A bill to be entitled

An act relating to a review under the Open Government Sunset Review Act; amending s. 119.0715, F.S., which provides an exemption from public record requirements for a trade secret held by an agency; removing the scheduled repeal of the exemption; amending ss. 287.137, 288.075, 334.049, 408.185, 409.91196, 440.108, 497.172, 501.171, 501.1735, 501.2041, 501.722, 520.9965, 548.062, 559.5558, 569.215, 627.0628, and 1004.4472; removing references to trade secrets from public records exemptions; providing an effective date.

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

Section 1. Subsection (5) of section 119.0715, Florida Statutes, is amended to read:

119.0715 Trade secrets held by an agency.—

~~(5) OPEN GOVERNMENT SUNSET REVIEW.—This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2026, unless reviewed and saved from repeal through reenactment by the Legislature.~~

Section 2. Paragraph (d) of subsection (8) of section 287.137, Florida Statutes, is amended to read:

287.137 Antitrust violations; denial or revocation of the right to transact business with public entities; denial of economic benefits.—

(8)

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

1. Is owned or controlled by the business;

2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;

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

4. Is not publicly available or otherwise readily ascertainable through proper means from another source in the same configuration as received by the Attorney General; and

5. Includes~~:~~

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

~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the business that is the subject of the information.

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

288.075 Confidentiality of records.—

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

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

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

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

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

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

Section 5. Subsection (1) of section 408.185, Florida Statutes, is amended to read:

408.185 Information submitted for review of antitrust issues; confidentiality.—The following information held by the Office of the Attorney General, which is submitted by a member of the health care community pursuant to a request for an antitrust no-action letter shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 1 year after the date of submission.

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

Section 6. Subsection (1) of section 409.91196, Florida

Statutes, is amended to read:

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

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

Section 7. Paragraph (b) of subsection (2) of section 440.108, Florida Statutes, is amended to read:

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

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

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

Section 8. Subsection (4) of section 497.172, Florida Statutes, is amended to read:

497.172 Public records exemptions; public meetings exemptions.—

~~(4) TRADE SECRETS.—Trade secrets, as defined in s. 688.002, held by the department or board, are confidential and~~

~~exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.~~

Section 9. Paragraph (d) of subsection (11) of section 501.171, Florida Statutes, is amended to read:

501.171 Security of confidential personal information.—

(11) PUBLIC RECORDS EXEMPTION.—

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

1. Is owned or controlled by the covered entity.

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

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

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

5. Includes~~:~~

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

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

Section 10. Paragraph (d) of subsection (6) of section 501.1735, Florida Statutes, is amended to read:

501.1735 Protection of children in online spaces; public records exemption.—

(6) PUBLIC RECORDS EXEMPTION.—

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

1. Is owned or controlled by the online platform.

2. Is intended to be private and is treated by the online platform as private because disclosure would harm the online platform or its business operations.

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

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

5. Includes~~:~~

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

~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the online platform who is the subject of the information.

Section 11. Paragraph (d) of subsection (10) of section 501.2041, Florida Statutes, is amended to read:

501.2041 Unlawful acts and practices by social media platforms.—

(10)

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

1. Is owned or controlled by the business;

2. Is intended to be private and is treated by the business as private because disclosure would harm the business or its business operations;

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

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

5. Includes~~:~~

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

~~b.~~ competitive interests, the disclosure of which would impair the competitive advantage of the business that is the subject of the information.

Section 12. Paragraph (e) of subsection (4) of section 501.722, Florida Statutes, is amended to read:

501.722 Public records exemption.—

(4) For purposes of this section, the term "proprietary information" means information that:

(e) Includes~~:~~

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

~~2.~~ competitive interests, the disclosure of which would

impair the competitive advantage of the controller, processor, or third party who is the subject of the information.

Section 13. Paragraph (b) of subsection (1) of section 520.9965, Florida Statutes, is amended to read:

520.9965 Confidentiality of information relating to investigations and examinations.—

(1)

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

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

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

3. Disclose the identity of a confidential source.

4. Disclose investigative techniques or procedures.

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

Section 14. Paragraph (e) of subsection (1) of section 548.062, Florida Statutes, is amended to read:

548.062 Public records exemption.—

(1) As used in this section, the term "proprietary

confidential business information" means information that:

(e) Concerns any of the following:

1. The number of ticket sales for a match;

2. The amount of gross receipts after a match;

~~3. A trade secret, as defined in s. 688.002;~~

3.~~4.~~ Business plans;

4.~~5.~~ Internal auditing controls and reports of internal auditors; or

5.~~6.~~ Reports of external auditors.

Section 15. Paragraph (b) of subsection (2) of section 559.5558, Florida Statutes, is amended to read:

559.5558 Public records exemption; investigations and examinations.—

(2)

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

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

2. Reveal the personal identifying information of a consumer, unless the consumer is also the complainant. A complainant's personal identifying information is subject to disclosure after the investigation or examination is completed or ceases to be active. However, a complainant's personal

financial and health information remains confidential and exempt.

3. Reveal the identity of a confidential source.

4. Reveal investigative or examination techniques or procedures.

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

Section 16. Paragraph (a) of subsection (2) of section 569.215, Florida Statutes, is amended to read:

569.215 Confidential records relating to tobacco settlement agreement.—

(2) As used in this section, the term "proprietary confidential business information" means information, regardless of form or characteristics, which is owned or controlled by a tobacco company that is a signatory to the settlement agreement, as amended, in the case of State of Florida v. American Tobacco Company, No. 95-1466AH, in the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, is intended to be and is treated by a tobacco company as private in that the disclosure of the information would cause harm to the company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public. The term includes, but is not limited to:

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

Section 17. Paragraph (g) of subsection (3) of section 627.0628, Florida Statutes, is amended to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; ~~public records exemption;~~ public meetings exemption.—

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

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

1.~~2.a.~~ That portion of a meeting of the commission or of a rate proceeding on an insurer's rate filing at which a trade secret, as defined in s. 688.002, which is used in designing and constructing a hurricane or flood loss model and which is provided pursuant to this section, by a private company, to the commission, office, or consumer advocate appointed pursuant to s. 627.0613 ~~made confidential and exempt by this paragraph~~ is discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed meeting must be recorded, and no portion of the closed meeting may be off the record.

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

Constitution.

Section 18. Paragraph (a) of subsection (2) and subsection (4) of section 1004.4472, Florida Statutes, are amended to read:

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

(2) The following information held by the corporation or its subsidiary is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

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

(4) That portion of a meeting of the corporation or a subsidiary at which information is presented or discussed which is confidential and exempt pursuant to subsection (2) or s. 119.0715 is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 19. This act shall take effect upon becoming a law.