AGENDA
Department of Business and Professional Regulation
Drug Wholesale Distributor Advisory Council

Homewood Suites
2987 Apalachee Parkway
Tallahassee, FL 32301

Conference Call Number 888-585-9008
Conference Code 948873249

March 14, 2019
9:30 a.m.

Council Members:
Steve Mays, Chair, Prescription Drug Wholesalers
Jeenu Philip, Vice Chair, Board of Pharmacy
Joseph Lavino, CVS Health, Retail Pharmacy
Michael Mone, Primary Prescription Drug Wholesalers
Scott Brock, Pharmaceutical Manufacturers
Arlene Elliott, Agency for Health Care Administration
Dean Ellis, Secondary Prescription Drug Wholesalers
Jeffrey Tuller, Primary Prescription Drug Wholesalers
Patrick Barnes, Hospital Pharmacist
Peter Hart, Medical Gas
Jennifer Goldman, MD, Physician

DBPR Staff:
Drew Winters, Division Director
Halsey Beshears, Secretary
Tim Page, Deputy Secretary
Renee Alsobrook, Compliance Manager
Dinah Greene, Government Operations Consultant
Rebecca Burnett, Regulatory Supervisor

Call to Order: Steve Mays, Chair

TAB 1: Chair's Report – Steve Mays, Chair
1. Update to the Drug Supply Chain Security Act - Heather Zenk, Vice President, Global Supply Chain Operations Amerisource Bergen

TAB 2: Division Director's Report – Drew Winters
a. DDC Rules Report
b. Medical Gas Renewal – Discussion Only
c. Paperless Licensing – Discussion Only
d. 2019 Legislation
1. HB 19- Prescription Drug Importation Program
2. HB 759- Public Records- Trade Secrets
3. HB 761- Public Records- Trade Secrets Held by an Agency

TAB 3: Other Business
Notice of Meeting/Workshop Hearing

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Drugs, Devices and Cosmetics

The Division of Drugs, Devices and Cosmetics announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2019, 9:30 a.m.

PLACE: Homewood Suites-2987 Apalachee Parkway, Tallahassee, FL 32301 (850)402-9400

Telephone Conference Call Number: 1(888)585-9008, Conference Room#948873249

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business

A copy of the agenda may be obtained by contacting: Dinah Greene, Division of Drugs, Devices and Cosmetics, 2601 Blair Stone Road, Tallahassee, FL 32399-1047, (850)717-1800, Dinah.greene@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Dinah Greene, Division of Drugs, Devices and Cosmetics, 2601 Blair Stone Road, Tallahassee, FL 32399-1047, (850)717-1800, Dinah.greene@myfloridalicense.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dinah Greene, Division of Drugs, Devices and Cosmetics, 2601 Blair Stone Road, Tallahassee, FL 32399-1047, (850)717-1800, Dinah.greene@myfloridalicense.com.
TAB 1: Chair’s Report – Steve Mays, Chair

1. Update to the Drug Supply Chain Security Act-
   Heather Zenk, Vice President, Global Supply Chain Operations
   Amerisource Bergen
Drug Supply Chain Security Act

March, 2019
Why DSCTA: What Influenced the Legislation

How we got here...

- Robust traceability
- Increased concern
- Implementation
- Process and dates
- Regionalized like they were in the US
- Argentinian, etc.
- All
- Brazil, Turkey
- for a unified approach to product
- recognized a need
- Shareholders
- Other countries
- Approaches with country-specific
- came to the table

FDA wanted to...
Products

- Establishes criteria for handling suspect and illegitimate
- Distributors:
- Sets a national licensing standard for 3PLs and wholesale
- Establishes a national system for tracking pharmaceutical
- Title II: Drug Supply Chain Security Act (DSCSA)
- Compounding Quality Act
- Title I: Drug Compounding

Two sections of the bill: Secrecy Act (H.R. 3204) into law

On November 27, 2013, President Obama signed the Drug Quality 

The Drug Quality Security Act (DQSA)
We are here.

Timing and requirements:
Drug Supply Chain and Security Act
- Expiration Date.
- Lot (Batch) Number.
- Serial Number.
- NDC (Global Trade Identification Number).

The product identifier contains:

- The product identifier, on the smallest salable unit and homogeneous case.
- Manufacturers are required to place a 2D barcode, containing the

November 27, 2017 Requirements

Drug Supply Chain Security Act
- Encode the GTIN (NDC) serial number in a 2D GS1 Datamatrix.
- Each salable unit and case.
- Assign a unique serial number to each salable unit and case.
It's an opportunity to go from this...

Drug Supply Chain Security Act
Driving Manufacturers Towards Supply Chain Standardization

Drug Supply Chain Security Act

To this...
- Receiving times
  - Improves manual handling and
    - Improves inventory and
      - Redundancy for scanning
      - Corner wraps provide
        - Smears often,
      - Damages occur sometimes; ink
        - packaging
          - Considered "regulated"
          - Homogenous case labels are

Why the corner wrap?

Packaging and Standards
Looking Ahead at Serialization

Non-US Issued GTINs

FDA SNL GTIN must be based on US NDC.
No HR indicators next to PL elements.

2D Barcodes. Human Readable next to non-serialized.

(yes. It's the serial number).

What the heck is a UID?

The ability to scan is better.

Pretty is nice, but...

