legislation is adopted in the same  
656 legislative session or an extension thereof and becomes a law.