

1 A bill to be entitled
2 An act relating to public records; creating s.
3 119.07135, F.S.; providing that certain information
4 related to agency contracts is not confidential or
5 exempt from public records requirements; amending s.
6 24.105, F.S.; deleting provisions relating to
7 exemptions from public records requirements for
8 certain information held by the Department of the
9 Lottery; amending s. 73.0155, F.S.; deleting
10 provisions relating to public records exemptions for
11 trade secrets held by governmental condemning
12 authorities; amending s. 119.071, F.S.; deleting a
13 provision declaring that certain data processing
14 software exempt from public records requirements is
15 considered a trade secret; amending s. 119.0713, F.S.;
16 deleting a provision exempting trade secrets held by
17 local government agencies from public records
18 requirements; amending s. 125.0104, F.S.; deleting a
19 provision exempting trade secrets held by county
20 tourism development agencies from public records
21 requirements; amending s. 163.01, F.S.; deleting a
22 provision exempting trade secrets held by public
23 agencies that are electric utilities from public
24 records requirements; amending s. 202.195, F.S.;
25 deleting a provision exempting trade secrets obtained

26 | from a telecommunications company or franchised cable
27 | company for certain purposes from public records
28 | requirements; amending s. 215.4401, F.S.; deleting
29 | provisions relating to confidentiality of trade
30 | secrets held by the State Board of Administration;
31 | amending s. 252.88, F.S.; deleting provisions
32 | exempting certain information from public records
33 | requirements under the Florida Emergency Planning and
34 | Community Right-to-Know Act; repealing s. 252.943,
35 | F.S., relating to a public records exemption under the
36 | Florida Accidental Release Prevention and Risk
37 | Management Planning Act; amending s. 287.0943, F.S.;
38 | deleting provisions relating to confidentiality of
39 | certain information relating to applications for
40 | certification of minority business enterprises;
41 | amending s. 288.047, F.S.; deleting provisions
42 | exempting potential trade secrets from public records
43 | requirements; amending s. 288.075, F.S.; deleting
44 | provisions relating to a public records exemption for
45 | trade secrets held by economic development agencies;
46 | amending s. 288.1226, F.S.; deleting provisions
47 | relating to a public records exemption for trade
48 | secrets held by the Florida Tourism Industry Marketing
49 | Corporation; amending s. 288.776, F.S.; deleting
50 | provisions relating to a public records exemption for

51 trade secrets held by the Florida Export Finance
52 Corporation; amending s. 288.9520, F.S.; deleting
53 provisions relating to a public records exemption for
54 trade secrets and potential trade secrets held by
55 Enterprise Florida, Inc., and related entities;
56 amending s. 288.9607, F.S.; deleting provisions
57 relating to a public records exemption for trade
58 secrets held by the Florida Development Finance
59 Corporation; amending s. 288.9626, F.S.; deleting
60 provisions relating to a public records exemption for
61 trade secrets and potential trade secrets held by the
62 Florida Opportunity Fund; amending s. 288.9627, F.S.;
63 deleting provisions relating to a public records
64 exemption for trade secrets and potential trade
65 secrets held by the Institute for Commercialization of
66 Public Research; amending s. 331.326, F.S.; deleting
67 provisions relating to a public records exemption for
68 trade secrets held by Space Florida; amending s.
69 334.049, F.S.; deleting provisions relating to a
70 public records exemption for trade secrets held by the
71 Department of State; amending ss. 350.121 and 364.183,
72 F.S.; deleting provisions relating to public records
73 exemptions for trade secrets held by the Florida
74 Public Service Commission; amending 365.174, F.S.;
75 deleting provisions relating to public records

76 exemptions for trade secrets held by the E911 Board
77 and the Technology Program within the Department of
78 Management Services; amending ss. 366.093, 367.156,
79 and 368.108, F.S.; deleting provisions relating to
80 public records exemptions for trade secrets held by
81 the Florida Public Service Commission; amending s.
82 377.24075, F.S.; deleting provisions relating to a
83 public records exemption for trade secrets held by the
84 Department of Environmental Protection; repealing s.
85 381.83, F.S., relating to confidentiality of certain
86 information containing trade secrets obtained by the
87 Department of Health; amending s. 395.3035, F.S.;
88 deleting provisions relating to a public records
89 exemption for trade secrets of hospitals; amending s.
90 403.7046, F.S.; revising provisions relating to an
91 exemption for trade secrets contained in certain
92 reports to the Department of Environmental Protection;
93 repealing s. 403.73, F.S., relating to confidentiality
94 of certain information containing trade secrets
95 obtained by the Department of Environmental
96 Protection; amending s. 408.061, F.S.; deleting a
97 requirement that certain trade secret information
98 submitted to the Agency for Healthcare Administration
99 be clearly designated as such; amending s. 408.185,
100 F.S.; deleting provisions relating to public records

101 exemptions for certain trade secrets held by the
102 Office of the Attorney General; amending s. 408.910,
103 F.S.; deleting provisions relating to public records
104 exemptions for trade secrets held by the Florida
105 Health Choices Program; amending s. 409.91196, F.S.;
106 deleting provisions relating to public records
107 exemptions for trade secrets held by the Agency for
108 Healthcare Administration; amending s. 440.108, F.S.;
109 deleting provisions relating to public records
110 exemptions for trade secrets held by the Department of
111 Financial Services; amending s. 494.00125, F.S.;
112 deleting provisions relating to public records
113 exemptions for trade secrets held by the Office of
114 Financial Regulation; amending s. 497.172, F.S.;
115 deleting provisions relating to public records
116 exemptions for trade secrets held by the Department of
117 Financial Services or the Board of Funeral, Cemetery,
118 and Consumer Services; amending ss. 499.012, 499.0121,
119 499.05, and 499.051, F.S.; deleting provisions
120 relating to public records exemptions for trade
121 secrets held by the Department of Business and
122 Professional Regulation; repealing s. 499.931, F.S.,
123 relating to maintenance of information held by the
124 Department of Business and Professional Regulation
125 that is deemed to be a trade secret; amending s.

126 501.171, F.S.; deleting provisions relating to public
 127 records exemptions for trade secrets held by the
 128 Department of Legal Affairs; repealing s. 502.222,
 129 F.S., relating to trade secrets of a dairy business
 130 held by the Department of Agriculture and Consumer
 131 Services; amending ss. 517.2015 and 520.9965, F.S.;
 132 deleting provisions relating to public records
 133 exemptions for trade secrets held by the Office of
 134 Financial Regulation; amending s. 526.311, F.S.;
 135 deleting provisions relating to public records
 136 exemptions for trade secrets held by the Department of
 137 Agriculture and Consumer Services; amending s.
 138 548.062, F.S.; deleting provisions relating to public
 139 records exemptions for trade secrets held by the
 140 Florida State Boxing Commission; amending s. 556.113,
 141 F.S.; deleting provisions relating to public records
 142 exemptions for trade secrets held by Sunshine State
 143 One-Call of Florida, Inc.; amending s. 559.5558, F.S.;
 144 deleting provisions relating to public records
 145 exemptions for trade secrets held by the Office of
 146 Financial Regulation; amending s. 559.9285, F.S.;
 147 revising provisions specifying that certain
 148 information provided to the Department of Agriculture
 149 and Consumer Services does not constitute a trade
 150 secret; amending s. 560.129, F.S.; deleting provisions

151 relating to public records exemptions for trade
152 secrets held by the Office of Financial Regulation;
153 amending s. 569.215, F.S.; deleting provisions
154 relating to public records exemptions for trade
155 secrets held by specified entities relating to a
156 tobacco settlement agreement; amending s. 570.48,
157 F.S.; deleting provisions relating to public records
158 exemptions for trade secrets held by the Division of
159 Fruit and Vegetables; amending ss. 570.544 and
160 573.123, F.S.; deleting provisions relating to public
161 records exemptions for trade secrets held by the
162 Division of Consumer Services; repealing s. 581.199,
163 F.S., relating to a prohibition on the use of trade
164 secret information obtained under specified provisions
165 for personal use or gain; amending ss. 601.10, 601.15,
166 and 601.152, F.S.; deleting provisions relating to
167 public records exemptions for trade secrets held by
168 the Department of Citrus; repealing s. 601.76, F.S.,
169 relating to a public records for certain formulas
170 filed with the Department of Agriculture; amending ss.
171 607.0505 and 617.0503, F.S.; deleting provisions
172 relating to public records exemptions for certain
173 information that might reveal trade secrets held by
174 the Department of Legal Affairs; amending s. 624.4212,
175 F.S.; deleting provisions relating to public records

176 exemptions for trade secrets held by the Office of
177 Insurance Regulation; repealing s. 624.4213, F.S.,
178 relating to trade secret documents submitted to the
179 Department of Financial Services or the Office of
180 Insurance Regulation; amending ss. 626.84195, 626.884,
181 626.9936, 627.0628, and 627.3518, F.S.; deleting
182 provisions relating to public records exemptions for
183 trade secrets held by the Department of Financial
184 Services or the Office of Insurance Regulation;
185 amending s. 655.057, F.S.; revising provisions
186 relating to a public records exemption for trade
187 secrets held by the Office of Financial Regulation;
188 repealing s. 655.0591, F.S., relating to trade secret
189 documents held by the Office of Financial Regulation;
190 amending s. 663.533, F.S.; revising a cross-reference;
191 repealing s. 721.071, F.S., relating to trade secret
192 material filed with the Division of Florida
193 Condominiums, Timeshares, and Mobile Homes of the
194 Department of Business and Professional Regulation;
195 amending s. 815.04, F.S.; deleting a public records
196 exemption for certain trade secret information
197 relating to offenses against intellectual property;
198 repealing s. 815.045, F.S., relating to trade secret
199 information; amending s. 1004.22, F.S.; deleting
200 provisions relating to public records exemptions for

201 trade secrets and potential trade secrets received,
202 generated, ascertained, or discovered during the
203 course of research conducted within the state
204 universities; amending s. 1004.30, F.S.; revising
205 provisions relating to public records exemptions for
206 trade secrets held by state university health support
207 organizations; amending s. 1004.43, F.S.; deleting
208 provisions relating to public records exemptions for
209 trade secrets and potential trade secrets held by the
210 H. Lee Moffitt Cancer Center and Research Institute;
211 amending s. 1004.4472, F.S.; deleting provisions
212 relating to public records exemptions for trade
213 secrets and potential trade secrets held by the
214 Florida Institute for Human and Machine Cognition,
215 Inc.; amending s. 1004.78, F.S.; deleting provisions
216 relating to public records exemptions for trade
217 secrets and potential trade secrets held by the
218 technology transfers centers at Florida College System
219 institutions; amending ss. 601.80, 663.533, 721.13,
220 and 921.0022, F.S.; conforming provisions to changes
221 made by the act; providing an effective date.

222

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

224

225 Section 1. Section 119.07135, Florida Statutes, is created

226 | to read:

227 | 119.07135 Agency contracts; public records.—

228 | Notwithstanding any other provision of law, the following
 229 | information is a public record and is not confidential or exempt
 230 | from s. 119.07(1) and s. 24(a), Art. I of the State

231 | Constitution:

232 | (1) Any contract or agreement, or an addendum thereto, to
 233 | which an agency or an entity subject to this chapter is a party;
 234 | and

235 | (2) Financial information related to any contract or
 236 | agreement, or an addendum thereto, with an agency or an entity
 237 | subject to this chapter, including, but not limited to, the
 238 | amount of money paid, any payment structure or plan,
 239 | expenditures, incentives, fees, or penalties.

240 | Section 2. Paragraph (a) of subsection (12) of section
 241 | 24.105, Florida Statutes, is amended to read:

242 | 24.105 Powers and duties of department.—The department
 243 | shall:

244 | ~~(12)(a) Determine by rule information relating to the~~
 245 | ~~operation of the lottery which is confidential and exempt from~~
 246 | ~~the provisions of s. 119.07(1) and s. 24(a), Art. I of the State~~
 247 | ~~Constitution. Such information includes trade secrets; security~~
 248 | ~~measures, systems, or procedures; security reports; information~~
 249 | ~~concerning bids or other contractual data, the disclosure of~~
 250 | ~~which would impair the efforts of the department to contract for~~

251 ~~goods or services on favorable terms; employee personnel~~
 252 ~~information unrelated to compensation, duties, qualifications,~~
 253 ~~or responsibilities; and information obtained by the Division of~~
 254 ~~Security pursuant to its investigations which is otherwise~~
 255 ~~confidential. To be deemed confidential, the information must be~~
 256 ~~necessary to the security and integrity of the lottery.~~
 257 ~~Confidential information may be released to other governmental~~
 258 ~~entities as needed in connection with the performance of their~~
 259 ~~duties. The receiving governmental entity shall retain the~~
 260 ~~confidentiality of such information as provided for in this~~
 261 ~~subsection.~~

262 Section 3. Paragraph (e) of subsection (1) of section
 263 73.0155, Florida Statutes, is amended to read:

264 73.0155 Confidentiality; business information provided to
 265 a governmental condemning authority.—

266 (1) The following business information provided by the
 267 owner of a business to a governmental condemning authority as
 268 part of an offer of business damages under s. 73.015 is
 269 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 270 of the State Constitution if the owner requests in writing that
 271 the business information be held confidential and exempt:

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

275 Section 4. Paragraph (f) of subsection (1) of section

276 | 119.071, Florida Statutes, is amended to read:

277 | 119.071 General exemptions from inspection or copying of
278 | public records.—

279 | (1) AGENCY ADMINISTRATION.—

280 | (f) ~~Data processing software obtained by an agency under a~~
281 | ~~licensing agreement that prohibits its disclosure and which~~
282 | ~~software is a trade secret, as defined in s. 812.081, and~~
283 | Agency-produced data processing software that is sensitive is
284 | ~~are~~ exempt from s. 119.07(1) and s. 24(a), Art. I of the State
285 | Constitution. The designation of agency-produced software as
286 | sensitive does not prohibit an agency head from sharing or
287 | exchanging such software with another public agency. This
288 | paragraph is subject to the Open Government Sunset Review Act in
289 | accordance with s. 119.15 and shall stand repealed on October 2,
290 | 2021, unless reviewed and saved from repeal through reenactment
291 | by the Legislature.

