



27 | Consumer Services, trade secret information of a  
28 | person subject to a marketing order held by the  
29 | Department of Agriculture and Consumer Services, trade  
30 | secret information provided to the Department of  
31 | Citrus, trade secret information of noncommodity  
32 | advertising and promotional program participants held  
33 | by the Department of Citrus, trade secret information  
34 | of a person subject to a marketing order held by the  
35 | Department of Citrus, and a manufacturer's formula  
36 | filed with the Department of Agriculture and Consumer  
37 | Services, respectively, to incorporate changes made to  
38 | the definition of the term "trade secret" in s.  
39 | 812.081, F.S., by CS/HB 55; expanding a public meeting  
40 | exemption for any meeting or portion of a meeting of  
41 | Space Florida's board at which trade secrets are  
42 | discussed to incorporate changes made to the  
43 | definition of the term "trade secret" in s. 812.081,  
44 | F.S., by CS/HB 55; reenacting and amending s. 815.04,  
45 | F.S., relating to specified data, programs, or  
46 | supporting documentation held by an agency, to  
47 | incorporate changes made to the definition of the term  
48 | "trade secret" in s. 812.081, F.S., by CS/HB 55;  
49 | providing for future legislative review and repeal of  
50 | the exemptions; providing a statement of public  
51 | necessity; providing a contingent effective date.

52

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

54

55 Section 1. Paragraph (f) of subsection (1) of section  
56 119.071, Florida Statutes, is amended to read:

57 119.071 General exemptions from inspection or copying of  
58 public records.—

59 (1) AGENCY ADMINISTRATION.—

60 (f) Data processing software obtained by an agency under a  
61 licensing agreement that prohibits its disclosure and which  
62 software is a trade secret, as defined in s. 812.081, and  
63 agency-produced data processing software that is sensitive are  
64 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
65 Constitution. The designation of agency-produced software as  
66 sensitive does ~~shall~~ not prohibit an agency head from sharing or  
67 exchanging such software with another public agency. This  
68 paragraph is subject to the Open Government Sunset Review Act in  
69 accordance with s. 119.15 and shall stand repealed on October 2,  
70 2021, unless reviewed and saved from repeal through reenactment  
71 by the Legislature.

72 Section 2. Paragraph (d) of subsection (9) of section  
73 125.0104, Florida Statutes, is amended to read:

74 125.0104 Tourist development tax; procedure for levying;  
75 authorized uses; referendum; enforcement.—

76 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any  
77 other powers and duties provided for agencies created for the  
78 purpose of tourism promotion by a county levying the tourist

79 development tax, such agencies are authorized and empowered to:

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

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

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

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

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

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

101 3. A trade secret, as defined in s. 812.081, held by a  
 102 county tourism promotion agency is exempt from s. 119.07(1) and  
 103 s. 24(a), Art. I of the State Constitution. This subparagraph is  
 104 subject to the Open Government Sunset Review Act in accordance

105 with s. 119.15 and shall stand repealed on October 2, 2021,  
 106 unless reviewed and saved from repeal through reenactment by the  
 107 Legislature.

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

110 288.1226 Florida Tourism Industry Marketing Corporation;  
 111 use of property; board of directors; duties; audit.—

112 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person  
 113 who responds to a marketing project or advertising research  
 114 project conducted by the corporation in the performance of its  
 115 duties on behalf of Enterprise Florida, Inc., or trade secrets  
 116 as defined by s. 812.081 obtained pursuant to such activities,  
 117 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 118 Constitution. This subsection is subject to the Open Government  
 119 Sunset Review Act in accordance with s. 119.15 and shall stand  
 120 repealed on October 2, 2021, unless reviewed and saved from  
 121 repeal through reenactment by the Legislature.

122 Section 4. Section 331.326, Florida Statutes, is amended  
 123 to read:

124 331.326 Information relating to trade secrets  
 125 confidential.—The records of Space Florida regarding matters  
 126 encompassed by this act are public records subject to ~~the~~  
 127 ~~provisions of~~ chapter 119. Any information held by Space Florida  
 128 which is a trade secret, as defined in s. 812.081, including  
 129 trade secrets of Space Florida, any spaceport user, or the space  
 130 industry business, is confidential and exempt from ~~the~~

131 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 132 Constitution and may not be disclosed. If Space Florida  
 133 determines that any information requested by the public will  
 134 reveal a trade secret, it shall, in writing, inform the person  
 135 making the request of that determination. The determination is a  
 136 final order as defined in s. 120.52. Any meeting or portion of a  
 137 meeting of Space Florida's board is exempt from ~~the provisions~~  
 138 ~~of~~ s. 286.011 and s. 24(b), Art. I of the State Constitution  
 139 when the board is discussing trade secrets. Any public record  
 140 generated during the closed portions of the meetings, such as  
 141 minutes, tape recordings, and notes, is confidential and exempt  
 142 from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the  
 143 State Constitution. This section is subject to the Open  
 144 Government Sunset Review Act in accordance with s. 119.15 and  
 145 shall stand repealed on October 2, 2021, unless reviewed and  
 146 saved from repeal through reenactment by the Legislature.