Looking Ahead at Serialization

Lowest saleable unit – what are we seeing?
FDA Draft Guidance does not permit use of G5I HRI format: (01), (21), (17), (10)

- and all variations of the above...
- Other formats: MM-DD-YYYY, MM/YY/YYYY,
  JAN312013 (e.g.,
  JAN2013 or MM/DD/YYYY (e.g.,
  FDA 2013 Guidance – MM/DD/YYYY (e.g.,
  - G51 – (17)YYMMDD (E.g., 130131)
  Currently accepted HRI date formatting

What are we seeing... HRI date formatting

Looking Ahead at Serialization
Drug Supply Chain Security Act
Upcoming Regulatory Dates and Impact
Of DSCSA, which includes Grandfathered.

- Will reference the Transaction Statement (TS) that the manufacturer provides in their DSCSA TI. TH, TS stating they are following all provisions.

- Will assume the product is grandfathered per FDA's guidance.

- November 27, 2019:

  - AmerisourceBergen will still receive product that is non-serialized after serialized products.

  - Wholesale drug distributors shall only engage in transactions involving

  As of November 27, 2019:

2019 Requirements

Drug Supply Chain Security Act
As of November 27, 2019:

Drug Supply Chain Security Act

- Wholesale drug distributors shall, upon receipt of a saleable return, verify the product identifier for each package prior to reselling the product.
- Saleable return.
Average Manufacturer: 86,866
Large Branded Manufacturer: 1,772,219
Large Generic Manufacturer: 2,052,762
Average Distributor: 476,845
Large Distributor: 19,118,445
Annual Volumes

10,000 units
 peers per day for large DC
4,500 units
 peers per day for large DC
4,723,602 lines
Annual Salable Returns - Return Lines:
58,782,871 units
Annual Salable Returns - Unit Volume:

handle, this is potentially a very onerous process.

Given the volume of salable returns wholesale distributors
units per day
226,086
units per week
1,130,440

comes out to be:
Throughout the pharmaceutical supply chain, that

Drug Supply Chain Security Act
2019 Salable Returns Impact
- New technology
  - Phonebook
  - Works like a phone and a manufacturer database.
  - Request to the correct "Vendor Request" to the correct
  - Enables the routing of a Verification

(VRS)

- Asking manufacturers to leverage

Utilize Verification Service

- send serial numbers to ABC

Send Serial Numbers to ABC

2019 saleable returns approach

Drug Supply Chain and Security Act
Drug Supply Chain and Security Act

VRS - How does it work?
Product:
- The product for further physical examination or laboratory analysis of the
- In the case of an illegitimate product - dispensers must retain a sample of
- Packages or 10 percent of such suspect product.
- Dispensers must verify the product identifier for suspect product of at least 3
- Dispensers may engage in transactions involving a product only if such

As of November 27, 2020:

2020 Requirements

Drug Supply Chain Security Act
- **Serial Number**
- Name & address of the previous owner
- **Transaction Date**
- Expiration Date
- Lot number
- Number of containers
- Container size
- **NDC**
- Product
- Strength and dosage form of the product
- **Name of the Product**
- **Transaction Information (TI)**

- Serialized data for a six-year period.
- Required to accept and maintain.
- Pharmacies and dispensers are.
- Electronic system.
- Information in a secure, interoperable.
- Share, required transactional.
- Trading partners shall exchange, or
- In a electronic manner.
- Transaction Information and exchange.
- Include product identifier in the.
- Wholesale drug distributors shall
- Manufacturers, re-packagers and

November 27, 2023 Requirements

Drug Supply Chain Security Act
Where knowledge, reach and partnership shape healthcare delivery.

AmericanBenBergen
TAB 2: Division Director’s Report – Drew Winters

a. DDC Rules Report

b. Medical Gas Renewal – Discussion Only

c. Paperless Licensing – Discussion Only

d. 2019 Legislation
   1. HB 19- Prescription Drug Importation Program
   2. HB 759- Public Records- Trade Secrets
   3. HB 761- Public Records- Trade Secrets Held by an Agency
TAB 2: Division Director's Report – Drew Winters

a. DDC Rules Report
# RULES REPORT

To: Drug Wholesale Distributor Advisory Council  
From: Drew Winters, Director  
Date: March 14, 2019  
Re: Division Rulemaking (rev.02/22/19)

The following chart is a summary of the Division’s current rulemaking efforts.

