

1 A bill to be entitled
2 An act relating to public records; reenacting ss.
3 119.071(1)(f), 125.0104(9)(d), 288.1226(8), 331.326,
4 365.174(3), 381.83, 403.7046(2) and (3)(b), 403.73,
5 499.012(8)(g) and (m), 499.0121(7), 499.051(7),
6 499.931, 502.222, 570.48(3), 573.123(2), 601.10(8)(a),
7 601.15(7)(d), 601.152(8)(c), 601.76, and 815.04(3),
8 F.S., relating to exemptions from inspection or
9 copying of public records for tourist development
10 taxes, the Florida Tourism Industry Marketing
11 Corporation, information relating to trade secrets,
12 proprietary confidential business information, trade
13 secret confidentiality, regulation of recovered
14 materials, trade secret confidentiality, permit
15 application requirements, recordkeeping concerning the
16 storage and handling of prescription drugs,
17 inspections and investigations, trade secret
18 information, information relating to trade secrets,
19 powers and duties of the Division of Fruit and
20 Vegetables of the Department of Agriculture and
21 Consumer Services, maintenance and production of
22 records, powers of the Department of Citrus,
23 advertising campaigns, methods of conducting,
24 assessments, emergency reserve fund, and citrus
25 research, special marketing orders, formulas and other
26 information furnished by manufacturers, and offenses

27 | against intellectual property, respectively, to
 28 | incorporate changes made to s. 812.081, F.S., by CS/HB
 29 | 91 in references thereto; providing for future
 30 | legislative review and repeal of the reenactments of
 31 | the exemptions; providing a statement of public
 32 | necessity; providing a contingent effective date.
 33 |

34 | Be It Enacted by the Legislature of the State of Florida:
 35 |

36 | Section 1. For the purpose of incorporating the amendment
 37 | made by CS/HB 91 to section 812.081, Florida Statutes, in a
 38 | reference thereto, paragraph (f) of subsection (1) of section
 39 | 119.071, Florida Statutes, is reenacted to read:

40 | 119.071 General exemptions from inspection or copying of
 41 | public records.—

42 | (1) AGENCY ADMINISTRATION.—

43 | (f) Data processing software obtained by an agency under a
 44 | licensing agreement that prohibits its disclosure and which
 45 | software is a trade secret, as defined in s. 812.081, and
 46 | agency-produced data processing software that is sensitive are
 47 | exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 48 | Constitution. The designation of agency-produced software as
 49 | sensitive shall not prohibit an agency head from sharing or
 50 | exchanging such software with another public agency.

51 | Section 2. For the purpose of incorporating the amendment
 52 | made by CS/HB 91 to section 812.081, Florida Statutes, in a

53 reference thereto, paragraph (d) of subsection (9) of section
 54 125.0104, Florida Statutes, is reenacted to read:

55 125.0104 Tourist development tax; procedure for levying;
 56 authorized uses; referendum; enforcement.—

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

61 (d) Undertake marketing research and advertising research
 62 studies and provide reservations services and convention and
 63 meetings booking services consistent with the authorized uses of
 64 revenue as set forth in subsection (5).

65 1. Information given to a county tourism promotion agency
 66 which, if released, would reveal the identity of persons or
 67 entities who provide data or other information as a response to
 68 a sales promotion effort, an advertisement, or a research
 69 project or whose names, addresses, meeting or convention plan
 70 information or accommodations or other visitation needs become
 71 booking or reservation list data, is exempt from s. 119.07(1)
 72 and from s. 24(a), Art. I of the State Constitution.

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

- 76 a. A trade secret, as defined in s. 812.081.
- 77 b. Booking business records, as defined in s. 255.047.
- 78 c. Trade secrets and commercial or financial information

79 gathered from a person and privileged or confidential, as
 80 defined and interpreted under 5 U.S.C. s. 552(b)(4), or any
 81 amendments thereto.