292 | Section 5. Paragraph (a) of subsection (4) of section
293 | 119.0713, Florida Statutes, is amended to read:

294 | 119.0713 Local government agency exemptions from
295 | inspection or copying of public records.—

296 | (4) (a) Proprietary confidential business information means
297 | information, regardless of form or characteristics, which is
298 | held by an electric utility that is subject to chapter 119, is
299 | intended to be and is treated by the entity that provided the
300 | information to the electric utility as private in that the

301 disclosure of the information would cause harm to the entity
302 providing the information or its business operations, and has
303 not been disclosed unless disclosed pursuant to a statutory
304 provision, an order of a court or administrative body, or a
305 private agreement that provides that the information will not be
306 released to the public. Proprietary confidential business
307 information includes, ~~but is not limited to:~~

308 ~~1. Trade secrets.~~

309 1.2. Internal auditing controls and reports of internal
310 auditors.

311 2.3. Security measures, systems, or procedures.

312 3.4. Information concerning bids or other contractual
313 data, the disclosure of which would impair the efforts of the
314 electric utility to contract for goods or services on favorable
315 terms.

316 4.5. Information relating to competitive interests, the
317 disclosure of which would impair the competitive business of the
318 provider of the information.

319 Section 6. Paragraph (d) of subsection (9) of section
320 125.0104, Florida Statutes, is amended to read:

321 125.0104 Tourist development tax; procedure for levying;
322 authorized uses; referendum; enforcement.—

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

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

327 (d) Undertake marketing research and advertising research
328 studies and provide reservations services and convention and
329 meetings booking services consistent with the authorized uses of
330 revenue as set forth in subsection (5).

331 1. Information given to a county tourism promotion agency
332 which, if released, would reveal the identity of persons or
333 entities who provide data or other information as a response to
334 a sales promotion effort, an advertisement, or a research
335 project or whose names, addresses, meeting or convention plan
336 information or accommodations or other visitation needs become
337 booking or reservation list data, is exempt from s. 119.07(1)
338 and s. 24(a), Art. I of the State Constitution.

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

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

344 ~~b. Trade secrets and commercial or financial information~~
345 ~~gathered from a person and privileged or confidential, as~~
346 ~~defined and interpreted under 5 U.S.C. s. 552(b)(4), or any~~
347 ~~amendments thereto.~~

348 ~~3. A trade secret, as defined in s. 812.081, held by a~~
349 ~~county tourism promotion agency is exempt from s. 119.07(1) and~~
350 ~~s. 24(a), Art. I of the State Constitution. This subparagraph is~~

351 ~~subject to the Open Government Sunset Review Act in accordance~~
352 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
353 ~~unless reviewed and saved from repeal through reenactment by the~~
354 ~~Legislature.~~

355 Section 7. Paragraph (m) of subsection (15) of section
356 163.01, Florida Statutes, is amended to read:

357 163.01 Florida Interlocal Cooperation Act of 1969.—

358 (15) Notwithstanding any other provision of this section
359 or of any other law except s. 361.14, any public agency of this
360 state which is an electric utility, or any separate legal entity
361 created pursuant to the provisions of this section, the
362 membership of which consists only of electric utilities, and
363 which exercises or proposes to exercise the powers granted by
364 part II of chapter 361, the Joint Power Act, may exercise any or
365 all of the following powers:

366 (m) In the event that any public agency or any such legal
367 entity, or both, should receive, in connection with its joint
368 ownership or right to the services, output, capacity, or energy
369 of an electric project, as defined in paragraph (3)(d), any
370 material which is designated by the person supplying such
371 material as proprietary confidential business information or
372 which a court of competent jurisdiction has designated as
373 confidential or secret shall be kept confidential and shall be
374 exempt from the provisions of s. 119.07(1). As used in this
375 paragraph, "proprietary confidential business information"

376 includes, ~~but is not limited to, trade secrets;~~ internal
377 auditing controls and reports of internal auditors; security
378 measures, systems, or procedures; ~~information concerning bids or~~
379 ~~other contractual data, the disclosure of which would impair the~~
380 ~~efforts of the utility to contract for services on favorable~~
381 ~~terms;~~ employee personnel information unrelated to compensation,
382 duties, qualifications, or responsibilities; and formulas,
383 patterns, devices, combinations of devices, ~~contract costs,~~ or
384 other information the disclosure of which would injure the
385 affected entity in the marketplace.

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

388 202.195 Proprietary confidential business information;
389 public records exemption.—

390 (2) For the purposes of this exemption, "proprietary
391 confidential business information" includes maps, plans, billing
392 and payment records, ~~trade secrets,~~ or other information
393 relating to the provision of or facilities for communications
394 service:

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

397 (b) The disclosure of which would be reasonably likely to
398 be used by a competitor to harm the business interests of the
399 company; and

400 (c) That is not otherwise readily ascertainable or

401 publicly available by proper means by other persons from another
 402 source in the same configuration as requested by the local
 403 governmental entity.

404
 405 Proprietary confidential business information does not include
 406 schematics indicating the location of facilities for a specific
 407 site that are provided in the normal course of the local
 408 governmental entity's permitting process.

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

411 215.4401 Board of Administration; public record
 412 exemptions.—

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

414 1. "Alternative investment" means an investment by the
 415 State Board of Administration in a private equity fund, venture
 416 fund, hedge fund, or distress fund or a direct investment in a
 417 portfolio company through an investment manager.

418 2. "Alternative investment vehicle" means the limited
 419 partnership, limited liability company, or similar legal
 420 structure or investment manager through which the State Board of
 421 Administration invests in a portfolio company.

422 3. "Portfolio company" means a corporation or other
 423 issuer, any of whose securities are owned by an alternative
 424 investment vehicle or the State Board of Administration and any
 425 subsidiary of such corporation or other issuer.

426 4. "Portfolio positions" means individual investments in
427 portfolio companies which are made by the alternative investment
428 vehicles, including information or specific investment terms
429 associated with any portfolio company investment.

430 5. "Proprietor" means an alternative investment vehicle, a
431 portfolio company in which the alternative investment vehicle is
432 invested, or an outside consultant, including the respective
433 authorized officers, employees, agents, or successors in
434 interest, which controls or owns information provided to the
435 State Board of Administration.

436 6. "Proprietary confidential business information" means
437 information that has been designated by the proprietor when
438 provided to the State Board of Administration as information
439 that is owned or controlled by a proprietor; that is intended to
440 be and is treated by the proprietor as private, the disclosure
441 of which would harm the business operations of the proprietor
442 and has not been intentionally disclosed by the proprietor
443 unless pursuant to a private agreement that provides that the
444 information will not be released to the public except as
445 required by law or legal process, or pursuant to law or an order
446 of a court or administrative body; and that concerns:

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

448 a.b. Information provided to the State Board of
449 Administration regarding a prospective investment in a private
450 equity fund, venture fund, hedge fund, distress fund, or

451 portfolio company which is proprietary to the provider of the
452 information.

453 ~~b.e.~~ Financial statements and auditor reports of an
454 alternative investment vehicle.

455 ~~c.d.~~ Meeting materials of an alternative investment
456 vehicle relating to financial, operating, or marketing
457 information of the alternative investment vehicle.

458 ~~d.e.~~ Information regarding the portfolio positions in
459 which the alternative investment vehicles invest.

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

462 ~~f.g.~~ Alternative investment agreements and related
463 records.

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

467 7. "Proprietary confidential business information" does
468 not include:

469 a. The name, address, and vintage year of an alternative
470 investment vehicle and the identity of the principals involved
471 in the management of the alternative investment vehicle.

472 b. The dollar amount of the commitment made by the State
473 Board of Administration to each alternative investment vehicle
474 since inception.

475 c. The dollar amount and date of cash contributions made

476 by the State Board of Administration to each alternative
477 investment vehicle since inception.

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

481 e. The dollar amount, on a fiscal-year-end basis, of cash
482 distributions received by the State Board of Administration plus
483 the remaining value of alternative-vehicle assets that are
484 attributable to the State Board of Administration's investment
485 in each alternative investment vehicle.

486 f. The net internal rate of return of each alternative
487 investment vehicle since inception.

488 g. The investment multiple of each alternative investment
489 vehicle since inception.

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

493 i. The dollar amount of cash profit received by the State
494 Board of Administration from each alternative investment vehicle
495 on a fiscal-year-end basis.

496 j. A description of any compensation, fees, or expenses,
497 including the amount or value, paid or agreed to be paid by a
498 proprietor to any person to solicit the board to make an
499 alternative investment or investment through an alternative
500 investment vehicle. This does not apply to an executive officer,

501 general partner, managing member, or other employee of the
502 proprietor, who is paid by the proprietor to solicit the board
503 to make such investments.

504 (c)1. Notwithstanding the provisions of paragraph (b), a
505 request to inspect or copy a record under s. 119.07(1) that
506 contains proprietary confidential business information shall be
507 granted if the proprietor of the information fails, within a
508 reasonable period of time after the request is received by the
509 State Board of Administration, to verify the following to the
510 State Board of Administration through a written declaration in
511 the manner provided by s. 92.525:

512 a. That the requested record contains proprietary
513 confidential business information and the specific location of
514 such information within the record;

515 ~~b. If the proprietary confidential business information is~~
516 ~~a trade secret, a verification that it is a trade secret as~~
517 ~~defined in s. 688.002;~~

518 b.e. That the proprietary confidential business
519 information is intended to be and is treated by the proprietor
520 as private, is the subject of efforts of the proprietor to
521 maintain its privacy, and is not readily ascertainable or
522 publicly available from any other source; and

523 ~~c.d.~~ That the disclosure of the proprietary confidential
524 business information to the public would harm the business
525 operations of the proprietor.

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

529 (d) Any person may petition a court of competent
 530 jurisdiction for an order for the public release of those
 531 portions of any record made confidential and exempt by paragraph
 532 (b). Any action under this paragraph must be brought in Leon
 533 County, Florida, and the petition or other initial pleading
 534 shall be served on the State Board of Administration and, if
 535 determinable upon diligent inquiry, on the proprietor of the
 536 information sought to be released. In any order for the public
 537 release of a record under this paragraph, the court shall make a
 538 finding ~~that the record or portion thereof is not a trade secret~~
 539 ~~as defined in s. 688.002,~~ that a compelling public interest is
 540 served by the release of the record or portions thereof which
 541 exceed the public necessity for maintaining the confidentiality
 542 of such record~~,~~ and that the release of the record will not
 543 cause damage to or adversely affect the interests of the
 544 proprietor of the released information, other private persons or
 545 business entities, the State Board of Administration, or any
 546 trust fund, the assets of which are invested by the State Board
 547 of Administration.

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

550 252.88 Public records.—

551 (1) Whenever EPCRA authorizes an employer to exclude trade
552 secret information from its submittals, the employer shall
553 furnish the information so excluded to the commission upon
554 request. ~~Such information shall be confidential and exempt from~~
555 ~~the provisions of s. 119.07(1). The commission shall not~~
556 ~~disclose such information except pursuant to a final~~
557 ~~determination under s. 322 of EPCRA by the Administrator of the~~
558 ~~Environmental Protection Agency that such information is not~~
559 ~~entitled to trade secret protection, or pursuant to an order of~~
560 ~~court.~~

561 Section 11. Section 252.943, Florida Statutes, is
562 repealed.

563 Section 12. Paragraph (h) of subsection (2) of section
564 287.0943, Florida Statutes, is amended to read:

565 287.0943 Certification of minority business enterprises.-

566 (2)

567 (h) The certification procedures should allow an applicant
568 seeking certification to designate on the application form the
569 information the applicant considers to be proprietary,
570 confidential business information. As used in this paragraph,
571 "proprietary, confidential business information" includes, ~~but~~
572 ~~is not limited to,~~ any information that would be exempt from
573 public inspection pursuant to the provisions of chapter 119;
574 ~~trade secrets;~~ internal auditing controls and reports; ~~contract~~
575 ~~costs;~~ or other information the disclosure of which would injure

576 the affected party in the marketplace or otherwise violate s.
577 286.041. The executor in receipt of the application shall issue
578 written and final notice of any information for which
579 noninspection is requested but not provided for by law.

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

582 288.047 Quick-response training for economic development.—

583 (7) In providing instruction pursuant to this section,
584 materials that relate to methods of manufacture or production,
585 ~~potential trade secrets~~, business transactions, or proprietary
586 information received, produced, ascertained, or discovered by
587 employees of the respective departments, district school boards,
588 community college district boards of trustees, or other
589 personnel employed for the purposes of this section is
590 confidential and exempt from the provisions of s. 119.07(1). The
591 state may seek copyright protection for instructional materials
592 and ancillary written documents developed wholly or partially
593 with state funds as a result of instruction provided pursuant to
594 this section, except for materials that are confidential and
595 exempt from the provisions of s. 119.07(1).