<table>
<thead>
<tr>
<th>Rule #</th>
<th>Title</th>
<th>Purpose</th>
<th>Status</th>
<th>Next Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>61N-2.003</td>
<td>Application for Device Manufacturer Permit</td>
<td>To adopt and incorporate the division’s permitting application forms into rule.</td>
<td>Notice of Development filed 2/26/16;</td>
<td></td>
</tr>
<tr>
<td>61N-1.001</td>
<td>General Regulations – Definitions</td>
<td>Adoption of a definition of “solely administrative services” as set forth in s. 499.003(4B)(t), F.S., and applicable to Rule Chapters 61N-1 and 61N-2, F.A.C.</td>
<td>Notice of Development filed 4/5/18; 5/10/18 - Rule Hearing</td>
<td>Finalize the rule and publish a Notice of Proposed Rule</td>
</tr>
<tr>
<td>61N-1.0155</td>
<td>Establishment, Security, Storage Exemptions for Virtual Manufacturers and Broker-Only Distributors</td>
<td>Create a new rule establishing exemptions from establishment, security and storage requirements under s. 499.0121, F.S., for prescription drug manufacturer-virtual, non-resident prescription drug manufacturer-virtual, and prescription drug wholesale distributor-broker only permit holders pursuant to s. 499.01(2)(a),(c), and (e), F.S.</td>
<td>Notice of Development filed 4/5/18; 5/10/18 – Rule Hearing</td>
<td>Finalize the rule and publish a Notice of Proposed Rule</td>
</tr>
<tr>
<td>61N-2.007</td>
<td>Application for Limited Prescription Drug Veterinary Wholesale Distributor Permit</td>
<td>To adopt and incorporate the division’s permitting application forms into rule</td>
<td>Notice of Development filed 2/26/16;</td>
<td>Finalize draft of application; File notice of proposed rulemaking for rule and application.</td>
</tr>
<tr>
<td>61N-2.021</td>
<td>Application for Restricted Rx Drug Distributor – Government Programs Permit</td>
<td>To adopt and incorporate the division’s permitting application forms into rule.</td>
<td>Notice of Development filed 2/26/16.</td>
<td>Finalize draft of application; File notice of proposed rulemaking for rule and application.</td>
</tr>
<tr>
<td>61N-2.022</td>
<td>Application for Restricted Rx Drug Distributor – Health Care Entity Permit</td>
<td>To adopt and incorporate the division’s permitting application forms into rule.</td>
<td>Notice of Development filed 2/26/16.</td>
<td>Finalize draft of application; File notice of proposed rulemaking for rule and application.</td>
</tr>
<tr>
<td>Application for Restricted Rx Drug Distributor – Institutional Research Permit</td>
<td>To adopt and incorporate the division’s permitting application forms into rule.</td>
<td>Notice of Development filed 2/26/16.</td>
<td>Finalize draft of application; File notice of proposed rulemaking for rule and application.</td>
<td></td>
</tr>
<tr>
<td>Application for Retail Pharmacy Drug Wholesale Distributor Permit</td>
<td>To adopt and incorporate the division’s permitting application forms into rule.</td>
<td>Notice of Development filed 2/26/16.</td>
<td>Finalize draft of application; File notice of proposed rulemaking for rule and application.</td>
<td></td>
</tr>
<tr>
<td>Application for Veterinary Prescription Drug Retail Establishment</td>
<td>To adopt and incorporate the division’s permitting application forms into rule.</td>
<td>Notice of Development filed 2/26/16.</td>
<td>Finalize draft of application; File notice of proposed rulemaking for rule and application.</td>
<td></td>
</tr>
<tr>
<td>Application for Veterinary Prescription Drug Wholesale Distributor Permit</td>
<td>To adopt and incorporate the division’s permitting application forms into rule.</td>
<td>Notice of Development filed 2/26/16.</td>
<td>Finalize draft of application; File notice of proposed rulemaking for rule and application.</td>
<td></td>
</tr>
</tbody>
</table>

Notice of development filed, but no initial draft of the rule has been completed.
Revised rule has been drafted and is being reviewed by division staff.
Rule published for proposed; division is awaiting & responding to public comment.
The rule is being routed for adoption approval.
The rule has been adopted and is effective.
The rule has been adopted and is effective.