82 Section 3. For the purpose of incorporating the amendment
 83 made by CS/HB 91 to section 812.081, Florida Statutes, in a
 84 reference thereto, subsection (8) of section 288.1226, Florida
 85 Statutes, is reenacted to read:

86 288.1226 Florida Tourism Industry Marketing Corporation;
 87 use of property; board of directors; duties; audit.—

88 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person
 89 who responds to a marketing project or advertising research
 90 project conducted by the corporation in the performance of its
 91 duties on behalf of Enterprise Florida, Inc., or trade secrets
 92 as defined by s. 812.081 obtained pursuant to such activities,
 93 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 94 Constitution.

95 Section 4. For the purpose of incorporating the amendment
 96 made by CS/HB 91 to section 812.081, Florida Statutes, in a
 97 reference thereto, section 331.326, Florida Statutes, is
 98 reenacted to read:

99 331.326 Information relating to trade secrets
 100 confidential.—The records of Space Florida regarding matters
 101 encompassed by this act are public records subject to the
 102 provisions of chapter 119. Any information held by Space Florida
 103 which is a trade secret, as defined in s. 812.081, including
 104 trade secrets of Space Florida, any spaceport user, or the space

105 industry business, is confidential and exempt from the
106 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
107 Constitution and may not be disclosed. If Space Florida
108 determines that any information requested by the public will
109 reveal a trade secret, it shall, in writing, inform the person
110 making the request of that determination. The determination is a
111 final order as defined in s. 120.52. Any meeting or portion of a
112 meeting of Space Florida's board is exempt from the provisions
113 of s. 286.011 and s. 24(b), Art. I of the State Constitution
114 when the board is discussing trade secrets. Any public record
115 generated during the closed portions of the meetings, such as
116 minutes, tape recordings, and notes, is confidential and exempt
117 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
118 State Constitution.

119 Section 5. For the purpose of incorporating the amendment
120 made by CS/HB 91 to section 812.081, Florida Statutes, in a
121 reference thereto, subsection (3) of section 365.174, Florida
122 Statutes, is reenacted to read:

123 365.174 Proprietary confidential business information.—

124 (3) As used in this section, the term "proprietary
125 confidential business information" means customer lists,
126 customer numbers, individual or aggregate customer data by
127 location, usage and capacity data, network facilities used to
128 serve subscribers, technology descriptions, technical
129 information, or trade secrets, including trade secrets as
130 defined in s. 812.081, and the actual or developmental costs of

131 E911 systems that are developed, produced, or received
132 internally by a provider or by a provider's employees,
133 directors, officers, or agents.

134 Section 6. For the purpose of incorporating the amendment
135 made by CS/HB 91 to section 812.081, Florida Statutes, in a
136 reference thereto, section 381.83, Florida Statutes, is
137 reenacted to read:

138 381.83 Trade secrets; confidentiality.—Records, reports,
139 or information obtained from any person under this chapter,
140 unless otherwise provided by law, shall be available to the
141 public, except upon a showing satisfactory to the department by
142 the person from whom the records, reports, or information is
143 obtained that such records, reports, or information, or a
144 particular part thereof, contains trade secrets as defined in s.
145 812.081(1)(c). Such trade secrets shall be confidential and are
146 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
147 of the State Constitution. The person submitting such trade
148 secret information to the department must request that it be
149 kept confidential and must inform the department of the basis
150 for the claim of trade secret. The department shall, subject to
151 notice and opportunity for hearing, determine whether the
152 information, or portions thereof, claimed to be a trade secret
153 is or is not a trade secret. Such trade secrets may be
154 disclosed, however, to authorized representatives of the
155 department or, pursuant to request, to other governmental
156 entities in order for them to properly perform their duties, or

157 when relevant in any proceeding under this chapter. Authorized
158 representatives and other governmental entities receiving such
159 trade secret information shall retain its confidentiality. Those
160 involved in any proceeding under this chapter, including a
161 hearing officer or judge or justice, shall retain the
162 confidentiality of any trade secret information revealed at such
163 proceeding.

