1   A bill to be entitled
2   An act relating to public records; amending s. 815.04,
3   F.S.; amending an exemption from public records
4   requirements for data, programs, and supporting
5   documentation that are trade secrets residing or
6   existing internal or external to a computer, computer
7   system, or computer network; expanding the exemption
8   to include such trade secret information residing or
9   existing internal or external to an electronic device;
10   providing for legislative review and repeal of the
11   exemption; providing a statement of public necessity;
12   providing a contingent effective date.
13
14   Be It Enacted by the Legislature of the State of Florida:
15
16   Section 1. Subsection (3) of section 815.04, Florida
17   Statutes, is amended to read:
18   815.04 Offenses against intellectual property; public
19   records exemption.—
20   (3)(a) Data, programs, or supporting documentation <u>that</u>
21   <s>which</s> is a trade secret as defined in s. 812.081<u>, that is held</u>
22   <u>by an agency as defined in chapter 119, and that</u> <s>which</s> resides
23   or exists internal or external to a computer, computer system,
24   <s>or</s> computer network<u>, or electronic device</u> <s>which is held by an</s>
25   <s>agency as defined in chapter 119</s> is confidential and exempt from
26   the provisions of s. 119.07(1) and s. 24(a), Art. I of the State

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27 Constitution.

28   (b) Whoever willfully, knowingly, and without

29 authorization discloses or takes data, programs, or supporting

30 documentation which is a trade secret as defined in s. 812.081

31 or is confidential as provided by law residing or existing

32 internal or external to a computer, computer system, or computer

33 network commits an offense against intellectual property.

34   (c) This subsection is subject to the Open Government

35 Sunset Review Act in accordance with s. 119.15, and shall stand

36 repealed on October 2, 2019, unless reviewed and saved from

37 repeal through reenactment by the Legislature.

38   Section 2. The Legislature finds that it is a public

39 necessity that data, programs, or supporting documentation that

40 is a trade secret as defined in s. 812.081, Florida Statutes,

41 that is held by an agency as defined in chapter 119, Florida

42 Statutes, and that resides or exists internal or external to an

43 electronic device be made confidential and exempt from s.

44 119.07(1), Florida Statutes, and s. 24(a), Article I of the

45 State Constitution. The public release of such data, programs,

46 and supporting documentation would negatively impact the

47 business interests of those providing an agency such trade

48 secrets by damaging the business in the marketplace. Without the

49 public records exemption, those entities and individuals

50 disclosing such trade secrets would hesitate to cooperate with

51 that agency, which would impair the effective and efficient

52 administration of governmental functions. Thus, the public and

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53 private harm in disclosing data, programs, or supporting
54 documentation that is a trade secret, and that resides or exists
55 internal or external to an electronic device, significantly
56 outweighs any public benefit derived from disclosure, and the
57 public's ability to scrutinize and monitor agency action is not
58 diminished by the nondisclosure of such trade secrets.
59   Section 3. This act shall take effect on the same date
60 that HB 641 or similar legislation takes effect, if such
61 legislation is adopted in the same legislative session or an
62 extension thereof and becomes a law.

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