147 Section 5. Section 365.174, Florida Statutes, is amended  
 148 to read:

149 365.174 Proprietary confidential business information.—

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

154 (b) Statistical abstracts of information collected by the  
 155 board or the office may be released or published, but only in a  
 156 manner that does not identify or allow identification of

157 subscribers or their service numbers or of revenues attributable  
 158 to any provider.

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

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

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

173 (3) As used in this section, the term "proprietary  
 174 confidential business information" means customer lists,  
 175 customer numbers, individual or aggregate customer data by  
 176 location, usage and capacity data, network facilities used to  
 177 serve subscribers, technology descriptions, technical  
 178 information, or trade secrets, including trade secrets as  
 179 defined in s. 812.081, and the actual or developmental costs of  
 180 E911 systems that are developed, produced, or received  
 181 internally by a provider or by a provider's employees,  
 182 directors, officers, or agents.

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

187           Section 6. Section 381.83, Florida Statutes, is amended to  
 188 read:

189           381.83 Trade secrets; confidentiality.—

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

209 proceeding under this chapter. Authorized representatives and  
 210 other governmental entities receiving such trade secret  
 211 information shall retain its confidentiality. Those involved in  
 212 any proceeding under this chapter, including a hearing officer  
 213 or judge or justice, shall retain the confidentiality of any  
 214 trade secret information revealed at such proceeding.

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

219 Section 7. Subsection (2) and paragraph (b) of subsection  
 220 (3) of section 403.7046, Florida Statutes, are amended to read:  
 221 403.7046 Regulation of recovered materials.—

222 (2) Information reported pursuant to ~~the requirements of~~  
 223 this section or any rule adopted pursuant to this section which,  
 224 if disclosed, would reveal a trade secret, as defined in s.  
 225 812.081 ~~812.081(1)(c)~~, is confidential and exempt from ~~the~~  
 226 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 227 Constitution. For reporting or information purposes, however,  
 228 the department may provide this information in such form that  
 229 the names of the persons reporting such information and the  
 230 specific information reported are not revealed. This subsection  
 231 is subject to the Open Government Sunset Review Act in  
 232 accordance with s. 119.15 and shall stand repealed on October 2,  
 233 2021, unless reviewed and saved from repeal through reenactment  
 234 by the Legislature.

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

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

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

287 with the activities described in this subparagraph ~~paragraph~~.  
 288 Any reporting or registration process established by a local  
 289 government with regard to recovered materials shall be governed  
 290 by ~~the provisions of~~ this section and department rules adopted  
 291 pursuant thereto.

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

300 Section 8. Section 403.73, Florida Statutes, is amended to  
 301 read:

302 403.73 Trade secrets; confidentiality.—

303 (1) Records, reports, or information obtained from any  
 304 person under this part, unless otherwise provided by law, shall  
 305 be available to the public, except upon a showing satisfactory  
 306 to the department by the person from whom the records, reports,  
 307 or information is obtained that such records, reports, or  
 308 information, or a particular part thereof, contains trade  
 309 secrets as defined in s. 812.081 ~~812.081(1)(e)~~. Such trade  
 310 secrets are ~~shall be~~ confidential and ~~are~~ exempt from ~~the~~  
 311 ~~provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State  
 312 Constitution. The person submitting such trade secret

313 information to the department must request that it be kept  
314 confidential and must inform the department of the basis for the  
315 claim of trade secret. The department shall, subject to notice  
316 and opportunity for hearing, determine whether the information,  
317 or portions thereof, claimed to be a trade secret is or is not a  
318 trade secret. Such trade secrets may be disclosed, however, to  
319 authorized representatives of the department or, pursuant to  
320 request, to other governmental entities in order for them to  
321 properly perform their duties, or when relevant in any  
322 proceeding under this part. Authorized representatives and other  
323 governmental entities receiving such trade secret information  
324 shall retain its confidentiality. Those involved in any  
325 proceeding under this part, including an administrative law  
326 judge, a hearing officer, or a judge or justice, shall retain  
327 the confidentiality of any trade secret information revealed at  
328 such proceeding.