<table>
<thead>
<tr>
<th>Rule #</th>
<th>Title</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>61N-1.016</td>
<td>Product Registration</td>
<td>11/2/17</td>
</tr>
<tr>
<td>61N-1.017</td>
<td>Certificates of Free Sale</td>
<td>10/24/17</td>
</tr>
<tr>
<td>61N-1.018</td>
<td>FEES</td>
<td>11/2/17</td>
</tr>
<tr>
<td>61N-1.028</td>
<td>Product Tracking and Tracing-Definitions</td>
<td>5/16/16</td>
</tr>
<tr>
<td>61N-1.029</td>
<td>Product Tracking and Tracing- Manufacturer Requirements</td>
<td>5/11/16</td>
</tr>
<tr>
<td>61N-1.030</td>
<td>Product Tracking and Tracing- Wholesale Distributor Requirements</td>
<td>5/11/16</td>
</tr>
<tr>
<td>61N-1.031</td>
<td>Product Tracking and Tracing-Dispenser Requirements</td>
<td>5/11/16</td>
</tr>
<tr>
<td>61N-1.032</td>
<td>Product Tracking and Tracing - Repackager Requirements</td>
<td>5/11/16</td>
</tr>
<tr>
<td>61N-1.0245</td>
<td>Notice of Non Compliance- Minor Violations</td>
<td>11/2/17</td>
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<tr>
<td>61N-2.001</td>
<td>Application for Complimentary Drug Distributor Permit</td>
<td>6/9/16</td>
</tr>
<tr>
<td>61N-2.002</td>
<td>Application for Cosmetic Manufacturer Permit</td>
<td>10/24/17</td>
</tr>
<tr>
<td>61N-2.005</td>
<td>Application for Freight Forwarder Permit</td>
<td>6/9/16</td>
</tr>
<tr>
<td>61N-2.006</td>
<td>Application for Health Care Clinic Establishment Permit</td>
<td>6/9/16</td>
</tr>
<tr>
<td>61N-2.008</td>
<td>Application for Medical Gas Manufacturer Permit</td>
<td>6/9/16</td>
</tr>
<tr>
<td>61N-2.009</td>
<td>Application for Medical Gas Wholesale Distributor Permit</td>
<td>6/9/16</td>
</tr>
<tr>
<td>61N-2.010</td>
<td>Application for Medical Oxygen Retail Establishment Permit</td>
<td>6/9/16</td>
</tr>
<tr>
<td>61N-2.011</td>
<td>Application for Nonresident Prescription Drug Manufacturer Permit</td>
<td>5/11/17</td>
</tr>
<tr>
<td>61N-2.0111</td>
<td>Application for Nonresident Prescription Drug Manufacturer-Virtual Permit</td>
<td>1/11/17</td>
</tr>
<tr>
<td>61N-2.012</td>
<td>Application for Out-of-State Prescription Drug Wholesale Distributor Permit</td>
<td>7/11/17</td>
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<tr>
<td>61N-2.013</td>
<td>Application for Over-the-counter Drug Manufacturer Permit</td>
<td>6/9/16</td>
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<tr>
<td>61N-2.014</td>
<td>Application for Prescription Drug Manufacturer Permit</td>
<td>6/9/16</td>
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<tr>
<td>61N-2.015</td>
<td>Application for Prescription Drug Repackager Permit</td>
<td>5/11/17</td>
</tr>
<tr>
<td>Application ID</td>
<td>Application Description</td>
<td>Date</td>
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<tr>
<td>---------------</td>
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<td>61N-2.016</td>
<td>Application for Prescription Drug Wholesale Distributor Permit</td>
<td>7/11/17</td>
</tr>
<tr>
<td>61N-2.018</td>
<td>Application for Restricted Rx Drug Distributor – Blood Establishment Permit</td>
<td>5/8/18</td>
</tr>
<tr>
<td>61N-2.019</td>
<td>Application for Restricted Rx Drug Distributor – Charitable Organization Permit</td>
<td>6/5/18</td>
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<td>61N-2.020</td>
<td>Application for Restricted RX Drug Distributor- Destruction Permit</td>
<td>6/5/18</td>
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<tr>
<td>61N-2.024</td>
<td>Application for Restricted Rx Drug distributor – Reverse Distributor</td>
<td>6/5/18</td>
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<tr>
<td>61N-2.029</td>
<td>Application for change of Mailing Address</td>
<td>5/8/18</td>
</tr>
<tr>
<td>61N-2.030</td>
<td>Application for Name Change</td>
<td>5/8/18</td>
</tr>
<tr>
<td>61N-2.031</td>
<td>Application for Change of Physical Location</td>
<td>5/28/18</td>
</tr>
<tr>
<td>61N-2.033</td>
<td>Application for Certification as a Designated Representative</td>
<td>4/12/18</td>
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<tr>
<td>61N-2.0141</td>
<td>Application for Prescription Drug Manufacturer- Virtual Permit</td>
<td>1/11/17</td>
</tr>
<tr>
<td>61N-2.0151</td>
<td>Application for Nonresident Prescription Drug Repackager Permit</td>
<td>1/11/17</td>
</tr>
</tbody>
</table>
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c. DBPR Paperless Licensing - Discussion Only
d. 2019 Legislation
   1. HB 19- Prescription Drug Importation Program
   2. HB 759- Public Records- Trade Secrets
   3. HB- 761 Public Records- Trade Secrets Held by an Agency
A bill to be entitled
An act relating to prescription drug importation
programs; creating s. 381.02035, F.S.; establishing
the Canadian Prescription Drug Importation Program
within the Agency for Health Care Administration for a
specified purpose; providing definitions; requiring
the agency to contract with a vendor to facilitate
wholesale prescription drug importation under the
program; providing responsibilities for the vendor;
providing eligibility criteria for prescription drugs,
Canadian suppliers, and importers under the program;
requiring participating Canadian suppliers and
importers to comply with specified federal
requirements for distributing prescription drugs
imported under the program; prohibiting Canadian
suppliers and importers from distributing, dispensing,
or selling prescription drugs imported under the
program outside of the state; requiring the agency to
request federal approval of the program; providing
requirements for such request; requiring the agency to
begin operating the program within a specified
timeframe after receiving federal approval; requiring
the agency, in consultation with the vendor, to submit
an annual report to the Governor and Legislature by a
specified date; providing requirements for such

CODING: Words striken are deletions; words underlined are additions.
report; requiring the agency to adopt rules; creating s. 499.0285, F.S.; requiring the Department of Business and Professional Regulation to establish the International Prescription Drug Importation Program for a specified purpose; providing definitions; providing eligibility criteria for prescription drugs, exporters, and importers under the program; requiring participating importers to submit certain documentation to the department for prescription drugs imported under the program; requiring the department to immediately suspend the importation of a specific prescription drug or importation by a specific importer if a violation has occurred under the program; authorizing the department to revoke such suspension under certain circumstances; requiring the department to adopt rules; creating s. 465.0157, F.S.; establishing an international export pharmacy permit for participation in the International Prescription Drug Importation Program; providing requirements for permit application and renewal; amending s. 465.017, F.S.; authorizing the department to inspect international export pharmacy permittees; amending s. 499.01, F.S.; requiring nonresident prescription drug manufacturers to register with the department to participate in the program; providing an exception;
establishing an international prescription drug
wholesale distributor permit; providing requirements
for such permit; amending s. 499.012, F.S.; providing
permit application requirements for international
prescription drug wholesale distributors and
nonresident prescription drug manufacturers to
participate in the program; amending ss. 499.005,
499.0051, and 499.015, F.S.; conforming provisions to
changes made by the act; amending s. 499.065, F.S.;
requiring the department to inspect international
prescription drug wholesale distributor establishments
and require their immediate closure under certain
circumstances; requiring the Department of Business
and Professional Regulation, in collaboration with the
Department of Health, to negotiate a federal
arrangement to operate a pilot program for importing
prescription drugs into the state; providing that
implementation of the act is contingent upon such
federal arrangement or obtaining federal guidance;
providing an effective date.