164 Section 7. For the purpose of incorporating the amendment
165 made by CS/HB 91 to section 812.081, Florida Statutes, in a
166 reference thereto, subsection (2) and paragraph (b) of
167 subsection (3) of section 403.7046, Florida Statutes, are
168 reenacted to read:

169 403.7046 Regulation of recovered materials.—

170 (2) Information reported pursuant to the requirements of
171 this section or any rule adopted pursuant to this section which,
172 if disclosed, would reveal a trade secret, as defined in s.
173 812.081(1)(c), is confidential and exempt from the provisions of
174 s. 119.07(1). For reporting or information purposes, however,
175 the department may provide this information in such form that
176 the names of the persons reporting such information and the
177 specific information reported are not revealed.

178 (3) Except as otherwise provided in this section or
179 pursuant to a special act in effect on or before January 1,
180 1993, a local government may not require a commercial
181 establishment that generates source-separated recovered
182 materials to sell or otherwise convey its recovered materials to

183 the local government or to a facility designated by the local
184 government, nor may the local government restrict such a
185 generator's right to sell or otherwise convey such recovered
186 materials to any properly certified recovered materials dealer
187 who has satisfied the requirements of this section. A local
188 government may not enact any ordinance that prevents such a
189 dealer from entering into a contract with a commercial
190 establishment to purchase, collect, transport, process, or
191 receive source-separated recovered materials.

192 (b) Before engaging in business within the jurisdiction of
193 the local government, a recovered materials dealer must provide
194 the local government with a copy of the certification provided
195 for in this section. In addition, the local government may
196 establish a registration process whereby a recovered materials
197 dealer must register with the local government before engaging
198 in business within the jurisdiction of the local government.
199 Such registration process is limited to requiring the dealer to
200 register its name, including the owner or operator of the
201 dealer, and, if the dealer is a business entity, its general or
202 limited partners, its corporate officers and directors, its
203 permanent place of business, evidence of its certification under
204 this section, and a certification that the recovered materials
205 will be processed at a recovered materials processing facility
206 satisfying the requirements of this section. The local
207 government may not use the information provided in the
208 registration application to compete unfairly with the recovered

209 materials dealer until 90 days after receipt of the application.
210 All counties, and municipalities whose population exceeds 35,000
211 according to the population estimates determined pursuant to s.
212 186.901, may establish a reporting process which shall be
213 limited to the regulations, reporting format, and reporting
214 frequency established by the department pursuant to this
215 section, which shall, at a minimum, include requiring the dealer
216 to identify the types and approximate amount of recovered
217 materials collected, recycled, or reused during the reporting
218 period; the approximate percentage of recovered materials
219 reused, stored, or delivered to a recovered materials processing
220 facility or disposed of in a solid waste disposal facility; and
221 the locations where any recovered materials were disposed of as
222 solid waste. Information reported under this subsection which,
223 if disclosed, would reveal a trade secret, as defined in s.
224 812.081(1)(c), is confidential and exempt from the provisions of
225 s. 24(a), Art. I of the State Constitution and s. 119.07(1). The
226 local government may charge the dealer a registration fee
227 commensurate with and no greater than the cost incurred by the
228 local government in operating its registration program.
229 Registration program costs are limited to those costs associated
230 with the activities described in this paragraph. Any reporting
231 or registration process established by a local government with
232 regard to recovered materials shall be governed by the
233 provisions of this section and department rules adopted pursuant
234 thereto.