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

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

335 499.012 Permit application requirements.—

336 (8) An application for a permit or to renew a permit for a  
337 prescription drug wholesale distributor or an out-of-state  
338 prescription drug wholesale distributor submitted to the

339 department must include:

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

348 2. For an application to renew a permit, the total dollar  
349 volume of prescription drug sales in the previous year, the  
350 total dollar volume of prescription drug sales made in the  
351 previous 6 months, the percentage of total company sales that  
352 were prescription drugs in the previous year, the total dollar  
353 volume of purchases of prescription drugs in the previous year,  
354 and the total dollar volume of prescription drug purchases  
355 directly from manufacturers in the previous year.

356 3. Such portions of the information required pursuant to  
357 this paragraph which are a trade secret, as defined in s.  
358 812.081, shall be maintained by the department as trade secret  
359 information is required to be maintained under s. 499.051. This  
360 subparagraph is subject to the Open Government Sunset Review Act  
361 in accordance with s. 119.15 and shall stand repealed on October  
362 2, 2021, unless reviewed and saved from repeal through  
363 reenactment by the Legislature.

364 (m) For an applicant that is a secondary wholesale

365 distributor, each of the following:

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

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

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

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

391 October 2, 2021, unless reviewed and saved from repeal through  
 392 reenactment by the Legislature.

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

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

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

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

409 (7) PRESCRIPTION DRUG PURCHASE LIST.—

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

416 (b) Such portions of the information required pursuant to

417 | this subsection which are a trade secret, as defined in s.  
418 | 812.081, shall be maintained by the department as trade secret  
419 | information is required to be maintained under s. 499.051. This  
420 | paragraph is subject to the Open Government Sunset Review Act in  
421 | accordance with s. 119.15 and shall stand repealed on October 2,  
422 | 2021, unless reviewed and saved from repeal through reenactment  
423 | by the Legislature.

424 | Section 11. Subsection (7) of section 499.051, Florida  
425 | Statutes, is amended to read:

426 | 499.051 Inspections and investigations.—

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

432 | (b) Information that constitutes a ~~However,~~ trade secret,  
433 | as defined in s. 812.081, information contained in the complaint  
434 | and all information obtained by the department pursuant to the  
435 | investigation therein as defined by s. 812.081(1)(c) shall  
436 | remain confidential and exempt from the provisions of s.  
437 | 119.07(1) and s. 24(a), Art. I of the State Constitution, as  
438 | long as the information is retained by the department. This  
439 | paragraph is subject to the Open Government Sunset Review Act in  
440 | accordance with s. 119.15 and shall stand repealed on October 2,  
441 | 2021, unless reviewed and saved from repeal through reenactment  
442 | by the Legislature.

443           (c) This subsection does not prohibit the department from  
 444 using such information for regulatory or enforcement proceedings  
 445 under this chapter or from providing such information to any law  
 446 enforcement agency or any other regulatory agency. However, the  
 447 receiving agency shall keep such records confidential and exempt  
 448 as provided in this subsection. In addition, this subsection is  
 449 not intended to prevent compliance with ~~the provisions of s.~~  
 450 499.01212, and the pedigree papers required in that section are  
 451 ~~shall not be~~ deemed a trade secret.

452           Section 12. Section 499.931, Florida Statutes, is amended  
 453 to read:

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

462           Section 13. Section 502.222, Florida Statutes, is amended  
 463 to read:

464           502.222 Information relating to trade secrets  
 465 confidential.—The records of the department regarding matters  
 466 encompassed by this chapter are public records, subject to ~~the~~  
 467 ~~provisions of~~ chapter 119, except that any information that  
 468 ~~which~~ would reveal a trade secret, as defined in s. 812.081, of

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

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

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

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

- 493 (a) A disclosure necessary to enforcement procedures.  
494 (b) The department from releasing information to other

495 governmental agencies. Other governmental agencies that receive  
496 confidential information from the department under this  
497 subsection shall maintain the confidentiality of that  
498 information.

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

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

506 573.123 Maintenance and production of records.—

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

520 Section 16. Subsection (8) of section 601.10, Florida

521 Statutes, is amended to read:

522       601.10 Powers of the Department of Citrus.—The department  
523 shall have and shall exercise such general and specific powers  
524 as are delegated to it by this chapter and other statutes of the  
525 state, which powers shall include, but are not limited to, the  
526 following:

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

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

547        (c) ~~(b)~~ Any nonpublished reports or data related to studies  
548 or research conducted, caused to be conducted, or funded by the  
549 department under s. 601.13 is confidential and exempt from s.  
550 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
551 paragraph is subject to the Open Government Sunset Review Act in  
552 accordance with s. 119.15 and shall stand repealed on October 2,  
553 2017, unless reviewed and saved from repeal through reenactment  
554 by the Legislature.