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

Section 1. Section 381.02035, Florida Statutes, is created
to read:
381.02035 Canadian Prescription Drug Importation Program.—

(1) PROGRAM ESTABLISHED.—The agency shall establish a program for the importation of safe and effective prescription drugs from Canada that have the highest potential for cost savings to the state.

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

(a) "Agency" means the Agency for Health Care Administration.

(b) "Canadian supplier" means a manufacturer, wholesale distributor, or pharmacy appropriately licensed or permitted under Canadian law to manufacture, distribute, or dispense prescription drugs.

(c) "County health department" means a health care facility established under part I of chapter 154.

(d) "Department" means the Department of Health.

(e) "Free clinic" means a clinic that delivers only medical diagnostic services or nonsurgical medical treatment free of charge to low-income recipients.

(f) "Medicaid pharmacy" means a pharmacy licensed under chapter 465 that has a Medicaid provider agreement in effect with the agency and is in good standing with the agency.

(g) "Pharmacist" means a person who holds an active and unencumbered license to practice pharmacy pursuant to chapter 465.

(h) "Prescription drug" has the same meaning as in s.
499.003.
(i) "Program" means the Canadian Prescription Drug Importation Program.
(3) IMPORTATION PROCESS.—
(a) The agency shall contract with a vendor to provide services under the program.
(b) The vendor shall develop by December 1, 2019, and each year thereafter revise, a Wholesale Prescription Drug Importation List identifying the prescription drugs that have the highest potential for cost savings to the state. In developing the list, the vendor shall consider, at a minimum, which prescription drugs will provide the greatest cost savings to state programs, including prescription drugs for which there are shortages, specialty prescription drugs, and high-volume prescription drugs. The agency, in consultation with the department, shall review the Wholesale Prescription Drug Importation List every 3 months to ensure that it continues to meet the requirements of the program and may direct the vendor to revise the list, as necessary.
(c) The vendor shall identify Canadian suppliers who are in full compliance with relevant Canadian federal and provincial laws and regulations and who have agreed to export prescription drugs identified on the list. The vendor must verify that such Canadian suppliers meet all of the requirements of the program and will export prescription drugs at prices that will provide
cost savings to the state. The vendor shall contract with such
eligible Canadian suppliers, or facilitate contracts between
eligible importers and Canadian suppliers, to import
prescription drugs under the program.

(d) The vendor must assist the agency with the annual
report required in subsection (9) and provide any information
requested by the agency for such report.

(4) ELIGIBLE PRESCRIPTION DRUGS.—Eligible importers may
import a prescription drug from an eligible Canadian supplier
if:

(a) The drug meets the United States Food and Drug
Administration's standards related to safety, effectiveness,
misbranding, and adulteration;

(b) Importing the drug would not violate the patent laws
of the United States;

(c) Importing the drug is expected to generate cost
savings; and

(d) The drug is not:
1. A controlled substance as defined in 21 U.S.C. s. 802;
2. A biological product as defined in 42 U.S.C. s. 262;
3. An infused drug;
4. An intravenously injected drug;
5. A drug that is inhaled during surgery; or
6. A drug that is a parenteral drug, the importation of
which is determined by the United States Secretary of Health and
Human Services to pose a threat to the public health.

(5) ELIGIBLE CANADIAN SUPPLIERS.—A Canadian supplier may export prescription drugs into the state under the program if the supplier is:

(a) In full compliance with relevant Canadian federal and provincial laws and regulations; and

(b) Identified by the vendor as eligible to participate in the program.

(6) ELIGIBLE IMPORTERS.—The following entities may import prescription drugs from a Canadian supplier under the program:

(a) A pharmacist or wholesaler employed by or under contract with the department's central pharmacy, for distribution to a county health department or free clinic for dispensing to clients treated in such department or clinic.

(b) A pharmacist or wholesaler employed by or under contract with a Medicaid pharmacy, for dispensing to the pharmacy's Medicaid recipients.

(c) A pharmacist or wholesaler employed by or under contract with the Department of Corrections, for dispensing to inmates in the custody of the Department of Corrections.

(d) A pharmacist or wholesaler employed by or under contract with a developmental disabilities center, as defined in s. 393.063, for dispensing to clients treated in such center.

(e) A pharmacist or wholesaler employed by or under contract with a treatment facility, as defined in s. 394.455,
for dispensing to patients treated in such facility.

(7) DISTRIBUTION REQUIREMENTS.—Eligible Canadian suppliers and importers participating under the program:

(a) Must comply with the tracking and tracing requirements of 21 U.S.C. ss. 360eee et seq.

(b) May not distribute, dispense, or sell prescription drugs imported under the program outside of the state.