596 Section 14. Paragraph (c) of subsection (1) and subsection
597 (3) of section 288.075, Florida Statutes, are amended to read:

598 288.075 Confidentiality of records.—

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

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

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

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

606 288.1226 Florida Tourism Industry Marketing Corporation;
607 use of property; board of directors; duties; audit.—

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

618 Section 16. Paragraph (d) of subsection (3) of section
619 288.776, Florida Statutes, is amended to read:

620 288.776 Board of directors; powers and duties.—

621 (3) The board shall:

622 (d) Adopt policies, including criteria, establishing which
623 exporters and export transactions shall be eligible for
624 insurance, coinsurance, loan guarantees, and direct, guaranteed,
625 or collateralized loans which may be extended by the

626 corporation. Pursuant to this subsection, the board shall
 627 include the following criteria:

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

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

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

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

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

642
 643 Personal financial records, ~~trade secrets,~~ or proprietary
 644 information of applicants shall be confidential and exempt from
 645 the provisions of s. 119.07(1).

646 Section 17. Section 288.9520, Florida Statutes, is amended
 647 to read:

648 288.9520 Public records exemption.—Materials that relate
 649 to methods of manufacture or production, ~~potential trade~~
 650 ~~secrets,~~ potentially patentable material, ~~actual trade secrets,~~

651 business transactions, financial and proprietary information,
652 and agreements or proposals to receive funding that are
653 received, generated, ascertained, or discovered by Enterprise
654 Florida, Inc., including its affiliates or subsidiaries and
655 partnership participants, such as private enterprises,
656 educational institutions, and other organizations, are
657 confidential and exempt from the provisions of s. 119.07(1) and
658 s. 24(a), Art. I of the State Constitution, except that a
659 recipient of Enterprise Florida, Inc., research funds shall make
660 available, upon request, the title and description of the
661 research project, the name of the researcher, and the amount and
662 source of funding provided for the project.

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

665 288.9607 Guaranty of bond issues.—

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

670 Section 19. Paragraph (f) of subsection (1), paragraph (a)
671 of subsection (2), and paragraphs (b) and (c) of subsection (4)
672 of section 288.9626, Florida Statutes, are amended to read:

673 288.9626 Exemptions from public records and public
674 meetings requirements for the Florida Opportunity Fund.—

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

676 (f)1. "Proprietary confidential business information"
677 means information that has been designated by the proprietor
678 when provided to the Florida Opportunity Fund as information
679 that is owned or controlled by a proprietor; that is intended to
680 be and is treated by the proprietor as private, the disclosure
681 of which would harm the business operations of the proprietor
682 and has not been intentionally disclosed by the proprietor
683 unless pursuant to a private agreement that provides that the
684 information will not be released to the public except as
685 required by law or legal process, or pursuant to law or an order
686 of a court or administrative body; and that concerns:

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

688 a.b. Information provided to the Florida Opportunity Fund
689 regarding an existing or prospective alternative investment in a
690 private equity fund, venture capital fund, angel fund, or
691 portfolio company that is proprietary to the provider of the
692 information.

693 b.e. Financial statements and auditor reports of an
694 alternative investment vehicle or portfolio company, unless
695 publicly released by the alternative investment vehicle or
696 portfolio company.

697 c.d. Meeting materials of an alternative investment
698 vehicle or portfolio company relating to financial, operating,
699 or marketing information of the alternative investment vehicle
700 or portfolio company.

701 ~~d.e.~~ Information regarding the portfolio positions in
702 which the alternative investment vehicles or Florida Opportunity
703 Fund invest.

704 ~~e.f.~~ Capital call and distribution notices to investors or
705 the Florida Opportunity Fund of an alternative investment
706 vehicle.

707 ~~f.g.~~ Alternative investment agreements and related
708 records.

709 ~~g.h.~~ Information concerning investors, other than the
710 Florida Opportunity Fund, in an alternative investment vehicle
711 or portfolio company.

712 2. "Proprietary confidential business information" does
713 not include:

714 a. The name, address, and vintage year of an alternative
715 investment vehicle or Florida Opportunity Fund and the identity
716 of the principals involved in the management of the alternative
717 investment vehicle or Florida Opportunity Fund.

718 b. The dollar amount of the commitment made by the Florida
719 Opportunity Fund to each alternative investment vehicle since
720 inception, if any.

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

724 d. The dollar amount, on a fiscal-year-end basis, of cash
725 or other fungible distributions received by the Florida

726 Opportunity Fund from each alternative investment vehicle.

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

732 f. The net internal rate of return of each alternative
 733 investment vehicle since inception.

734 g. The investment multiple of each alternative investment
 735 vehicle since inception.

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

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

742 (2) PUBLIC RECORDS EXEMPTION.—

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

746 1. Materials that relate to methods of manufacture or
 747 production, ~~potential trade secrets,~~ or patentable material
 748 received, generated, ascertained, or discovered during the
 749 course of research or through research projects and that are
 750 provided by a proprietor.

751 2. Information that would identify an investor or
752 potential investor who desires to remain anonymous in projects
753 reviewed by the Florida Opportunity Fund.

754 3. Proprietary confidential business information regarding
755 alternative investments for 7 years after the termination of the
756 alternative investment.

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

758 (b) Notwithstanding the provisions of paragraph (2)(a), a
759 request to inspect or copy a public record that contains
760 proprietary confidential business information shall be granted
761 if the proprietor of the information fails, within a reasonable
762 period of time after the request is received by the Florida
763 Opportunity Fund, to verify the following to the Florida
764 Opportunity Fund through a written declaration in the manner
765 provided by s. 92.525:

766 1. That the requested record contains proprietary
767 confidential business information and the specific location of
768 such information within the record;

769 ~~2. If the proprietary confidential business information is~~
770 ~~a trade secret, a verification that it is a trade secret as~~
771 ~~defined in s. 688.002;~~

772 2.3. That the proprietary confidential business
773 information is intended to be and is treated by the proprietor
774 as private, is the subject of efforts of the proprietor to
775 maintain its privacy, and is not readily ascertainable or

776 publicly available from any other source; and

777 3.4. That the disclosure of the proprietary confidential
778 business information to the public would harm the business
779 operations of the proprietor.

780 (c)1. Any person may petition a court of competent
781 jurisdiction for an order for the public release of those
782 portions of any record made confidential and exempt by
783 subsection (2).

784 2. Any action under this subsection must be brought in
785 Orange County, and the petition or other initial pleading shall
786 be served on the Florida Opportunity Fund and, if determinable
787 upon diligent inquiry, on the proprietor of the information
788 sought to be released.

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

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

793 a. ~~b.~~ A compelling public interest is served by the
794 release of the record or portions thereof which exceed the
795 public necessity for maintaining the confidentiality of such
796 record; and

797 b. ~~e.~~ The release of the record will not cause damage to
798 or adversely affect the interests of the proprietor of the
799 released information, other private persons or business
800 entities, or the Florida Opportunity Fund.

801 Section 20. Paragraph (b) of subsection (1), paragraph (a)
 802 of subsection (2), and paragraphs (b) and (c) of subsection (4)
 803 of section 288.9627, Florida Statutes, are amended to read:

804 288.9627 Exemptions from public records and public
 805 meetings requirements for the Institute for the
 806 Commercialization of Public Research.—

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

808 (b)1. "Proprietary confidential business information"
 809 means information that has been designated by the proprietor
 810 when provided to the institute as information that is owned or
 811 controlled by a proprietor; that is intended to be and is
 812 treated by the proprietor as private, the disclosure of which
 813 would harm the business operations of the proprietor and has not
 814 been intentionally disclosed by the proprietor unless pursuant
 815 to a private agreement that provides that the information will
 816 not be released to the public except as required by law or legal
 817 process, or pursuant to law or an order of a court or
 818 administrative body; and that concerns:

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

820 a.b. Financial statements and internal or external auditor
 821 reports of a proprietor corporation, partnership, or person
 822 requesting confidentiality under this statute, unless publicly
 823 released by the proprietor.

824 b.e. Meeting materials related to financial, operating,
 825 investment, or marketing information of the proprietor

826 corporation, partnership, or person.

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

829 2. "Proprietary confidential business information" does
830 not include:

831 a. The identity and primary address of the proprietor's
832 principals.

833 b. The dollar amount and date of the financial commitment
834 or contribution made by the institute.

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

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

841 (2) PUBLIC RECORDS EXEMPTION.—

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

845 1. Materials that relate to methods of manufacture or
846 production, ~~potential trade secrets,~~ or patentable material
847 received, generated, ascertained, or discovered during the
848 course of research or through research projects conducted by
849 universities and other publicly supported organizations in this
850 state and that are provided to the institute by a proprietor.

851 2. Information that would identify an investor or
852 potential investor who desires to remain anonymous in projects
853 reviewed by the institute for assistance.

854 3. Any information received from a person from another
855 state or nation or the Federal Government which is otherwise
856 confidential or exempt pursuant to the laws of that state or
857 nation or pursuant to federal law.

858 4. Proprietary confidential business information for 7
859 years after the termination of the institute's financial
860 commitment to the company.

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

862 (b) Notwithstanding the provisions of paragraph (2) (a), a
863 request to inspect or copy a public record that contains
864 proprietary confidential business information shall be granted
865 if the proprietor of the information fails, within a reasonable
866 period of time after the request is received by the institute,
867 to verify the following to the institute through a written
868 declaration in the manner provided by s. 92.525:

869 1. That the requested record contains proprietary
870 confidential business information and the specific location of
871 such information within the record;

872 ~~2. If the proprietary confidential business information is~~
873 ~~a trade secret, a verification that it is a trade secret as~~
874 ~~defined in s. 688.002;~~

875 2.3. That the proprietary confidential business

876 information is intended to be and is treated by the proprietor
877 as private, is the subject of efforts of the proprietor to
878 maintain its privacy, and is not readily ascertainable or
879 publicly available from any other source; and

880 3.4. That the disclosure of the proprietary confidential
881 business information to the public would harm the business
882 operations of the proprietor.

883 (c)1. Any person may petition a court of competent
884 jurisdiction for an order for the public release of those
885 portions of any record made confidential and exempt by
886 subsection (2).

887 2. Any action under this subsection must be brought in
888 Palm Beach County or Alachua County, and the petition or other
889 initial pleading shall be served on the institute and, if
890 determinable upon diligent inquiry, on the proprietor of the
891 information sought to be released.

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

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

896 a.b. A compelling public interest is served by the release
897 of the record or portions thereof which exceed the public
898 necessity for maintaining the confidentiality of such record;
899 and

900 b.e. The release of the record will not cause damage to or

901 adversely affect the interests of the proprietor of the released
 902 information, other private persons or business entities, or the
 903 institute.

904 Section 21. Section 331.326, Florida Statutes, is amended
 905 to read:

906 331.326 Information relating to trade secrets
 907 confidential.—The records of Space Florida regarding matters
 908 encompassed by this act are public records subject to chapter
 909 119. ~~Any information held by Space Florida which is a trade~~
 910 ~~secret, as defined in s. 812.081, including trade secrets of~~
 911 ~~Space Florida, any spaceport user, or the space industry~~
 912 ~~business, is confidential and exempt from s. 119.07(1) and s.~~
 913 ~~24(a), Art. I of the State Constitution and may not be~~
 914 ~~disclosed. If Space Florida determines that any information~~
 915 ~~requested by the public will reveal a trade secret, it shall, in~~
 916 ~~writing, inform the person making the request of that~~
 917 ~~determination. The determination is a final order as defined in~~
 918 ~~s. 120.52. Any meeting or portion of a meeting of Space~~
 919 ~~Florida's board is exempt from s. 286.011 and s. 24(b), Art. I~~
 920 ~~of the State Constitution when the board is discussing trade~~
 921 ~~secrets as defined in s. 688.01. Any public record generated~~
 922 ~~during the closed portions of the meetings, such as minutes,~~
 923 ~~tape recordings, and notes, is confidential and exempt from s.~~
 924 ~~119.07(1) and s. 24(a), Art. I of the State Constitution. This~~
 925 ~~section is subject to the Open Government Sunset Review Act in~~

926 accordance with s. 119.15 and shall stand repealed on October 2,
 927 2021, unless reviewed and saved from repeal through reenactment
 928 by the Legislature.

929 Section 22. Subsection (4) of section 334.049, Florida
 930 Statutes, is amended to read:

931 334.049 Patents, copyrights, trademarks; notice to
 932 Department of State; ~~confidentiality of trade secrets.~~

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

938 Section 23. Section 350.121, Florida Statutes, is amended
 939 to read:

940 350.121 Commission inquiries; confidentiality of business
 941 material.—If the commission undertakes an inquiry, any records,
 942 documents, papers, maps, books, tapes, photographs, files, sound
 943 recordings, or other business material, regardless of form or
 944 characteristics, obtained by the commission incident to the
 945 inquiry are considered confidential and exempt from s. 119.07(1)
 946 while the inquiry is pending. If at the conclusion of an inquiry
 947 the commission undertakes a formal proceeding, any matter
 948 determined by the commission or by a judicial or administrative
 949 body, federal or state, to be ~~trade secrets~~ or proprietary
 950 confidential business information coming into its possession

951 pursuant to such inquiry shall be considered confidential and
952 exempt from s. 119.07(1). Such material may be used in any
953 administrative or judicial proceeding so long as the
954 confidential or proprietary nature of the material is
955 maintained.