235 Section 8. For the purpose of incorporating the amendment
236 made by CS/HB 91 to section 812.081, Florida Statutes, in a
237 reference thereto, section 403.73, Florida Statutes, is
238 reenacted to read:

239 403.73 Trade secrets; confidentiality.—Records, reports,
240 or information obtained from any person under this part, unless
241 otherwise provided by law, shall be available to the public,
242 except upon a showing satisfactory to the department by the
243 person from whom the records, reports, or information is
244 obtained that such records, reports, or information, or a
245 particular part thereof, contains trade secrets as defined in s.
246 812.081(1)(c). Such trade secrets shall be confidential and are
247 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
248 of the State Constitution. The person submitting such trade
249 secret information to the department must request that it be
250 kept confidential and must inform the department of the basis
251 for the claim of trade secret. The department shall, subject to
252 notice and opportunity for hearing, determine whether the
253 information, or portions thereof, claimed to be a trade secret
254 is or is not a trade secret. Such trade secrets may be
255 disclosed, however, to authorized representatives of the
256 department or, pursuant to request, to other governmental
257 entities in order for them to properly perform their duties, or
258 when relevant in any proceeding under this part. Authorized
259 representatives and other governmental entities receiving such
260 trade secret information shall retain its confidentiality. Those

261 involved in any proceeding under this part, including an
262 administrative law judge, a hearing officer, or a judge or
263 justice, shall retain the confidentiality of any trade secret
264 information revealed at such proceeding.

265 Section 9. For the purpose of incorporating the amendment
266 made by CS/HB 91 to section 812.081, Florida Statutes, in a
267 reference thereto, paragraphs (g) and (m) of subsection (8) of
268 section 499.012, Florida Statutes, are reenacted to read:

269 499.012 Permit application requirements.—

270 (8) An application for a permit or to renew a permit for a
271 prescription drug wholesale distributor or an out-of-state
272 prescription drug wholesale distributor submitted to the
273 department must include:

274 (g)1. For an application for a new permit, the estimated
275 annual dollar volume of prescription drug sales of the
276 applicant, the estimated annual percentage of the applicant's
277 total company sales that are prescription drugs, the applicant's
278 estimated annual total dollar volume of purchases of
279 prescription drugs, and the applicant's estimated annual total
280 dollar volume of prescription drug purchases directly from
281 manufacturers.

282 2. For an application to renew a permit, the total dollar
283 volume of prescription drug sales in the previous year, the
284 total dollar volume of prescription drug sales made in the
285 previous 6 months, the percentage of total company sales that
286 were prescription drugs in the previous year, the total dollar

287 volume of purchases of prescription drugs in the previous year,
288 and the total dollar volume of prescription drug purchases
289 directly from manufacturers in the previous year.

290

291 Such portions of the information required pursuant to this
292 paragraph which are a trade secret, as defined in s. 812.081,
293 shall be maintained by the department as trade secret
294 information is required to be maintained under s. 499.051.

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

297 1. A personal background information statement containing
298 the background information and fingerprints required pursuant to
299 subsection (9) for each person named in the applicant's response
300 to paragraphs (k) and (l) and for each affiliated party of the
301 applicant.

302 2. If any of the five largest shareholders of the
303 corporation seeking the permit is a corporation, the name,
304 address, and title of each corporate officer and director of
305 each such corporation; the name and address of such corporation;
306 the name of such corporation's resident agent, such
307 corporation's resident agent's address, and such corporation's
308 state of its incorporation; and the name and address of each
309 shareholder of such corporation that owns 5 percent or more of
310 the stock of such corporation.

311 3. The name and address of all financial institutions in
312 which the applicant has an account which is used to pay for the

313 operation of the establishment or to pay for drugs purchased for
 314 the establishment, together with the names of all persons that
 315 are authorized signatories on such accounts. The portions of the
 316 information required pursuant to this subparagraph which are a
 317 trade secret, as defined in s. 812.081, shall be maintained by
 318 the department as trade secret information is required to be
 319 maintained under s. 499.051.

320 4. The sources of all funds and the amounts of such funds
 321 used to purchase or finance purchases of prescription drugs or
 322 to finance the premises on which the establishment is to be
 323 located.

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

327 Section 10. For the purpose of incorporating the amendment
 328 made by CS/HB 91 to section 812.081, Florida Statutes, in a
 329 reference thereto, subsection (7) of section 499.0121, Florida
 330 Statutes, is reenacted to read:

331 499.0121 Storage and handling of prescription drugs;
 332 recordkeeping.—The department shall adopt rules to implement
 333 this section as necessary to protect the public health, safety,
 334 and welfare. Such rules shall include, but not be limited to,
 335 requirements for the storage and handling of prescription drugs
 336 and for the establishment and maintenance of prescription drug
 337 distribution records.