(8) FEDERAL APPROVAL.—By July 1, 2020, the agency shall submit a request to the United States Secretary of Health and Human Services for approval of the program under 21 U.S.C. s. 384(l). The agency shall begin operating the program within 6 months after receiving such approval. The request shall, at a minimum:

(a) Describe the agency's plan for operating the program;

(b) Demonstrate how the prescription drugs imported into the state under the program will meet the applicable federal and state standards for safety and effectiveness;

(c) Include a list of prescription drugs that have the highest potential for cost savings to the state through importation at the time that the request is submitted;

(d) Estimate the total cost savings attributable to the program; and

(e) Include a list of potential Canadian suppliers from which the state would import prescription drugs and demonstrate that the suppliers are in full compliance with relevant Canadian
(9) ANNUAL REPORTING.—By December 1 of each year, the
agency shall submit a report to the Governor, the President of
the Senate, and the Speaker of the House of Representatives on
the operation of the program during the previous fiscal year.
The report must include, at a minimum:
(a) A list of the prescription drugs that were imported
under the program;
(b) The number of participating entities;
(c) The number of prescriptions dispensed through the
program;
(d) The estimated cost savings during the previous fiscal
year and to date;
(e) A description of the methodology used to determine
which prescription drugs should be included on the Wholesale
Prescription Drug Importation List; and
(f) Documentation demonstrating how the program ensures
that:
1. Canadian suppliers participating in the program are of
high quality, of high performance, and in full compliance with
relevant Canadian federal and provincial laws and regulations;
2. Prescription drugs imported under the program are not
shipped, sold, or dispensed outside of the state once in the
possession of the importer;
3. Prescription drugs imported under the program are pure,
unadulterated, potent, and safe;

4. The program does not put consumers at a higher health and safety risk than if the program did not exist; and

5. The program provides cost savings to the state on imported prescription drugs.

(10) RULEMAKING AUTHORITY.—The agency shall adopt rules necessary to implement this section.

Section 2. Section 499.0285, Florida Statutes, is created to read:

499.0285 International Prescription Drug Importation Program.—

(1) PROGRAM ESTABLISHED.—The department shall establish a program for the importation of safe and effective prescription drugs from foreign nations with which the United States has current mutual recognition agreements, cooperation agreements, memoranda of understanding, or other federal mechanisms recognizing their adherence to current good manufacturing practices for pharmaceutical products.

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

(a) "Exporter" means an international prescription drug wholesale distributor, a nonresident prescription drug manufacturer registered to participate in the program, or an international export pharmacy that exports prescription drugs into the state under the program.

(b) "Foreign recipient" means an entity other than the...
original prescription drug manufacturer that receives the
prescription drug before its importation into the state under
the program.

(c) "Good manufacturing practice" refers to the good
manufacturing practice regulations in 21 C.F.R. parts 210 and
211.

(d) "Importer" means a wholesale distributor, pharmacy, or
pharmacist importing prescription drugs into the state under the
program.

(e) "International export pharmacy" means a pharmacy
located outside of the United States that holds an active and
unencumbered permit under chapter 465 to export prescription
drugs into the state under the program.

(f) "International prescription drug wholesale
distributor" means a prescription drug wholesale distributor
located outside of the United States that holds an active and
unencumbered permit under this part to export and distribute
prescription drugs into the state under the program.

(g) "Nonresident prescription drug manufacturer" means an
entity located outside of the United States that holds an active
and unencumbered permit under this part to manufacture
prescription drugs and has registered with the department to
export and distribute such prescription drugs into the state
under the program.

(h) "Pharmacist" means a person who holds an active and
unencumbered license to practice pharmacy under chapter 465.

(i) "Pharmacy" means an entity that holds an active and unencumbered permit under chapter 465.

(j) "Program" means the International Prescription Drug Importation Program established under this section.

(k) "Qualified laboratory" means a laboratory that has been approved by the department for the purposes of this section.

(3) ELIGIBLE PRESCRIPTION DRUGS.—An eligible importer may import a prescription drug from an eligible exporter if:

(a) The drug meets the United States Food and Drug Administration's standards related to safety, effectiveness, misbranding, and adulteration;

(b) Importing the drug would not violate the patent laws of the United States; and

(c) The drug is not:

1. A controlled substance as defined in 21 U.S.C. s. 802;
2. A biological product as defined in 42 U.S.C. s. 262;
3. An infused drug;
4. An intravenously injected drug;
5. A drug that is inhaled during surgery; or
6. A drug that is a parenteral drug, the importation of which is determined by the United States Secretary of Health and Human Services to pose a threat to the public health.

(4) EXPORTERS.—
(a) The following entities may export prescription drugs into the state under the program:

1. An international prescription drug wholesale distributor.
2. A nonresident prescription drug manufacturer.
3. An international export pharmacy.
(b) An eligible exporter must register with the department before exporting prescription drugs into the state under the program.
(c) An exporter may not distribute, sell, or dispense prescription drugs imported under the program to any person residing outside of the state.

(5) IMPORTERS.—
(a) The following entities may import prescription drugs under the program:
1. A wholesale distributor.
2. A pharmacy.
3. A pharmacist.
(b) An eligible importer must register with the department before importing prescription drugs into the state under the program.
(c) An importer may not distribute, sell, or dispense prescription drugs imported under the program to any person residing outside of the state.
(6) PRESCRIPTION DRUG SUPPLY CHAIN DOCUMENTATION.—
(a) A participating importer must submit the following information and documentation to the department:

1. The name and quantity of the active ingredient of the prescription drug.
2. A description of the dosage form of the prescription drug.
3. The date on which the prescription drug is shipped.
4. The quantity of the prescription drug that is shipped.
5. The point of origin and destination of the prescription drug.
6. The price paid by the importer for the prescription drug.
7. Documentation from the exporter specifying:
   a. The original source of the prescription drug; and
   b. The quantity of each lot of the prescription drug originally received by the seller from that source.
8. The lot or control number assigned to the prescription drug by the manufacturer.
9. The name, address, telephone number, and professional license or permit number of the importer.
10. In the case of a prescription drug that is shipped directly by the first foreign recipient from the manufacturer:
   a. Documentation demonstrating that the prescription drug was received by the recipient from the manufacturer and subsequently shipped by the first foreign recipient to the