956 Section 24. Paragraph (a) of subsection (3) of section
957 364.183, Florida Statutes, is amended to read:

958 364.183 Access to company records.—

959 (3) The term "proprietary confidential business
960 information" means information, regardless of form or
961 characteristics, which is owned or controlled by the person or
962 company, is intended to be and is treated by the person or
963 company as private in that the disclosure of the information
964 would cause harm to the ratepayers or the person's or company's
965 business operations, and has not been disclosed unless disclosed
966 pursuant to a statutory provision, an order of a court or
967 administrative body, or private agreement that provides that the
968 information will not be released to the public. The term
969 includes, ~~but is not limited to:~~

970 ~~(a) Trade secrets.~~

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

973 365.174 Proprietary confidential business information.—

974 (3) As used in this section, the term "proprietary
975 confidential business information" means customer lists,

976 customer numbers, individual or aggregate customer data by
977 location, usage and capacity data, network facilities used to
978 serve subscribers, technology descriptions, or technical
979 information, ~~or trade secrets, including trade secrets as~~
980 ~~defined in s. 812.081,~~ and the actual or developmental costs of
981 E911 systems that are developed, produced, or received
982 internally by a provider or by a provider's employees,
983 directors, officers, or agents.

984 Section 26. Paragraph (a) of subsection (3) of section
985 366.093, Florida Statutes, is amended to read:

986 366.093 Public utility records; confidentiality.—

987 (3) Proprietary confidential business information means
988 information, regardless of form or characteristics, which is
989 owned or controlled by the person or company, is intended to be
990 and is treated by the person or company as private in that the
991 disclosure of the information would cause harm to the ratepayers
992 or the person's or company's business operations, and has not
993 been disclosed unless disclosed pursuant to a statutory
994 provision, an order of a court or administrative body, or
995 private agreement that provides that the information will not be
996 released to the public. Proprietary confidential business
997 information includes, ~~but is not limited to:~~

998 ~~(a) Trade secrets.~~

999 Section 27. Paragraph (a) of subsection (3) of section
1000 367.156, Florida Statutes, is amended to read:

1001 367.156 Public utility records; confidentiality.—
 1002 (3) Proprietary confidential business information means
 1003 information, regardless of form or characteristics, which is
 1004 owned or controlled by the person or company, is intended to be
 1005 and is treated by the person or company as private in that the
 1006 disclosure of the information would cause harm to the ratepayers
 1007 or the person's or company's business operations, and has not
 1008 been disclosed unless disclosed pursuant to a statutory
 1009 provision, an order of a court or administrative body, or a
 1010 private agreement that provides that the information will not be
 1011 released to the public. Proprietary business information
 1012 includes, ~~but is not limited to:~~
 1013 ~~(a) Trade secrets.~~
 1014 Section 28. Paragraph (a) of subsection (3) of section
 1015 368.108, Florida Statutes, is amended to read:
 1016 368.108 Confidentiality; discovery.—
 1017 (3) "Proprietary confidential business information" means
 1018 information, regardless of form or characteristics, which is
 1019 owned or controlled by the person or company, is intended to be
 1020 and is treated by the person or company as private in that the
 1021 disclosure of the information would cause harm to the ratepayers
 1022 or the person's or company's business operations, and has not
 1023 been disclosed unless disclosed pursuant to a statutory
 1024 provision, an order of a court or administrative body, or a
 1025 private agreement that provides that the information will not be

1026 released to the public. "Proprietary confidential business
 1027 information" includes, ~~but is not limited to:~~

1028 ~~(a) Trade secrets.~~

1029 Section 29. Paragraph (e) of subsection (1) of section
 1030 377.24075, Florida Statutes, is amended to read:

1031 377.24075 Exemption from public records requirements.—
 1032 Proprietary business information held by the Department of
 1033 Environmental Protection in accordance with its statutory duties
 1034 with respect to an application for a natural gas storage
 1035 facility permit is confidential and exempt from s. 119.07(1) and
 1036 s. 24(a), Art. I of the State Constitution.

1037 (1) As used in this section, the term "proprietary
 1038 business information" means information that:

1039 (e) Includes, ~~but is not limited to:~~

1040 ~~1. Trade secrets as defined in s. 688.002.~~

1041 1.2. Leasing plans, real property acquisition plans,
 1042 exploration budgets, or marketing studies, the disclosure of
 1043 which would impair the efforts of the applicant or its
 1044 affiliates to contract for goods or services or to acquire real
 1045 property interests on favorable terms.

1046 2.3. Competitive interests, which may include well design
 1047 or completion plans, geological or engineering studies related
 1048 to storage reservoir performance characteristics, or field
 1049 utilization strategies or operating plans, the disclosure of
 1050 which would impair the competitive business of the applicant

1051 providing the information.

1052 Section 30. Section 381.83, Florida Statutes, is repealed.

1053 Section 31. Paragraph (c) of subsection (2) of section
1054 395.3035, Florida Statutes, is amended to read:

1055 395.3035 Confidentiality of hospital records and
1056 meetings.—

1057 (2) The following records and information of any hospital
1058 that is subject to chapter 119 and s. 24(a), Art. I of the State
1059 Constitution are confidential and exempt from the provisions of
1060 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1061 (c) ~~Trade secrets, as defined in s. 688.002, including~~
1062 Reimbursement methodologies and rates.

1063 Section 32. Subsection (2) and paragraph (b) of subsection
1064 (3) of section 403.7046, Florida Statutes, are amended to read:

1065 403.7046 Regulation of recovered materials.—

1066 (2) Notwithstanding s. 688.01, information reported
1067 pursuant to this section or any rule adopted pursuant to this
1068 section which, if disclosed, would reveal a trade secret, as
1069 defined in s. 688.01, may be provided by the department ~~812.081,~~
1070 ~~is confidential and exempt from s. 119.07(1) and s. 24(a), Art.~~
1071 ~~I of the State Constitution. For reporting or information~~
1072 ~~purposes, however, the department may provide this information~~
1073 in such form that the names of the persons reporting such
1074 information and the specific information reported are not
1075 revealed. ~~This subsection is subject to the Open Government~~

1076 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
 1077 ~~repealed on October 2, 2021, unless reviewed and saved from~~
 1078 ~~repeal through reenactment by the Legislature.~~

1079 (3) Except as otherwise provided in this section or
 1080 pursuant to a special act in effect on or before January 1,
 1081 1993, a local government may not require a commercial
 1082 establishment that generates source-separated recovered
 1083 materials to sell or otherwise convey its recovered materials to
 1084 the local government or to a facility designated by the local
 1085 government, nor may the local government restrict such a
 1086 generator's right to sell or otherwise convey such recovered
 1087 materials to any properly certified recovered materials dealer
 1088 who has satisfied the requirements of this section. A local
 1089 government may not enact any ordinance that prevents such a
 1090 dealer from entering into a contract with a commercial
 1091 establishment to purchase, collect, transport, process, or
 1092 receive source-separated recovered materials.

1093 (b)~~1~~. Before engaging in business within the jurisdiction
 1094 of the local government, a recovered materials dealer or
 1095 pyrolysis facility must provide the local government with a copy
 1096 of the certification provided for in this section. In addition,
 1097 the local government may establish a registration process
 1098 whereby a recovered materials dealer or pyrolysis facility must
 1099 register with the local government before engaging in business
 1100 within the jurisdiction of the local government. Such

1101 registration process is limited to requiring the dealer or
1102 pyrolysis facility to register its name, including the owner or
1103 operator of the dealer or pyrolysis facility, and, if the dealer
1104 or pyrolysis facility is a business entity, its general or
1105 limited partners, its corporate officers and directors, its
1106 permanent place of business, evidence of its certification under
1107 this section, and a certification that the recovered materials
1108 or post-use polymers will be processed at a recovered materials
1109 processing facility or pyrolysis facility satisfying the
1110 requirements of this section. The local government may not use
1111 the information provided in the registration application to
1112 compete unfairly with the recovered materials dealer until 90
1113 days after receipt of the application. All counties, and
1114 municipalities whose population exceeds 35,000 according to the
1115 population estimates determined pursuant to s. 186.901, may
1116 establish a reporting process that must be limited to the
1117 regulations, reporting format, and reporting frequency
1118 established by the department pursuant to this section, which
1119 must, at a minimum, include requiring the dealer or pyrolysis
1120 facility to identify the types and approximate amount of
1121 recovered materials or post-use polymers collected, recycled, or
1122 reused during the reporting period; the approximate percentage
1123 of recovered materials or post-use polymers reused, stored, or
1124 delivered to a recovered materials processing facility or
1125 pyrolysis facility or disposed of in a solid waste disposal

1126 facility; and the locations where any recovered materials or
 1127 post-use polymers were disposed of as solid waste. The local
 1128 government may charge the dealer or pyrolysis facility a
 1129 registration fee commensurate with and no greater than the cost
 1130 incurred by the local government in operating its registration
 1131 program. Registration program costs are limited to those costs
 1132 associated with the activities described in this paragraph
 1133 ~~subparagraph~~. Any reporting or registration process established
 1134 by a local government with regard to recovered materials or
 1135 post-use polymers is governed by this section and department
 1136 rules adopted pursuant thereto.

1137 ~~2. Information reported under this subsection which, if~~
 1138 ~~disclosed, would reveal a trade secret, as defined in s.~~
 1139 ~~812.081, is confidential and exempt from s. 119.07(1) and s.~~
 1140 ~~24(a), Art. I of the State Constitution. This subparagraph is~~
 1141 ~~subject to the Open Government Sunset Review Act in accordance~~
 1142 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
 1143 ~~unless reviewed and saved from repeal through reenactment by the~~
 1144 ~~Legislature.~~

1145 Section 33. Section 403.73, Florida Statutes, is repealed.

1146 Section 34. Paragraph (c) of subsection (1) of section
 1147 408.061, Florida Statutes, is amended to read:

1148 408.061 Data collection; uniform systems of financial
 1149 reporting; information relating to physician charges;
 1150 confidential information; immunity.—

1151 (1) The agency shall require the submission by health care
 1152 facilities, health care providers, and health insurers of data
 1153 necessary to carry out the agency's duties and to facilitate
 1154 transparency in health care pricing data and quality measures.
 1155 Specifications for data to be collected under this section shall
 1156 be developed by the agency and applicable contract vendors, with
 1157 the assistance of technical advisory panels including
 1158 representatives of affected entities, consumers, purchasers, and
 1159 such other interested parties as may be determined by the
 1160 agency.

1161 (c) Data to be submitted by health insurers may include,
 1162 but are not limited to: claims, payments to health care
 1163 facilities and health care providers as specified by rule,
 1164 premium, administration, and financial information. Data
 1165 submitted shall be certified by the chief financial officer, an
 1166 appropriate and duly authorized representative, or an employee
 1167 of the insurer that the information submitted is true and
 1168 accurate. ~~Information that is considered a trade secret under s.~~
 1169 ~~812.081 shall be clearly designated.~~

1170 Section 35. Subsection (1) of section 408.185, Florida
 1171 Statutes, is amended to read:

1172 408.185 Information submitted for review of antitrust
 1173 issues; confidentiality.—The following information held by the
 1174 Office of the Attorney General, which is submitted by a member
 1175 of the health care community pursuant to a request for an

1176 antitrust no-action letter shall be confidential and exempt from
 1177 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1178 Constitution for 1 year after the date of submission.

1179 ~~(1) Documents that reveal trade secrets as defined in s.~~
 1180 ~~688.002.~~

1181 Section 36. Paragraph (a) of subsection (14) of section
 1182 408.910, Florida Statutes, is amended to read:

1183 408.910 Florida Health Choices Program.—

1184 (14) EXEMPTION FROM PUBLIC RECORDS REQUIREMENTS.—

1185 (a) Definitions.—For purposes of this subsection, the
 1186 term:

1187 1. "Buyer's representative" means a participating
 1188 insurance agent as described in paragraph (4) (g).

1189 2. "Enrollee" means an employer who is eligible to enroll
 1190 in the program pursuant to paragraph (4) (a).

1191 3. "Participant" means an individual who is eligible to
 1192 participate in the program pursuant to paragraph (4) (b).

1193 4. "Proprietary confidential business information" means
 1194 information, regardless of form or characteristics, that is
 1195 owned or controlled by a vendor requesting confidentiality under
 1196 this section; that is intended to be and is treated by the
 1197 vendor as private in that the disclosure of the information
 1198 would cause harm to the business operations of the vendor; that
 1199 has not been disclosed unless disclosed pursuant to a statutory
 1200 provision, an order of a court or administrative body, or a

1201 private agreement providing that the information may be released
 1202 to the public; and that is information concerning:

- 1203 a. Business plans.
- 1204 b. Internal auditing controls and reports of internal
 1205 auditors.
- 1206 c. Reports of external auditors for privately held
 1207 companies.
- 1208 d. Client and customer lists.
- 1209 e. Potentially patentable material.

1210 ~~f. A trade secret as defined in s. 688.002.~~

1211 5. "Vendor" means a participating insurer or other
 1212 provider of services as described in paragraph (4) (d).

1213 Section 37. Section 409.91196, Florida Statutes, is amended
 1214 to read:

1215 409.91196 Supplemental rebate agreements; public records
 1216 and public meetings exemption.—

1217 (1) The rebate amount, percent of rebate, manufacturer's
 1218 pricing, and supplemental rebate, ~~and other trade secrets as~~
 1219 ~~defined in s. 688.002 that the agency has identified for use in~~
 1220 ~~negotiations,~~ held by the Agency for Health Care Administration
 1221 under s. 409.912(5) (a)7. are confidential and exempt from s.
 1222 119.07(1) and s. 24(a), Art. I of the State Constitution.