338 (7) PRESCRIPTION DRUG PURCHASE LIST.—Each wholesale

339 distributor, except for a manufacturer, shall annually provide
340 the department with a written list of all wholesale distributors
341 and manufacturers from whom the wholesale distributor purchases
342 prescription drugs. A wholesale distributor, except a
343 manufacturer, shall notify the department not later than 10 days
344 after any change to either list. Such portions of the
345 information required pursuant to this subsection which are a
346 trade secret, as defined in s. 812.081, shall be maintained by
347 the department as trade secret information is required to be
348 maintained under s. 499.051.

349 Section 11. For the purpose of incorporating the amendment
350 made by CS/HB 91 to section 812.081, Florida Statutes, in a
351 reference thereto, subsection (7) of section 499.051, Florida
352 Statutes, is reenacted to read:

353 499.051 Inspections and investigations.—

354 (7) The complaint and all information obtained pursuant to
355 the investigation by the department are confidential and exempt
356 from s. 119.07(1) and s. 24(a), Art. I of the State Constitution
357 until the investigation and the enforcement action are
358 completed. However, trade secret information contained therein
359 as defined by s. 812.081(1)(c) shall remain confidential and
360 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
361 of the State Constitution, as long as the information is
362 retained by the department. This subsection does not prohibit
363 the department from using such information for regulatory or
364 enforcement proceedings under this chapter or from providing

365 such information to any law enforcement agency or any other
366 regulatory agency. However, the receiving agency shall keep such
367 records confidential and exempt as provided in this subsection.
368 In addition, this subsection is not intended to prevent
369 compliance with the provisions of s. 499.01212, and the pedigree
370 papers required in that section shall not be deemed a trade
371 secret.

372 Section 12. For the purpose of incorporating the amendment
373 made by CS/HB 91 to section 812.081, Florida Statutes, in a
374 reference thereto, section 499.931, Florida Statutes, is
375 reenacted to read:

376 499.931 Trade secret information.—Information required to
377 be submitted under this part which is a trade secret as defined
378 in s. 812.081(1)(c) and designated as a trade secret by an
379 applicant or permit holder must be maintained as required under
380 s. 499.051.

381 Section 13. For the purpose of incorporating the amendment
382 made by CS/HB 91 to section 812.081, Florida Statutes, in a
383 reference thereto, section 502.222, Florida Statutes, is
384 reenacted to read:

385 502.222 Information relating to trade secrets
386 confidential.—The records of the department regarding matters
387 encompassed by this chapter are public records, subject to the
388 provisions of chapter 119, except that any information which
389 would reveal a trade secret, as defined in s. 812.081, of a
390 dairy industry business is confidential and exempt from the

391 provisions of s. 119.07(1). If the department determines that
392 any information requested by the public will reveal a trade
393 secret, it shall, in writing, inform the person making the
394 request of that determination. The determination is a final
395 order as defined in s. 120.52.

396 Section 14. For the purpose of incorporating the amendment
397 made by CS/HB 91 to section 812.081, Florida Statutes, in a
398 reference thereto, subsection (3) of section 570.48, Florida
399 Statutes, is reenacted to read:

400 570.48 Division of Fruit and Vegetables; powers and
401 duties; records.—The duties of the Division of Fruit and
402 Vegetables include, but are not limited to:

403 (3) Maintaining the records of the division. The records
404 of the division are public records; however, trade secrets as
405 defined in s. 812.081 are confidential and exempt from the
406 provisions of s. 119.07(1). This section shall not be construed
407 to prohibit:

408 (a) A disclosure necessary to enforcement procedures.