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CODING: Words stricken are deletions; words underlined are additions.
importer.

b. Documentation of the quantity of each lot of the
prescription drug received by the first foreign recipient
demonstrating that the quantity being imported into the state is
not more than the quantity that was received by the first
foreign recipient.

c. For an initial imported shipment, documentation
demonstrating that each batch of the prescription drug in the
shipment was statistically sampled and tested for authenticity
and degradation.

d. For any subsequent imported shipment, documentation
demonstrating that a statistically valid sample of the shipment
was tested for authenticity and degradation.

11. In the case of a prescription drug that is not shipped
directly from the first foreign recipient, documentation
demonstrating that each batch in each shipment offered for
importation into the state was statistically sampled and tested
for authenticity and degradation.

12. Certification from the importer or manufacturer that
the prescription drug:

   a. Is approved for marketing in the United States and is
      not adulterated or misbranded; and

   b. Meets all of the labeling requirements under 21 U.S.C.
      s. 352.

13. Qualified laboratory records, including complete data
derived from all tests necessary to ensure that the prescription
drug is in compliance with the requirements of this section.

14. Documentation demonstrating that the testing required
by this section was conducted at a qualified laboratory.

15. Any other information the department determines is
necessary to ensure the protection of the public health.

(b) All testing required by this section must be conducted
in a qualified laboratory.

(c) The department shall maintain information and
documentation submitted under this section for a period of at
least 4 years.

(7) IMMEDIATE SUSPENSION.—The department shall immediately
suspend the importation of a specific prescription drug or the
importation of prescription drugs by a specific importer if it
discovers that any prescription drug or activity is in violation
of this section. The department may revoke the suspension if,
after conducting an investigation, it determines that the public
is adequately protected from counterfeit or unsafe prescription
drugs being imported into the state.

(8) RULEMAKING AUTHORITY.—The department shall adopt rules
necessary to implement this section.

Section 3. Section 465.0157, Florida Statutes, is created
to read:

465.0157 International export pharmacy permit.—

(1) To participate as an exporter of prescription drugs
into the state under the International Prescription Drug Importation Program established in s. 499.0285, a pharmacy located outside of the United States must hold an international export pharmacy permit.

(2) An international export pharmacy must maintain at all times an active and unencumbered license or permit to operate the pharmacy in compliance with the laws of the jurisdiction in which the dispensing facility is located and from which the prescription drugs shall be exported. Such jurisdiction must be in a country with which the United States has a current mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country’s adherence to current good manufacturing practices for pharmaceutical products.

(3) An application for an international export pharmacy permit shall be submitted on a form developed and provided by the board. The board may require an applicant to provide any information it deems reasonably necessary to carry out the purposes of this section.

(4) An applicant must submit the following to the board to obtain an initial permit, or to the department to renew a permit:

(a) Proof of an active and unencumbered license or permit to operate the pharmacy in compliance with the laws of the jurisdiction in which the dispensing facility is located and
from which the prescription drugs shall be exported.

(b) Documentation demonstrating that the country in which
the pharmacy operates has a current mutual recognition
agreement, cooperation agreement, memorandum of understanding,
or other federal mechanism recognizing the country's adherence
to current good manufacturing practices for pharmaceutical
products.

(c) The location, names, and titles of all principal
corporate officers and the pharmacist who serves as the
prescription department manager for prescription drugs exported
into this state under the International Prescription Drug
Importation Program.

(d) Written attestation by an owner or officer of the
applicant, and by the applicant's prescription department
manager, that:

1. The attessor has read and understands the laws and
rules governing the manufacture, distribution, and dispensing of
prescription drugs in this state.

2. A prescription drug shipped, mailed, or delivered into
this state meets or exceeds this state's standards for safety
and efficacy.

3. A prescription drug product shipped, mailed, or
delivered into this state must not have been, and may not be,
manufactured or distributed in violation of the laws and rules
of the jurisdiction in which the applicant is located and from
which the prescription drugs shall be exported.

(e) A current inspection report from an inspection
conducted by the regulatory or licensing agency of the
jurisdiction in which the applicant is located. The inspection
report must reflect compliance with this section. An inspection
report is current if the inspection was conducted within 6
months before the date of submitting the application for the
initial permit or within 1 year before the date of submitting an
application for permit renewal. If the applicant is unable to
submit a current inspection report conducted by the regulatory
or licensing agency of the jurisdiction in which the applicant
is located and from which the prescription drugs shall be
exported, due to acceptable circumstances, as established by
rule, or if an inspection has not been performed, the department
shall:

1. Conduct, or contract with an entity to conduct, an
onsite inspection for which all costs shall be borne by the
applicant;

2. Accept a current and satisfactory inspection report, as
determined by rule, from an entity approved by the board; or

3. Accept a current inspection report from the United
States Food and Drug Administration conducted pursuant to the

Section 4. Subsection (2) of section 465.017, Florida
Statutes, is amended to read:
465.017 Authority to inspect; disposal.—

(2) Duly authorized agents and employees of the department may inspect a nonresident pharmacy registered under s. 465.0156, an international export pharmacy permittee under s. 465.0157, or a nonresident sterile compounding permittee under s. 465.0158 pursuant to this section. The costs of such inspections shall be borne by such pharmacy or permittee.