555        Section 17. Paragraph (d) of subsection (7) of section  
556 601.15, Florida Statutes, is amended to read:

557        601.15 Advertising campaign; methods of conducting;  
558 assessments; emergency reserve fund; citrus research.—

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

565        (d)1. The pro rata portion of moneys allocated to each  
566 type of citrus product in noncommodity programs shall be used by  
567 the department to encourage substantial increases in the  
568 effectiveness, frequency, and volume of noncommodity  
569 advertising, merchandising, publicity, and sales promotion of  
570 such citrus products through rebates and incentive payments to  
571 handlers and trade customers for these activities. The  
572 department shall adopt rules providing for the use of such

573 moneys. The rules shall establish alternate incentive programs,  
574 including at least one incentive program for product sold under  
575 advertised brands, one incentive program for product sold under  
576 private label brands, and one incentive program for product sold  
577 in bulk. For each incentive program, the rules shall establish  
578 eligibility and performance requirements and shall provide  
579 appropriate limitations on amounts payable to a handler or trade  
580 customer for a particular season. Such limitations may relate to  
581 the amount of citrus assessments levied and collected on the  
582 citrus product handled by such handler or trade customer during  
583 a 12-month representative period.

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

594 Section 18. Paragraph (c) of subsection (8) of section  
595 601.152, Florida Statutes, is amended to read:

596 601.152 Special marketing orders.—

597 (8)

598 (c)1. Every handler shall, at such times as the department

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

609 2. Information that, if disclosed, would reveal a trade  
610 secret, as defined in s. 812.081, of any person subject to a  
611 marketing order is confidential and exempt from s. 119.07(1) and  
612 s. 24(a), Art. I of the State Constitution. This subparagraph is  
613 subject to the Open Government Sunset Review Act in accordance  
614 with s. 119.15 and shall stand repealed on October 2, 2021,  
615 unless reviewed and saved from repeal through reenactment by the  
616 Legislature.

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

619 601.76 Manufacturer to furnish formula and other  
620 information.—Any formula required to be filed with the  
621 Department of Agriculture shall be deemed a trade secret as  
622 defined in s. 812.081, is confidential and exempt from s.  
623 119.07(1) and s. 24(a), Art. I of the State Constitution, and  
624 shall only be divulged to the Department of Agriculture or to

625 its duly authorized representatives or upon court order ~~orders~~  
626 ~~of a court of competent jurisdiction~~ when necessary in the  
627 enforcement of this law. A person who receives such a formula  
628 from the Department of Agriculture under this section shall  
629 maintain the confidentiality of the formula. This section is  
630 subject to the Open Government Sunset Review Act in accordance  
631 with s. 119.15 and shall stand repealed on October 2, 2021,  
632 unless reviewed and saved from repeal through reenactment by the  
633 Legislature.

634 Section 20. For the purpose of incorporating the amendment  
635 made by CS/HB 55 to section 812.081, Florida Statutes, in a  
636 reference thereto, subsection (3) of section 815.04, Florida  
637 Statutes, is reenacted, and subsection (6) of that section is  
638 amended, to read:

639 815.04 Offenses against intellectual property; public  
640 records exemption.—

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

647 (6) Subsection ~~Subsections~~ (3) is and ~~(4) are~~ subject to  
648 the Open Government Sunset Review Act in accordance with s.  
649 119.15~~7~~ and shall stand repealed on October 2, 2021 ~~2019~~, unless  
650 reviewed and saved from repeal through reenactment by the

651 Legislature.

652       Section 21. The Legislature finds that it is a public  
653 necessity that financial information comprising a trade secret  
654 as defined in s. 812.081, Florida Statutes, be made exempt or  
655 confidential and exempt from s. 119.07(1), Florida Statutes, and  
656 s. 24(a), Article I of the State Constitution. The Legislature  
657 also finds that it is a public necessity that any portion of a  
658 meeting in which a trade secret as defined in s. 812.081,  
659 Florida Statutes, is discussed be made exempt from s. 286.011,  
660 Florida Statutes, and s. 24(b), Article I of the State  
661 Constitution. The Legislature recognizes that in many instances,  
662 businesses are required to provide financial information for  
663 regulatory or other purposes to public entities and that  
664 disclosure of such information to competitors of those  
665 businesses would be detrimental to the businesses. The  
666 Legislature's intent is to protect trade secret information of a  
667 confidential nature that includes, but is not limited to, a  
668 formula, a pattern, a device, a combination of devices, or a  
669 compilation of information used to protect or further a business  
670 advantage over those who do not know or use the information, the  
671 disclosure of which would injure the affected business in the  
672 marketplace. Therefore, the Legislature finds that the need to  
673 protect trade secret financial information is sufficiently  
674 compelling to override this state's public policy of open  
675 government and that the protection of such information cannot be  
676 accomplished without these exemptions.

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677 Section 22. This act shall take effect on the same date  
678 that CS/HB 55 or similar legislation relating to trade secrets  
679 takes effect, if such legislation is adopted in the same  
680 legislative session or an extension thereof and becomes a law.