1223 (2) That portion of a meeting of the Medicaid
 1224 Pharmaceutical and Therapeutics Committee at which the rebate
 1225 amount, percent of rebate, manufacturer's pricing, or

1226 supplemental rebate, or other confidential and exempt trade
1227 secrets as provided for in s. 688.01 ~~defined in s. 688.002~~ that
1228 the agency has identified for use in negotiations, are discussed
1229 is exempt from s. 286.011 and s. 24(b), Art. I of the State
1230 Constitution. A record shall be made of each exempt portion of a
1231 meeting. Such record must include the times of commencement and
1232 termination, all discussions and proceedings, the names of all
1233 persons present at any time, and the names of all persons
1234 speaking. No exempt portion of a meeting may be held off the
1235 record.

1236 Section 38. Paragraph (b) of subsection (2) of section
1237 440.108, Florida Statutes, is amended to read:

1238 440.108 Investigatory records relating to workers'
1239 compensation employer compliance; confidentiality.—

1240 (2) After an investigation is completed or ceases to be
1241 active, information in records relating to the investigation
1242 remains confidential and exempt from the provisions of s.
1243 119.07(1) and s. 24(a), Art. I of the State Constitution if
1244 disclosure of that information would:

1245 ~~(b) Reveal a trade secret, as defined in s. 688.002;~~

1246 Section 39. Paragraph (c) of subsection (1) of section
1247 494.00125, Florida Statutes, is amended to read:

1248 494.00125 Public records exemptions.—

1249 (1) INVESTIGATIONS OR EXAMINATIONS.—

1250 (c) Except as necessary for the office to enforce the

1251 provisions of this chapter, a consumer complaint and other
1252 information relative to an investigation or examination shall
1253 remain confidential and exempt from s. 119.07(1) after the
1254 investigation or examination is completed or ceases to be active
1255 to the extent disclosure would:

1256 1. Jeopardize the integrity of another active
1257 investigation or examination.

1258 2. Reveal the name, address, telephone number, social
1259 security number, or any other identifying number or information
1260 of any complainant, customer, or account holder.

1261 3. Disclose the identity of a confidential source.

1262 4. Disclose investigative techniques or procedures.

1263 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1264 Section 40. Subsection (4) of section 497.172, Florida
1265 Statutes, is amended to read:

1266 497.172 Public records exemptions; public meetings
1267 exemptions.—

1268 ~~(4) TRADE SECRETS. Trade secrets, as defined in s.~~
1269 ~~688.002, held by the department or board, are confidential and~~
1270 ~~exempt from s. 119.07(1) and s. 24(a), Art. I of the State~~
1271 ~~Constitution.~~

1272 Section 41. Paragraph (c) of subsection (3) of section
1273 499.012, Florida Statutes, is amended to read:

1274 499.012 Permit application requirements.—

1275 (3)

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1276 ~~(c) Information submitted by an applicant on an~~
1277 ~~application required pursuant to this subsection which is a~~
1278 ~~trade secret, as defined in s. 812.081, shall be maintained by~~
1279 ~~the department as trade secret information pursuant to s.~~
1280 ~~499.051(7).~~

1281 Section 42. Paragraph (b) of subsection (7) of section
1282 499.0121, Florida Statutes, is amended to read:

1283 499.0121 Storage and handling of prescription drugs;
1284 recordkeeping.—The department shall adopt rules to implement
1285 this section as necessary to protect the public health, safety,
1286 and welfare. Such rules shall include, but not be limited to,
1287 requirements for the storage and handling of prescription drugs
1288 and for the establishment and maintenance of prescription drug
1289 distribution records.

1290 (7) PRESCRIPTION DRUG PURCHASE LIST.—

1291 ~~(b) Such portions of the information required pursuant to~~
1292 ~~this subsection which are a trade secret, as defined in s.~~
1293 ~~812.081, shall be maintained by the department as trade secret~~
1294 ~~information is required to be maintained under s. 499.051. This~~
1295 ~~paragraph is subject to the Open Government Sunset Review Act in~~
1296 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
1297 ~~2021, unless reviewed and saved from repeal through reenactment~~
1298 ~~by the Legislature.~~

1299 Section 43. Paragraph (g) of subsection (1) of section
1300 499.05, Florida Statutes, is amended to read:

1301 499.05 Rules.—

1302 (1) The department shall adopt rules to implement and
 1303 enforce this chapter with respect to:

1304 (g) Inspections and investigations conducted under s.
 1305 499.051 or s. 499.93, ~~and the identification of information~~
 1306 ~~claimed to be a trade secret and exempt from the public records~~
 1307 ~~law as provided in s. 499.051(7).~~

1308 Section 44. Paragraph (b) of subsection (7) of section
 1309 499.051, Florida Statutes, is amended to read:

1310 499.051 Inspections and investigations.—

1311 (7)

1312 ~~(b) Information that constitutes a trade secret, as~~
 1313 ~~defined in s. 812.081, contained in the complaint or obtained by~~
 1314 ~~the department pursuant to the investigation must remain~~
 1315 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
 1316 ~~of the State Constitution as long as the information is held by~~
 1317 ~~the department. This paragraph is subject to the Open Government~~
 1318 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
 1319 ~~repealed on October 2, 2021, unless reviewed and saved from~~
 1320 ~~repeal through reenactment by the Legislature.~~

1321 Section 45. Section 499.931, Florida Statutes, is
 1322 repealed.

1323 Section 46. Paragraph (d) of subsection (11) of section
 1324 501.171, Florida Statutes, is amended to read:

1325 501.171 Security of confidential personal information.—

1326 (11) PUBLIC RECORDS EXEMPTION.—

1327 (d) For purposes of this subsection, the term "proprietary
1328 information" means information that:

1329 1. Is owned or controlled by the covered entity.

1330 2. Is intended to be private and is treated by the covered
1331 entity as private because disclosure would harm the covered
1332 entity or its business operations.

1333 3. Has not been disclosed except as required by law or a
1334 private agreement that provides that the information will not be
1335 released to the public.

1336 4. Is not publicly available or otherwise readily
1337 ascertainable through proper means from another source in the
1338 same configuration as received by the department.

1339 5. Includes:

1340 ~~a. Trade secrets as defined in s. 688.002.~~

1341 ~~b.~~ competitive interests, the disclosure of which would
1342 impair the competitive business of the covered entity who is the
1343 subject of the information.

1344 Section 47. Section 502.222, Florida Statutes, is
1345 repealed.

1346 Section 48. Paragraph (b) of subsection (1) of section
1347 517.2015, Florida Statutes, is amended to read:

1348 517.2015 Confidentiality of information relating to
1349 investigations and examinations.—

1350 (1)

1351 (b) Except as necessary for the office to enforce the
 1352 provisions of this chapter, a consumer complaint and other
 1353 information relative to an investigation or examination shall
 1354 remain confidential and exempt from s. 119.07(1) after the
 1355 investigation or examination is completed or ceases to be active
 1356 to the extent disclosure would:

1357 1. Jeopardize the integrity of another active
 1358 investigation or examination.

1359 2. Reveal the name, address, telephone number, social
 1360 security number, or any other identifying number or information
 1361 of any complainant, customer, or account holder.

1362 3. Disclose the identity of a confidential source.

1363 4. Disclose investigative techniques or procedures.

1364 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1365 Section 49. Paragraph (b) of subsection (1) of section
 1366 520.9965, Florida Statutes, is amended to read:

1367 520.9965 Confidentiality of information relating to
 1368 investigations and examinations.-

1369 (1)

1370 (b) Except as necessary for the office to enforce the
 1371 provisions of this chapter, a consumer complaint and other
 1372 information relative to an investigation or examination shall
 1373 remain confidential and exempt from s. 119.07(1) after the
 1374 investigation or examination is completed or ceases to be active
 1375 to the extent disclosure would:

1376 1. Jeopardize the integrity of another active
 1377 investigation or examination.

1378 2. Reveal the name, address, telephone number, social
 1379 security number, or any other identifying number or information
 1380 of any complainant, customer, or account holder.

1381 3. Disclose the identity of a confidential source.

1382 4. Disclose investigative techniques or procedures.

1383 ~~5. Reveal a trade secret as defined in s. 688.002.~~

1384 Section 50. Subsection (2) of section 526.311, Florida
 1385 Statutes, is amended to read:

1386 526.311 Enforcement; civil penalties; injunctive relief.-

1387 (2) The Department of Agriculture and Consumer Services
 1388 shall investigate any complaints regarding violations of this
 1389 act and may request in writing the production of documents and
 1390 records as part of its investigation of a complaint. If the
 1391 person upon whom such request was made fails to produce the
 1392 documents or records within 30 days after the date of the
 1393 request, the department, through the department's office of
 1394 general counsel, may issue and serve a subpoena to compel the
 1395 production of such documents and records. If any person shall
 1396 refuse to comply with a subpoena issued under this section, the
 1397 department may petition a court of competent jurisdiction to
 1398 enforce the subpoena and assess such sanctions as the court may
 1399 direct. Refiners shall afford the department reasonable access
 1400 to the refiners' posted terminal price. Any records, documents,

1401 papers, maps, books, tapes, photographs, files, sound
 1402 recordings, or other business material, regardless of form or
 1403 characteristics, obtained by the department are confidential and
 1404 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 1405 of the State Constitution while the investigation is pending. At
 1406 the conclusion of an investigation, any matter determined by the
 1407 department or by a judicial or administrative body, federal or
 1408 state, to be ~~a trade secret or~~ proprietary confidential business
 1409 information held by the department pursuant to such
 1410 investigation shall be considered confidential and exempt from
 1411 the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1412 Constitution. Such materials may be used in any administrative
 1413 or judicial proceeding so long as the confidential or
 1414 proprietary nature of the material is maintained.

1415 Section 51. Paragraph (e) of subsection (1) of section
 1416 548.062, Florida Statutes, is amended to read:

1417 548.062 Public records exemption.—

1418 (1) As used in this section, the term "proprietary
 1419 confidential business information" means information that:

1420 (e) Concerns any of the following:

- 1421 1. The number of ticket sales for a match;
- 1422 2. The amount of gross receipts after a match;
- 1423 ~~3. A trade secret, as defined in s. 688.002;~~
- 1424 3.4. Business plans;
- 1425 ~~4.5.~~ Internal auditing controls and reports of internal

1426 auditors; or

1427 5.6 Reports of external auditors.

1428 Section 52. Paragraph (a) of subsection (1) of section
1429 556.113, Florida Statutes, is amended to read:

1430 556.113 Sunshine State One-Call of Florida, Inc.; public
1431 records exemption.—

1432 (1) As used in this section, the term "proprietary
1433 confidential business information" means information provided
1434 by:

1435 (a) A member operator which is a map, plan, facility
1436 location diagram, internal damage investigation report or
1437 analysis, or dispatch methodology, ~~or trade secret as defined in~~
1438 ~~s. 688.002~~, or which describes the exact location of a utility
1439 underground facility or the protection, repair, or restoration
1440 thereof, and:

1441 1. Is intended to be and is treated by the member operator
1442 as confidential;

1443 2. The disclosure of which would likely be used by a
1444 competitor to harm the business interests of the member operator
1445 or could be used for the purpose of inflicting damage on
1446 underground facilities; and

1447 3. Is not otherwise readily ascertainable or publicly
1448 available by proper means by other persons from another source
1449 in the same configuration as provided to Sunshine State One-Call
1450 of Florida, Inc.

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1451 Section 53. Paragraph (b) of subsection (2) of section
1452 559.5558, Florida Statutes, is amended to read:

1453 559.5558 Public records exemption; investigations and
1454 examinations.—

1455 (2)

1456 (b) Information made confidential and exempt pursuant to
1457 this section is no longer confidential and exempt once the
1458 investigation or examination is completed or ceases to be active
1459 unless disclosure of the information would:

1460 1. Jeopardize the integrity of another active
1461 investigation or examination.

1462 2. Reveal the personal identifying information of a
1463 consumer, unless the consumer is also the complainant. A
1464 complainant's personal identifying information is subject to
1465 disclosure after the investigation or examination is completed
1466 or ceases to be active. However, a complainant's personal
1467 financial and health information remains confidential and
1468 exempt.

1469 3. Reveal the identity of a confidential source.

1470 4. Reveal investigative or examination techniques or
1471 procedures.

1472 ~~5. Reveal trade secrets, as defined in s. 688.002.~~

1473 Section 54. Paragraph (c) of subsection (3) of section
1474 559.9285, Florida Statutes, is amended to read:

1475 559.9285 Certification of business activities.—

1476 (3) The department shall specify by rule the form of each
 1477 certification under this section which shall include the
 1478 following information:

1479 (c) The legal name, any trade names or fictitious names,
 1480 mailing address, physical address, telephone number or numbers,
 1481 facsimile number or numbers, and all Internet and electronic
 1482 contact information of every other commercial entity with which
 1483 the certifying party engages in business or commerce that is
 1484 related in any way to the certifying party's business or
 1485 commerce with any terrorist state. The information disclosed
 1486 pursuant to this paragraph does not constitute customer lists
 1487 ~~or~~ customer names, ~~or trade secrets~~ protected under s.
 1488 570.544(8) or trade secrets protected under s. 688.01.

1489 Section 55. Subsection (2) of section 560.129, Florida
 1490 Statutes, is amended to read:

1491 560.129 Confidentiality.—

1492 (2) All information obtained by the office in the course
 1493 of its investigation or examination ~~which is a trade secret, as~~
 1494 ~~defined in s. 688.002, or~~ which is personal financial
 1495 information shall remain confidential and exempt from s.
 1496 119.07(1) and s. 24(a), Art. I of the State Constitution. If any
 1497 administrative, civil, or criminal proceeding against a money
 1498 services business, its authorized vendor, or an affiliated party
 1499 is initiated and the office seeks to use matter that a licensee
 1500 believes to be ~~a trade secret or~~ personal financial information,

1501 such records shall be subject to an in camera review by the
1502 administrative law judge, if the matter is before the Division
1503 of Administrative Hearings, or a judge of any court of this
1504 state, any other state, or the United States, as appropriate,
1505 for the purpose of determining if the matter is a ~~trade secret~~
1506 ~~or is~~ personal financial information. ~~If it is determined that~~
1507 ~~the matter is a trade secret, the matter shall remain~~
1508 ~~confidential.~~ If it is determined that the matter is personal
1509 financial information, the matter shall remain confidential
1510 unless the administrative law judge or judge determines that, in
1511 the interests of justice, the matter should become public.