409 (b) The department from releasing information to other
410 governmental agencies. Other governmental agencies that receive
411 confidential information from the department under this
412 subsection shall maintain the confidentiality of that
413 information.

414 (c) The department or other agencies from compiling and
415 publishing appropriate data regarding procedures, yield,
416 recovery, quality, and related matters, provided such released

417 data do not reveal by whom the activity to which the data relate
418 was conducted.

419 Section 15. For the purpose of incorporating the amendment
420 made by CS/HB 91 to section 812.081, Florida Statutes, in a
421 reference thereto, subsection (2) of section 573.123, Florida
422 Statutes, is reenacted to read:

423 573.123 Maintenance and production of records.—

424 (2) Information that, if disclosed, would reveal a trade
425 secret, as defined in s. 812.081, of any person subject to a
426 marketing order is confidential and exempt from the provisions
427 of s. 119.07(1) and shall not be disclosed except to an attorney
428 who provides legal advice to the division about enforcing a
429 market order or by court order. A person who receives
430 confidential information under this subsection shall maintain
431 the confidentiality of that information.

432 Section 16. For the purpose of incorporating the amendment
433 made by CS/HB 91 to section 812.081, Florida Statutes, in a
434 reference thereto, paragraph (a) of subsection (8) of section
435 601.10, Florida Statutes, is reenacted to read:

436 601.10 Powers of the Department of Citrus.—The department
437 shall have and shall exercise such general and specific powers
438 as are delegated to it by this chapter and other statutes of the
439 state, which powers shall include, but are not limited to, the
440 following:

441 (8) (a) To prepare and disseminate information of
442 importance to citrus growers, handlers, shippers, processors,

443 and industry-related and interested persons and organizations
 444 relating to department activities and the production, handling,
 445 shipping, processing, and marketing of citrus fruit and
 446 processed citrus products. Any information that constitutes a
 447 trade secret as defined in s. 812.081(1)(c) is confidential and
 448 exempt from s. 119.07(1) and shall not be disclosed. For
 449 referendum and other notice and informational purposes, the
 450 department may prepare and maintain, from the best available
 451 sources, a citrus grower mailing list. Such list shall be a
 452 public record available as other public records, but it shall
 453 not be subject to the purging provisions of s. 283.55.

454 Section 17. For the purpose of incorporating the amendment
 455 made by CS/HB 91 to section 812.081, Florida Statutes, in a
 456 reference thereto, paragraph (d) of subsection (7) of section
 457 601.15, Florida Statutes, is reenacted to read:

458 601.15 Advertising campaign; methods of conducting;
 459 assessments; emergency reserve fund; citrus research.—

460 (7) All assessments levied and collected under this
 461 chapter shall be paid into the State Treasury on or before the
 462 15th day of each month. Such moneys shall be accounted for in a
 463 special fund to be designated as the Florida Citrus Advertising
 464 Trust Fund, and all moneys in such fund are appropriated to the
 465 department for the following purposes:

466 (d) The pro rata portion of moneys allocated to each type
 467 of citrus product in noncommodity programs shall be used by the
 468 department to encourage substantial increases in the

469 effectiveness, frequency, and volume of noncommodity
470 advertising, merchandising, publicity, and sales promotion of
471 such citrus products through rebates and incentive payments to
472 handlers and trade customers for these activities. The
473 department shall adopt rules providing for the use of such
474 moneys. The rules shall establish alternate incentive programs,
475 including at least one incentive program for product sold under
476 advertised brands, one incentive program for product sold under
477 private label brands, and one incentive program for product sold
478 in bulk. For each incentive program, the rules shall establish
479 eligibility and performance requirements and shall provide
480 appropriate limitations on amounts payable to a handler or trade
481 customer for a particular season. Such limitations may relate to
482 the amount of citrus assessments levied and collected on the
483 citrus product handled by such handler or trade customer during
484 a 12-month representative period. The department may require
485 from participants in noncommodity advertising and promotional
486 programs commercial information necessary to determine
487 eligibility for and performance in such programs. Any
488 information so required that constitutes a "trade secret" as
489 defined in s. 812.081 is confidential and exempt from s.
490 119.07(1).