1512 Section 56. Paragraph (a) of subsection (2) of section
1513 569.215, Florida Statutes, is amended to read:

1514 569.215 Confidential records relating to tobacco
1515 settlement agreement.—

1516 (2) As used in this section, the term "proprietary
1517 confidential business information" means information, regardless
1518 of form or characteristics, which is owned or controlled by a
1519 tobacco company that is a signatory to the settlement agreement,
1520 as amended, in the case of State of Florida et al. v. American
1521 Tobacco Company et al., No. 95-1466AH, in the Circuit Court of
1522 the Fifteenth Judicial Circuit, in and for Palm Beach County, is
1523 intended to be and is treated by a tobacco company as private in
1524 that the disclosure of the information would cause harm to the
1525 company's business operations, and has not been disclosed unless

1526 disclosed pursuant to a statutory provision, an order of a court
 1527 or administrative body, or private agreement that provides that
 1528 the information will not be released to the public. The term
 1529 includes, ~~but is not limited to:~~

1530 ~~(a) Trade secrets as defined in s. 688.002.~~

1531 Section 57. Subsection (3) of section 570.48, Florida
 1532 Statutes, is amended to read:

1533 570.48 Division of Fruit and Vegetables; powers and
 1534 duties; records.—The duties of the Division of Fruit and
 1535 Vegetables include, but are not limited to:

1536 (3) Maintaining the records of the division. The records
 1537 of the division are public records. ; ~~however, trade secrets as~~
 1538 ~~defined in s. 812.081 are confidential and exempt from s.~~
 1539 ~~119.07(1) and s. 24(a), Art. I of the State Constitution. This~~
 1540 ~~subsection is subject to the Open Government Sunset Review Act~~
 1541 ~~in accordance with s. 119.15 and shall stand repealed on October~~
 1542 ~~2, 2021, unless reviewed and saved from repeal through~~
 1543 ~~reenactment by the Legislature. This Section 688.01 may not be~~
 1544 ~~construed to prohibit:~~

1545 ~~(a) A disclosure necessary to enforcement procedures.~~

1546 ~~(b) The department from releasing information to other~~
 1547 ~~governmental agencies. Other governmental agencies that receive~~
 1548 ~~confidential information from the department under this~~
 1549 ~~subsection shall maintain the confidentiality of that~~
 1550 ~~information.~~

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1551 ~~(e)~~ the department or other agencies from compiling and
1552 publishing appropriate data regarding procedures, yield,
1553 recovery, quality, and related matters, provided such released
1554 data do not reveal by whom the activity to which the data relate
1555 was conducted.

1556 Section 58. Subsection (8) of section 570.544, Florida
1557 Statutes, is amended to read:

1558 570.544 Division of Consumer Services; director; powers;
1559 processing of complaints; records.—

1560 (8) The records of the Division of Consumer Services are
1561 public records. However, customer lists and, customer names, ~~and~~
1562 ~~trade secrets~~ are confidential and exempt from the provisions of
1563 s. 119.07(1). Disclosure necessary to enforcement procedures
1564 does not violate this prohibition.

1565 Section 59. Subsection (2) of section 573.123, Florida
1566 Statutes, is amended to read:

1567 573.123 Maintenance and production of records.—

1568 ~~(2) Information that, if disclosed, would reveal a trade~~
1569 ~~secret, as defined in s. 812.081, of any person subject to a~~
1570 ~~marketing order is confidential and exempt from s. 119.07(1) and~~
1571 ~~s. 24(a), Art. I of the State Constitution and may not be~~
1572 ~~disclosed except to an attorney who provides legal advice to the~~
1573 ~~division about enforcing a marketing order or by court order. A~~
1574 ~~person who receives confidential information under this~~
1575 ~~subsection shall maintain the confidentiality of that~~

1576 ~~information. This subsection is subject to the Open Government~~
1577 ~~Sunset Review Act in accordance with s. 119.15 and shall stand~~
1578 ~~repealed on October 2, 2021, unless reviewed and saved from~~
1579 ~~repeal through reenactment by the Legislature.~~

1580 Section 60. Section 581.199, Florida Statutes, is
1581 repealed.

1582 Section 61. Paragraph (b) of subsection (8) of section
1583 601.10, Florida Statutes, is amended to read:

1584 601.10 Powers of the Department of Citrus.—The department
1585 shall have and shall exercise such general and specific powers
1586 as are delegated to it by this chapter and other statutes of the
1587 state, which powers shall include, but are not limited to, the
1588 following:

1589 (8)

1590 ~~(b) Any information provided to the department which~~
1591 ~~constitutes a trade secret as defined in s. 812.081 is~~
1592 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
1593 ~~of the State Constitution. This paragraph is subject to the Open~~
1594 ~~Government Sunset Review Act in accordance with s. 119.15 and~~
1595 ~~shall stand repealed on October 2, 2021, unless reviewed and~~
1596 ~~saved from repeal through reenactment by the Legislature.~~

1597 Section 62. Paragraph (d) of subsection (7) of section
1598 601.15, Florida Statutes, is amended to read:

1599 601.15 Advertising campaign; methods of conducting;
1600 assessments; emergency reserve fund; citrus research.—

1601 (7) All assessments levied and collected under this
1602 chapter shall be paid into the State Treasury on or before the
1603 15th day of each month. Such moneys shall be accounted for in a
1604 special fund to be designated as the Florida Citrus Advertising
1605 Trust Fund, and all moneys in such fund are appropriated to the
1606 department for the following purposes:

1607 (d)1. The pro rata portion of moneys allocated to each
1608 type of citrus product in noncommodity programs shall be used by
1609 the department to encourage substantial increases in the
1610 effectiveness, frequency, and volume of noncommodity
1611 advertising, merchandising, publicity, and sales promotion of
1612 such citrus products through rebates and incentive payments to
1613 handlers and trade customers for these activities. The
1614 department shall adopt rules providing for the use of such
1615 moneys. The rules shall establish alternate incentive programs,
1616 including at least one incentive program for product sold under
1617 advertised brands, one incentive program for product sold under
1618 private label brands, and one incentive program for product sold
1619 in bulk. For each incentive program, the rules must establish
1620 eligibility and performance requirements and must provide
1621 appropriate limitations on amounts payable to a handler or trade
1622 customer for a particular season. Such limitations may relate to
1623 the amount of citrus assessments levied and collected on the
1624 citrus product handled by such handler or trade customer during
1625 a 12-month representative period.

1626 2. The department may require from participants in
 1627 noncommodity advertising and promotional programs commercial
 1628 information necessary to determine eligibility for and
 1629 performance in such programs. ~~Any information required which~~
 1630 ~~constitutes a trade secret as defined in s. 812.081 is~~
 1631 ~~confidential and exempt from s. 119.07(1) and s. 24(a), Art. I~~
 1632 ~~of the State Constitution. This subparagraph is subject to the~~
 1633 ~~Open Government Sunset Review Act in accordance with s. 119.15~~
 1634 ~~and shall stand repealed on October 2, 2021, unless reviewed and~~
 1635 ~~saved from repeal through reenactment by the Legislature.~~

1636 Section 63. Paragraph (c) of subsection (8) of section
 1637 601.152, Florida Statutes, is amended to read:

1638 601.152 Special marketing orders.—

1639 (8)

1640 (c)~~4~~. Every handler shall, at such times as the department
 1641 may require, file with the department a return, not under oath,
 1642 on forms to be prescribed and furnished by the department,
 1643 certified as true and correct, stating the quantity of the type,
 1644 variety, and form of citrus fruit or citrus product specified in
 1645 the marketing order first handled in the primary channels of
 1646 trade in the state by such handler during the period of time
 1647 specified in the marketing order. Such returns must contain any
 1648 further information deemed by the department to be reasonably
 1649 necessary to properly administer or enforce this section or any
 1650 marketing order implemented under this section.

1651 ~~2. Information that, if disclosed, would reveal a trade~~
1652 ~~secret, as defined in s. 812.081, of any person subject to a~~
1653 ~~marketing order is confidential and exempt from s. 119.07(1) and~~
1654 ~~s. 24(a), Art. I of the State Constitution. This subparagraph is~~
1655 ~~subject to the Open Government Sunset Review Act in accordance~~
1656 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~
1657 ~~unless reviewed and saved from repeal through reenactment by the~~
1658 ~~Legislature.~~

1659 Section 64. Section 601.76, Florida Statutes, is repealed.

1660 Section 65. Subsection (6) of section 607.0505, Florida
1661 Statutes, is amended to read:

1662 607.0505 Registered agent; duties.—

1663 (6) Information provided to, and records and
1664 transcriptions of testimony obtained by, the Department of Legal
1665 Affairs pursuant to this section are confidential and exempt
1666 from the provisions of s. 119.07(1) while the investigation is
1667 active. For purposes of this section, an investigation shall be
1668 considered "active" while such investigation is being conducted
1669 with a reasonable, good faith belief that it may lead to the
1670 filing of an administrative, civil, or criminal proceeding. An
1671 investigation does not cease to be active so long as the
1672 department is proceeding with reasonable dispatch and there is a
1673 good faith belief that action may be initiated by the department
1674 or other administrative or law enforcement agency. Except for
1675 active criminal intelligence or criminal investigative

1676 information, as defined in s. 119.011, and information which, if
 1677 disclosed, ~~would reveal a trade secret, as defined in s.~~
 1678 ~~688.002, or~~ would jeopardize the safety of an individual, all
 1679 information, records, and transcriptions become public record
 1680 when the investigation is completed or ceases to be active. The
 1681 department shall not disclose confidential information, records,
 1682 or transcriptions of testimony except pursuant to the
 1683 authorization by the Attorney General in any of the following
 1684 circumstances:

1685 (a) To a law enforcement agency participating in or
 1686 conducting a civil investigation under chapter 895, or
 1687 participating in or conducting a criminal investigation.

1688 (b) In the course of filing, participating in, or
 1689 conducting a judicial proceeding instituted pursuant to this
 1690 section or chapter 895.

1691 (c) In the course of filing, participating in, or
 1692 conducting a judicial proceeding to enforce an order or judgment
 1693 entered pursuant to this section or chapter 895.

1694 (d) In the course of a criminal or civil proceeding.

1695
 1696 A person or law enforcement agency which receives any
 1697 information, record, or transcription of testimony that has been
 1698 made confidential by this subsection shall maintain the
 1699 confidentiality of such material and shall not disclose such
 1700 information, record, or transcription of testimony except as

1701 provided for herein. Any person who willfully discloses any
1702 information, record, or transcription of testimony that has been
1703 made confidential by this subsection, except as provided for
1704 herein, is guilty of a misdemeanor of the first degree,
1705 punishable as provided in s. 775.082 or s. 775.083. If any
1706 information, record, or testimony obtained pursuant to
1707 subsection (2) is offered in evidence in any judicial
1708 proceeding, the court may, in its discretion, seal that portion
1709 of the record to further the policies of confidentiality set
1710 forth herein.

1711 Section 66. Subsection (6) of section 617.0503, Florida
1712 Statutes, is amended to read:

1713 617.0503 Registered agent; duties; confidentiality of
1714 investigation records.—

1715 (6) Information provided to, and records and
1716 transcriptions of testimony obtained by, the Department of Legal
1717 Affairs pursuant to this section are confidential and exempt
1718 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
1719 State Constitution while the investigation is active. For
1720 purposes of this section, an investigation shall be considered
1721 "active" while such investigation is being conducted with a
1722 reasonable, good faith belief that it may lead to the filing of
1723 an administrative, civil, or criminal proceeding. An
1724 investigation does not cease to be active so long as the
1725 department is proceeding with reasonable dispatch and there is a

1726 good faith belief that action may be initiated by the department
1727 or other administrative or law enforcement agency. Except for
1728 active criminal intelligence or criminal investigative
1729 information, as defined in s. 119.011, and information which, if
1730 disclosed, ~~would reveal a trade secret, as defined in s.~~
1731 ~~688.002, or~~ would jeopardize the safety of an individual, all
1732 information, records, and transcriptions become available to the
1733 public when the investigation is completed or ceases to be
1734 active. The department shall not disclose confidential
1735 information, records, or transcriptions of testimony except
1736 pursuant to authorization by the Attorney General in any of the
1737 following circumstances:

1738 (a) To a law enforcement agency participating in or
1739 conducting a civil investigation under chapter 895, or
1740 participating in or conducting a criminal investigation.

1741 (b) In the course of filing, participating in, or
1742 conducting a judicial proceeding instituted pursuant to this
1743 section or chapter 895.

1744 (c) In the course of filing, participating in, or
1745 conducting a judicial proceeding to enforce an order or judgment
1746 entered pursuant to this section or chapter 895.

1747 (d) In the course of a criminal proceeding.

1748
1749 A person or law enforcement agency that receives any
1750 information, record, or transcription of testimony that has been

1751 made confidential by this subsection shall maintain the
 1752 confidentiality of such material and shall not disclose such
 1753 information, record, or transcription of testimony except as
 1754 provided for herein. Any person who willfully discloses any
 1755 information, record, or transcription of testimony that has been
 1756 made confidential by this subsection, except as provided for in
 1757 this subsection, commits a misdemeanor of the first degree,
 1758 punishable as provided in s. 775.082 or s. 775.083. If any
 1759 information, record, or testimony obtained pursuant to
 1760 subsection (2) is offered in evidence in any judicial
 1761 proceeding, the court may, in its discretion, seal that portion
 1762 of the record to further the policies of confidentiality set
 1763 forth in this subsection.

1764 Section 67. Paragraph (c) of subsection (1) of section
 1765 624.4212, Florida Statutes, is amended to read:

1766 624.4212 Confidentiality of proprietary business and other
 1767 information.—

1768 (1) As used in this section, the term "proprietary
 1769 business information" means information, regardless of form or
 1770 characteristics, which is owned or controlled by an insurer, or
 1771 a person or an affiliated person who seeks acquisition of
 1772 controlling stock in a domestic stock insurer or controlling
 1773 company, and which:

1774 (c) Includes:

1775 ~~1. Trade secrets as defined in s. 688.002 which comply~~

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1776 ~~with s. 624.4213.~~

1777 ~~1.2.~~ Information relating to competitive interests, the
1778 disclosure of which would impair the competitive business of the
1779 provider of the information.

1780 ~~2.3.~~ The source, nature, and amount of the consideration
1781 used or to be used in carrying out a merger or other acquisition
1782 of control in the ordinary course of business, including the
1783 identity of the lender, if the person filing a statement
1784 regarding consideration so requests.

1785 ~~3.4.~~ Information relating to bids or other contractual
1786 data, the disclosure of which would impair the efforts of the
1787 insurer or its affiliates to contract for goods or services on
1788 favorable terms.

1789 ~~4.5.~~ Internal auditing controls and reports of internal
1790 auditors.

1791 Section 68. Section 624.4213, Florida Statutes, is
1792 repealed.

1793 Section 69. Paragraph (d) of subsection (1) of section
1794 626.84195, Florida Statutes, is amended to read:

1795 626.84195 Confidentiality of information supplied by title
1796 insurance agencies and insurers.—

1797 (1) As used in this section, the term "proprietary
1798 business information" means information that:

1799 (d) Concerns:

1800 1. Business plans;

1801 2. Internal auditing controls and reports of internal
1802 auditors;

1803 3. Reports of external auditors for privately held
1804 companies;

1805 ~~4. Trade secrets, as defined in s. 688.002, or~~
1806 4.5. Financial information, including revenue data, loss
1807 expense data, gross receipts, taxes paid, capital investment,
1808 and employee wages.

1809 Section 70. Subsection (2) of section 626.884, Florida
1810 Statutes, is amended to read:

1811 626.884 Maintenance of records by administrator; access;
1812 confidentiality.—

1813 (2) The office shall have access to books and records
1814 maintained by the administrator for the purpose of examination,
1815 audit, and inspection. ~~Information contained in such books and~~
1816 ~~records is confidential and exempt from the provisions of s.~~
1817 ~~119.07(1) if the disclosure of such information would reveal a~~
1818 ~~trade secret as defined in s. 688.002. However, the office may~~
1819 ~~use such information in any proceeding instituted against the~~
1820 ~~administrator.~~

1821 Section 71. Subsection (1) of section 626.9936, Florida
1822 Statutes, is amended to read:

1823 626.9936 Access to records.—

1824 (1) Notwithstanding subsections (1) and (2) of Article
1825 VIII, subsection (2) of Article X, and subsection (6) of Article

1826 XII of the Interstate Insurance Product Regulation Compact, a
 1827 request by a resident of this state for public inspection and
 1828 copying of information, data, or official records that includes:

1829 ~~(a) An insurer's trade secrets shall be referred to the~~
 1830 ~~commissioner who shall respond to the request, with the~~
 1831 ~~cooperation and assistance of the commission, in accordance with~~
 1832 ~~s. 624.4213; or~~

1833 ~~(b) matters of privacy of individuals shall be referred to~~
 1834 ~~the commissioner who shall respond to the request, with the~~
 1835 ~~cooperation and assistance of the commission, in accordance with~~
 1836 ~~s. 119.07(1).~~

1837 Section 72. Paragraph (g) of subsection (3) of section
 1838 627.0628, Florida Statutes, is amended to read:

1839 627.0628 Florida Commission on Hurricane Loss Projection
 1840 Methodology; public records exemption; public meetings
 1841 exemption.—

1842 (3) ADOPTION AND EFFECT OF STANDARDS AND GUIDELINES.—

1843 ~~(g)1. A trade secret, as defined in s. 688.002, which is~~
 1844 ~~used in designing and constructing a hurricane or flood loss~~
 1845 ~~model and which is provided pursuant to this section, by a~~
 1846 ~~private company, to the commission, office, or consumer advocate~~
 1847 ~~appointed pursuant to s. 627.0613 is confidential and exempt~~
 1848 ~~from s. 119.07(1) and s. 24(a), Art. I of the State~~
 1849 ~~Constitution.~~

1850 1.2.a. That portion of a meeting of the commission or of a

1851 rate proceeding on an insurer's rate filing at which a trade
1852 secret made confidential and exempt pursuant to s. 688.01 ~~by~~
1853 ~~this paragraph~~ is discussed is exempt from s. 286.011 and s.
1854 24(b), Art. I of the State Constitution. The closed meeting must
1855 be recorded, and no portion of the closed meeting may be off the
1856 record.

1857 2.b. The recording of a closed portion of a meeting is
1858 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
1859 Constitution.

1860 3.e. This paragraph is subject to the Open Government
1861 Sunset Review Act in accordance with s. 119.15 and shall stand
1862 repealed on October 2, 2019, unless reviewed and saved from
1863 repeal through reenactment by the Legislature.

1864 Section 73. Paragraph (a) of subsection (11) of section
1865 627.3518, Florida Statutes, is amended to read:

1866 627.3518 Citizens Property Insurance Corporation
1867 policyholder eligibility clearinghouse program.—The purpose of
1868 this section is to provide a framework for the corporation to
1869 implement a clearinghouse program by January 1, 2014.

1870 (11) Proprietary business information provided to the
1871 corporation's clearinghouse by insurers with respect to
1872 identifying and selecting risks for an offer of coverage is
1873 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1874 of the State Constitution.

1875 (a) As used in this subsection, the term "proprietary

1876 business information" means information, regardless of form or
 1877 characteristics, which is owned or controlled by an insurer and:

1878 1. Is identified by the insurer as proprietary business
 1879 information and is intended to be and is treated by the insurer
 1880 as private in that the disclosure of the information would cause
 1881 harm to the insurer, an individual, or the company's business
 1882 operations and has not been disclosed unless disclosed pursuant
 1883 to a statutory requirement, an order of a court or
 1884 administrative body, or a private agreement that provides that
 1885 the information will not be released to the public;

1886 2. Is not otherwise readily ascertainable or publicly
 1887 available by proper means by other persons from another source
 1888 in the same configuration as provided to the clearinghouse; and

1889 3. Includes, ~~but is not limited to:~~

1890 ~~a. Trade secrets.~~

1891 ~~b.~~ information relating to competitive interests, the
 1892 disclosure of which would impair the competitive business of the
 1893 provider of the information.

1894
 1895 Proprietary business information may be found in underwriting
 1896 criteria or instructions which are used to identify and select
 1897 risks through the program for an offer of coverage and are
 1898 shared with the clearinghouse to facilitate the shopping of
 1899 risks with the insurer.

1900 Section 74. Subsections (4), (5), (14), and (15) of

1901 section 655.057, Florida Statutes, are amended to read:
 1902 655.057 Records; limited restrictions upon public access.—
 1903 ~~(4) Except as otherwise provided in this section and~~
 1904 ~~except for those portions that are otherwise public record,~~
 1905 ~~trade secrets as defined in s. 688.002 which comply with s.~~
 1906 ~~655.0591 and which are held by the office in accordance with its~~
 1907 ~~statutory duties with respect to the financial institutions~~
 1908 ~~codes are confidential and exempt from s. 119.07(1) and s.~~
 1909 ~~24(a), Art. I of the State Constitution.~~
 1910 (4)(5) Neither this section nor s. 688.01 prevents ~~does~~
 1911 ~~not prevent~~ or restricts ~~restrict~~:
 1912 (a) Publishing reports that are required to be submitted
 1913 to the office pursuant to s. 655.045(2) or required by
 1914 applicable federal statutes or regulations to be published.
 1915 (b) Furnishing records or information to any other state,
 1916 federal, or foreign agency responsible for the regulation or
 1917 supervision of financial institutions.
 1918 (c) Disclosing or publishing summaries of the condition
 1919 of financial institutions and general economic and similar
 1920 statistics and data, provided that the identity of a particular
 1921 financial institution is not disclosed.
 1922 (d) Reporting any suspected criminal activity, with
 1923 supporting documents and information, to appropriate law
 1924 enforcement and prosecutorial agencies.
 1925 (e) Furnishing information upon request to the Chief

1926 Financial Officer or the Division of Treasury of the Department
 1927 of Financial Services regarding the financial condition of any
 1928 financial institution that is, or has applied to be, designated
 1929 as a qualified public depository pursuant to chapter 280.

1930 (f) Furnishing information to Federal Home Loan Banks
 1931 regarding its member institutions pursuant to an information
 1932 sharing agreement between the Federal Home Loan Banks and the
 1933 office.

1934
 1935 Any confidential information or records obtained from the office
 1936 pursuant to this subsection shall be maintained as confidential
 1937 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 1938 Constitution.

1939 (14) Subsection ~~Subsections~~ (3) is ~~and (4) are~~ subject to
 1940 the Open Government Sunset Review Act in accordance with s.
 1941 119.15 and is ~~are~~ repealed on October 2, 2019, unless reviewed
 1942 and saved from repeal through reenactment by the Legislature.

1943 (15) Subsections (1), (2), (4) ~~(5)~~, and (8) ~~(9)~~ are subject
 1944 to the Open Government Sunset Review Act in accordance with s.
 1945 119.15 and are repealed on October 2, 2022, unless reviewed and
 1946 saved from repeal through reenactment by the Legislature.

1947 Section 75. Section 655.0591, Florida Statutes, is
 1948 repealed.

1949 Section 76. Subsection (11) of section 663.533, Florida
 1950 Statutes, is amended to read:

1951 663.533 Applicability of the financial institutions
 1952 codes.—A qualified limited service affiliate is subject to the
 1953 financial institutions codes. Without limiting the foregoing,
 1954 the following provisions are applicable to a qualified limited
 1955 service affiliate:

1956 (11) Section 688.01 ~~655.0591~~, relating to trade secret
 1957 documents.

1958
 1959 This section does not prohibit the office from investigating or
 1960 examining an entity to ensure that it is not in violation of
 1961 this chapter or applicable provisions of the financial
 1962 institutions codes.

1963 Section 77. Section 721.071, Florida Statutes, is
 1964 repealed.

1965 Section 78. Subsections (3) and (4) of section 815.04,
 1966 Florida Statutes, are amended to read:

1967 815.04 Offenses against intellectual property; ~~public~~
 1968 ~~records exemption.~~—

1969 ~~(3) Data, programs, or supporting documentation that is a~~
 1970 ~~trade secret as defined in s. 812.081, that is held by an agency~~
 1971 ~~as defined in chapter 119, and that resides or exists internal~~
 1972 ~~or external to a computer, computer system, computer network, or~~
 1973 ~~electronic device is confidential and exempt from the provisions~~
 1974 ~~of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~
 1975 ~~This subsection is subject to the Open Government Sunset Review~~

1976 ~~Act in accordance with s. 119.15 and shall stand repealed on~~
 1977 ~~October 2, 2021, unless reviewed and saved from repeal through~~
 1978 ~~reenactment by the Legislature.~~

1979 (3)~~(4)~~ A person who willfully, knowingly, and without
 1980 authorization discloses or takes data, programs, or supporting
 1981 documentation that is a trade secret as defined in s. 812.081 ~~or~~
 1982 ~~is confidential as provided by law~~ residing or existing internal
 1983 or external to a computer, computer system, computer network, or
 1984 electronic device commits an offense against intellectual
 1985 property.

1986 Section 79. Section 815.045, Florida Statutes, is
 1987 repealed.

1988 Section 80. Subsection (2) of section 1004.22, Florida
 1989 Statutes, is amended to read:

1990 1004.22 Divisions of sponsored research at state
 1991 universities.—

1992 (2) The university shall set such policies to regulate the
 1993 activities of the divisions of sponsored research as it may
 1994 consider necessary to administer the research programs in a
 1995 manner which assures efficiency and effectiveness, producing the
 1996 maximum benefit for the educational programs and maximum service
 1997 to the state. To this end, materials that relate to methods of
 1998 manufacture or production, ~~potential trade secrets,~~ potentially
 1999 patentable material, ~~actual trade secrets,~~ business
 2000 transactions, or proprietary information received, generated,

2001 | ascertained, or discovered during the course of research
 2002 | conducted within the state universities shall be confidential
 2003 | and exempt from the provisions of s. 119.07(1), except that a
 2004 | division of sponsored research shall make available upon request
 2005 | the title and description of a research project, the name of the
 2006 | researcher, and the amount and source of funding provided for
 2007 | such project.