491 Section 18. For the purpose of incorporating the amendment
492 made by CS/HB 91 to section 812.081, Florida Statutes, in a
493 reference thereto, paragraph (c) of subsection (8) of section
494 601.152, Florida Statutes, is reenacted to read:

495 601.152 Special marketing orders.—

496 (8)

497 (c) Every handler shall, at such times as the department
 498 may require, file with the department a return, not under oath,
 499 on forms to be prescribed and furnished by the department,
 500 certified as true and correct, stating the quantity of the type,
 501 variety, and form of citrus fruit or citrus product specified in
 502 the marketing order first handled in the primary channels of
 503 trade in the state by such handler during the period of time
 504 specified in the marketing order. Such returns shall contain any
 505 further information deemed by the department to be reasonably
 506 necessary to properly administer or enforce this section or any
 507 marketing order implemented under this section. Information
 508 that, if disclosed, would reveal a trade secret, as defined in
 509 s. 812.081, of any person subject to a marketing order is
 510 confidential and exempt from s. 119.07(1).

511 Section 19. For the purpose of incorporating the amendment
 512 made by CS/HB 91 to section 812.081, Florida Statutes, in a
 513 reference thereto, section 601.76, Florida Statutes, is
 514 reenacted to read:

515 601.76 Manufacturer to furnish formula and other
 516 information.—Any formula required to be filed with the
 517 Department of Agriculture shall be deemed a trade secret as
 518 defined in s. 812.081, is confidential and exempt from s.
 519 119.07(1), and shall only be divulged to the Department of
 520 Agriculture or to its duly authorized representatives or upon

521 orders of a court of competent jurisdiction when necessary in
522 the enforcement of this law. A person who receives such a
523 formula from the Department of Agriculture under this section
524 shall maintain the confidentiality of the formula.

525 Section 20. For the purpose of incorporating the amendment
526 made by CS/HB 91 to section 812.081, Florida Statutes, in a
527 reference thereto, subsection (3) of section 815.04, Florida
528 Statutes, is reenacted to read:

529 815.04 Offenses against intellectual property; public
530 records exemption.—

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

537 Section 21. The reenactments by this act of ss.
538 119.071(1)(f), 125.0104(9)(d), 288.1226(8), 331.326, 365.174(3),
539 381.83, 403.7046(2) and (3)(b), 403.73, 499.012(8)(g) and (m),
540 499.0121(7), 499.051(7), 499.931, 502.222, 570.48(3),
541 573.123(2), 601.10(8)(a), 601.15(7)(d), 601.152(8)(c), 601.76,
542 and 815.04(3), Florida Statutes, are subject to the Open
543 Government Sunset Review Act in accordance with s. 119.15,
544 Florida Statutes, and shall stand repealed on October 2, 2020,
545 unless reviewed and saved from repeal through reenactment by the
546 Legislature.

547 Section 22. The Legislature finds that it is a public
548 necessity that financial information comprising a trade secret
549 as defined in s. 812.081(1)(c), Florida Statutes, be made
550 confidential and exempt from s. 119.07(1), Florida Statutes, and
551 s. 24(a), Article I of the State Constitution. The Legislature
552 recognizes that in many instances, businesses are required to
553 provide financial information for regulatory or other purposes
554 to public entities and that disclosure of such information to
555 competitors of those businesses would be detrimental to the
556 businesses. The Legislature's intent is to avoid placing
557 businesses that must provide financial information to
558 governmental entities at a competitive disadvantage by making
559 the information referenced in the amendments to s. 812.081,
560 Florida Statutes, confidential and exempt by incorporating those
561 amendments into the public records exemptions reenacted by this
562 act.

563 Section 23. This act shall take effect on the same date
564 that CS/HB 91 or similar legislation relating to trade secrets
565 takes effect, if such legislation is adopted in the same
566 legislative session or an extension thereof and becomes a law.