2008 | Section 81. Paragraph (c) of subsection (2) and
 2009 | subsections (3), (4), and (7) of section 1004.30, Florida
 2010 | Statutes, are amended to read:

2011 | 1004.30 University health services support organization;
 2012 | confidentiality of information.—

2013 | (2) The following university health services support
 2014 | organization's records and information are confidential and
 2015 | exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 2016 | of the State Constitution:

2017 | ~~(c) Trade secrets, as defined in s. 688.002, including~~
 2018 | ~~reimbursement methodologies and rates.~~

2019 | (3) Any portion of a governing board or peer review panel
 2020 | or committee meeting during which a confidential and exempt
 2021 | contract, document, record, or marketing plan, ~~or trade secret,~~
 2022 | as provided for in subsection (2), or confidential and exempt
 2023 | trade secret, as provided for in s. 688.01, is discussed is
 2024 | exempt from the provisions of s. 286.011 and s. 24(b), Art. I of
 2025 | the State Constitution.

2026 (4) Those portions of any public record, such as a tape
 2027 recording, minutes, and notes, generated during that portion of
 2028 a governing board or peer review panel or committee meeting
 2029 which is closed to the public pursuant to this section, ~~which~~
 2030 ~~contain information relating to contracts, documents, records,~~
 2031 ~~marketing plans, or trade secrets which are made confidential~~
 2032 ~~and exempt by this section,~~ are confidential and exempt from the
 2033 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 2034 Constitution.

2035 (7) Those portions of any public record, such as a tape
 2036 recording, minutes, or notes, generated during that portion of a
 2037 governing board meeting at which negotiations for contracts for
 2038 managed-care arrangements occur, are reported on, or are acted
 2039 on by the governing board, which record is made confidential and
 2040 exempt by subsection (4), shall become public records 2 years
 2041 after the termination or completion of the term of the contract
 2042 to which such negotiations relate or, if no contract was
 2043 executed, 2 years after the termination of the negotiations.
 2044 Notwithstanding paragraph (2)(a) and subsection (4), a
 2045 university health services support organization must make
 2046 available, upon request, the title and general description of a
 2047 contract for managed-care arrangements, the names of the
 2048 contracting parties, and the duration of the contract term. All
 2049 contracts for managed-care arrangements which are made
 2050 confidential and exempt by paragraph (2)(a), except those

2051 portions of any contract containing trade secrets which are made
 2052 confidential and exempt by s. 688.01 ~~paragraph (2)(c)~~, shall
 2053 become public 2 years after the termination or completion of the
 2054 term of the contract.

2055 Section 82. Paragraph (b) of subsection (8) of section
 2056 1004.43, Florida Statutes, is amended to read:

2057 1004.43 H. Lee Moffitt Cancer Center and Research
 2058 Institute.—There is established the H. Lee Moffitt Cancer Center
 2059 and Research Institute, a statewide resource for basic and
 2060 clinical research and multidisciplinary approaches to patient
 2061 care.

2062 (8)

2063 (b) Proprietary confidential business information is
 2064 confidential and exempt from the provisions of s. 119.07(1) and
 2065 s. 24(a), Art. I of the State Constitution. However, the Auditor
 2066 General, the Office of Program Policy Analysis and Government
 2067 Accountability, and the Board of Governors, pursuant to their
 2068 oversight and auditing functions, must be given access to all
 2069 proprietary confidential business information upon request and
 2070 without subpoena and must maintain the confidentiality of
 2071 information so received. As used in this paragraph, the term
 2072 "proprietary confidential business information" means
 2073 information, regardless of its form or characteristics, which is
 2074 owned or controlled by the not-for-profit corporation or its
 2075 subsidiaries; is intended to be and is treated by the not-for-

2076 | profit corporation or its subsidiaries as private and the
2077 | disclosure of which would harm the business operations of the
2078 | not-for-profit corporation or its subsidiaries; has not been
2079 | intentionally disclosed by the corporation or its subsidiaries
2080 | unless pursuant to law, an order of a court or administrative
2081 | body, a legislative proceeding pursuant to s. 5, Art. III of the
2082 | State Constitution, or a private agreement that provides that
2083 | the information may be released to the public; and which is
2084 | information concerning:

2085 | 1. Internal auditing controls and reports of internal
2086 | auditors;

2087 | 2. Matters reasonably encompassed in privileged attorney-
2088 | client communications;

2089 | 3. Contracts for managed-care arrangements, including
2090 | preferred provider organization contracts, health maintenance
2091 | organization contracts, and exclusive provider organization
2092 | contracts, and any documents directly relating to the
2093 | negotiation, performance, and implementation of any such
2094 | contracts for managed-care arrangements;

2095 | 4. Bids or other contractual data, banking records, and
2096 | credit agreements the disclosure of which would impair the
2097 | efforts of the not-for-profit corporation or its subsidiaries to
2098 | contract for goods or services on favorable terms;

2099 | 5. Information relating to private contractual data, the
2100 | disclosure of which would impair the competitive interest of the

2101 provider of the information;

2102 6. Corporate officer and employee personnel information;

2103 7. Information relating to the proceedings and records of

2104 credentialing panels and committees and of the governing board

2105 of the not-for-profit corporation or its subsidiaries relating

2106 to credentialing;

2107 8. Minutes of meetings of the governing board of the not-

2108 for-profit corporation and its subsidiaries, except minutes of

2109 meetings open to the public pursuant to subsection (9);

2110 9. Information that reveals plans for marketing services

2111 that the corporation or its subsidiaries reasonably expect to be

2112 provided by competitors;

2113 10. ~~Trade secrets as defined in s. 688.002, including:~~

2114 ~~a.~~ Information relating to methods of manufacture or

2115 production, ~~potential trade secrets,~~ potentially patentable

2116 materials, or proprietary information received, generated,

2117 ascertained, or discovered during the course of research

2118 conducted by the not-for-profit corporation or its subsidiaries;

2119 and

2120 11.b. Reimbursement methodologies or rates;

2121 12.11. The identity of donors or prospective donors of

2122 property who wish to remain anonymous or any information

2123 identifying such donors or prospective donors. The anonymity of

2124 these donors or prospective donors must be maintained in the

2125 auditor's report; or

2126 ~~13.12.~~ Any information received by the not-for-profit
2127 corporation or its subsidiaries from an agency in this or
2128 another state or nation or the Federal Government which is
2129 otherwise exempt or confidential pursuant to the laws of this or
2130 another state or nation or pursuant to federal law.

2131
2132 As used in this paragraph, the term "managed care" means systems
2133 or techniques generally used by third-party payors or their
2134 agents to affect access to and control payment for health care
2135 services. Managed-care techniques most often include one or more
2136 of the following: prior, concurrent, and retrospective review of
2137 the medical necessity and appropriateness of services or site of
2138 services; contracts with selected health care providers;
2139 financial incentives or disincentives related to the use of
2140 specific providers, services, or service sites; controlled
2141 access to and coordination of services by a case manager; and
2142 payor efforts to identify treatment alternatives and modify
2143 benefit restrictions for high-cost patient care.

2144 Section 83. Paragraph (a) of subsection (2) of section
2145 1004.4472, Florida Statutes, is amended to read:

2146 1004.4472 Florida Institute for Human and Machine
2147 Cognition, Inc.; public records exemption; public meetings
2148 exemption.—

2149 (2) The following information held by the corporation or
2150 its subsidiary is confidential and exempt from s. 119.07(1) and

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2151 s. 24(a), Art. I of the State Constitution:

2152 (a) Material relating to methods of manufacture or
2153 production, ~~potential trade secrets~~, patentable material, ~~actual~~
2154 ~~trade secrets as defined in s. 688.002~~ or proprietary
2155 information received, generated, ascertained, or discovered
2156 during the course of research conducted by or through the
2157 corporation or a subsidiary, and business transactions resulting
2158 from such research.

2159 Section 84. Subsection (2) of section 1004.78, Florida
2160 Statutes, is amended to read:

2161 1004.78 Technology transfer centers at Florida College
2162 System institutions.—

2163 (2) The Florida College System institution board of
2164 trustees shall set such policies to regulate the activities of
2165 the technology transfer center as it may consider necessary to
2166 effectuate the purposes of this section and to administer the
2167 programs of the center in a manner which assures efficiency and
2168 effectiveness, producing the maximum benefit for the educational
2169 programs and maximum service to the state. To this end,
2170 materials that relate to methods of manufacture or production,
2171 ~~potential trade secrets~~, potentially patentable material, ~~actual~~
2172 ~~trade secrets~~, business transactions, or proprietary information
2173 received, generated, ascertained, or discovered during the
2174 course of activities conducted within the Florida College System
2175 institutions shall be confidential and exempt from the

2176 provisions of s. 119.07(1), except that a Florida College System
2177 institution shall make available upon request the title and
2178 description of a project, the name of the investigator, and the
2179 amount and source of funding provided for such project.

2180 Section 85. Section 601.80, Florida Statutes, is amended
2181 to read:

2182 601.80 Unlawful to use uncertified coloring matter.—It is
2183 unlawful for any person to use on oranges or citrus hybrids any
2184 coloring matter which has not first received the approval of the
2185 Department of Agriculture ~~as provided under s. 601.76.~~

2186 Section 86. Subsection (11) of section 663.533, Florida
2187 Statutes, is amended to read:

2188 663.533 Applicability of the financial institutions
2189 codes.—A qualified limited service affiliate is subject to the
2190 financial institutions codes. Without limiting the foregoing,
2191 the following provisions are applicable to a qualified limited
2192 service affiliate:

2193 ~~(11) Section 655.0591, relating to trade secret documents.~~

2194
2195 This section does not prohibit the office from investigating or
2196 examining an entity to ensure that it is not in violation of
2197 this chapter or applicable provisions of the financial
2198 institutions codes.

2199 Section 87. Paragraph (c) of subsection (12) of section
2200 721.13, Florida Statutes, is amended to read:

2201 721.13 Management.—

2202 (12)

2203 (c) The managing entity shall maintain copies of all
 2204 records, data, and information supporting the processes,
 2205 analyses, procedures, and methods utilized by the managing
 2206 entity in its determination to reserve accommodations of the
 2207 timeshare plan pursuant to this subsection for a period of 5
 2208 years from the date of such determination. In the event of an
 2209 investigation by the division for failure of a managing entity
 2210 to comply with this subsection, the managing entity shall make
 2211 all such records, data, and information available to the
 2212 division for inspection, ~~provided that if the managing entity~~
 2213 ~~complies with the provisions of s. 721.071, any such records,~~
 2214 ~~data, and information provided to the division shall constitute~~
 2215 ~~a trade secret pursuant to that section.~~

2216 Section 88. Paragraphs (a) and (c) of subsection (3) of
 2217 section 921.0022, Florida Statutes, are amended to read:

2218 921.0022 Criminal Punishment Code; offense severity
 2219 ranking chart.—

2220 (3) OFFENSE SEVERITY RANKING CHART

2221 (a) LEVEL 1

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Florida	Felony	
Statute	Degree	Description

2223

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2224	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
2225	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
2226	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
2227	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
2228	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2229	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2230	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.

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2231	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2232	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2233	322.212 (5) (a)	3rd	False application for driver license or identification card.
2234	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2235	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than

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2236			\$300.
	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2237			
	562.27 (1)	3rd	Possess still or still apparatus.
2238			
	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
2239			
	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2240			
	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2241			
	<u>815.04 (4) (a)</u>	3rd	Offense against intellectual property (i.e., computer programs, data).
	815.04 (5) (a)		
2242			

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2243	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2244	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2245	826.01	3rd	Bigamy.
2246	828.122 (3)	3rd	Fighting or baiting animals.
2247	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2248	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.

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2249	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
2250	838.15 (2)	3rd	Commercial bribe receiving.
2251	838.16	3rd	Commercial bribery.
2252	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
2253	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2254	849.01	3rd	Keeping gambling house.
2255	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.

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849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25 (2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13 (1) (a)	3rd	Operate aircraft while under the influence.
893.13 (2) (a) 2.	3rd	Purchase of cannabis.
893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

(c) LEVEL 3

Florida	Felony	Description
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	Statute	Degree	
2266	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2267	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
2268	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
2269	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2270	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2271	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2272	319.33 (1) (c)	3rd	Procure or pass title on stolen

2273			vehicle.
	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2274			
	327.35 (2) (b)	3rd	Felony BUI.
2275			
	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2276			
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2277			
	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2278			
	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring,

2279	379.2431 (1) (e) 6.	3rd	selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
2280	379.2431 (1) (e) 7.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
2281	400.9935 (4) (a) or (b)	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2282	400.9935 (4) (e)	3rd	Operating a clinic, or offering services requiring licensure, without a license. Filing a false license application or other required

			information or failing to report information.
2283	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2284	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2285	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2286	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2287	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2288	697.08	3rd	Equity skimming.

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2289	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2290	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2291	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2292	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2293	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2294	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2295			

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2296	<u>815.04 (4) (b)</u> 815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
2297	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2298	817.233	3rd	Burning to defraud insurer.
2299	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2300	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2301	817.236	3rd	Filing a false motor vehicle insurance application.
2302	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

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2303	817.413 (2)	3rd	Sale of used goods as new.
2304	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2305	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2306	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2307	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2308	843.19	3rd	Injure, disable, or kill police dog or horse.
2309	860.15 (3)	3rd	Overcharging for repairs and parts.

2310	870.01(2)	3rd	Riot; inciting or encouraging.
2311	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
2312	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
2313	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.

2314	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2315	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
2316	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
2317	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2318	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by

2319	893.13(8)(a)1.	3rd	chapter 893. Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
2320	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
2321	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2322	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an

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2323	918.13(1)(a)	3rd	animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2324	944.47 (1)(a)1. & 2.	3rd	Alter, destroy, or conceal investigation evidence.
2325	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
2326	985.721	3rd	Possess contraband while upon the grounds of a correctional institution.
2327	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2328	Section 89.		This act shall take effect upon becoming a
2329	law.		