Section 5. Subsection (1) and paragraph (c) of subsection (2) of section 499.01, Florida Statutes, are amended, and paragraph (g) is added to subsection (2) of that section, to read:

499.01 Permits.—

(1) Before operating, a permit is required for each person and establishment that intends to operate as:

(a) A prescription drug manufacturer;

(b) A prescription drug repackager;

(c) A nonresident prescription drug manufacturer;

(d) A nonresident prescription drug repackager;

(e) A prescription drug wholesale distributor;

(f) An out-of-state prescription drug wholesale distributor;

(g) A retail pharmacy drug wholesale distributor;

(h) A restricted prescription drug distributor;

(i) A complimentary drug distributor;

(j) A freight forwarder;
(k) A veterinary prescription drug retail establishment;
(l) A veterinary prescription drug wholesale distributor;
(m) A limited prescription drug veterinary wholesale distributor;
(n) An over-the-counter drug manufacturer;
(o) A device manufacturer;
(p) A cosmetic manufacturer;
(q) A third party logistics provider; or
(r) A health care clinic establishment; or
(s) An international prescription drug wholesale distributor.

(2) The following permits are established:

(c) Nonresident prescription drug manufacturer permit.—A nonresident prescription drug manufacturer permit is required for any person that is a manufacturer of prescription drugs, unless permitted as a third party logistics provider, located outside of this state or outside the United States and that engages in the distribution in this state of such prescription drugs. Each such manufacturer must be permitted by the department and comply with all of the provisions required of a prescription drug manufacturer under this part. To participate as an exporter of prescription drugs into the state under the International Prescription Drug Importation Program established in s. 499.0285, a nonresident prescription drug manufacturer located outside of the United States must register with the
department before engaging in any activities under that section. Such manufacturer must be licensed or permitted in a country with which the United States has a current mutual recognition agreement, cooperation agreement, memorandum of understanding, or other federal mechanism recognizing the country's adherence to current good manufacturing practices for pharmaceutical products. The department shall adopt rules for issuing a virtual nonresident prescription drug manufacturer permit to a person who engages in the manufacture of prescription drugs but does not make or take physical possession of any prescription drugs. The rules adopted by the department under this section may exempt virtual nonresident manufacturers from certain establishment, security, and storage requirements set forth in s. 499.0121.

1. A person that distributes prescription drugs for which the person is not the manufacturer must also obtain an out-of-state prescription drug wholesale distributor permit, international prescription drug wholesale distributor permit, or third party logistics provider permit pursuant to this section to engage in the distribution of such prescription drugs when required by this part. This subparagraph does not apply to a manufacturer that distributes prescription drugs only for the manufacturer of the prescription drugs where both manufacturers are affiliates.

2. Any such person must comply with the licensing or
permitting requirements of the jurisdiction in which the
establishment is located and the federal act, and any
prescription drug distributed into this state must comply with
this part. If a person intends to import prescription drugs from
a foreign country into this state, the nonresident prescription
drug manufacturer must provide to the department a list
identifying each prescription drug it intends to import and
document approval by the United States Food and Drug
Administration for such importation. A nonresident prescription
drug manufacturer that has registered to participate in the
International Prescription Drug Importation Program pursuant to
this section is not required to provide such documentation for
prescription drugs imported under that program.

(s) International prescription drug wholesale
distributor.—A wholesale distributor located outside of the
United States must obtain an international prescription drug
wholesale distributor permit to engage in the wholesale
exportation and distribution of prescription drugs in the state
under the International Prescription Drug Importation Program
established in s. 499.0285. The wholesale distributor must be
licensed or permitted to operate in a country with which the
United States has a mutual recognition agreement, cooperation
agreement, memorandum of understanding, or other federal
mechanism recognizing the country's adherence to current good
manufacturing practices for pharmaceutical products. The
wholesale distributor must maintain at all times a license or permit to engage in the wholesale distribution of prescription drugs in compliance with the laws of the jurisdiction in which it operates. An international prescription drug wholesale distributor permit may not be issued to a wholesale distributor if the jurisdiction in which the wholesale distributor operates does not require a license to engage in the wholesale distribution of prescription drugs.

Section 6. Subsection (2), paragraph (a) of subsection (4), subsections (8), (10), (11), and (14), and paragraphs (a), (b), and (f) of subsection (15) Section 499.012, Florida Statutes, are amended to read:

499.012 Permit application requirements.—

(2) Notwithstanding subsection (6), a permitted person in good standing may change the type of permit issued to that person by completing a new application for the requested permit, paying the amount of the difference in the permit fees if the fee for the new permit is more than the fee for the original permit, and meeting the applicable permitting conditions for the new permit type. The new permit expires on the expiration date of the original permit being changed; however, a new permit for a prescription drug wholesale distributor, an out-of-state prescription drug wholesale distributor, an international prescription drug wholesale distributor, or a retail pharmacy drug wholesale distributor shall expire on the expiration date
of the original permit or 1 year after the date of issuance of
the new permit, whichever is earlier. A refund may not be issued
if the fee for the new permit is less than the fee that was paid
for the original permit.

(4)(a) Except for a permit for a prescription drug
wholesale distributor, an international prescription drug
wholesale distributor, or an out-of-state prescription drug
wholesale distributor, an application for a permit must include:

1. The name, full business address, and telephone number
of the applicant;

2. All trade or business names used by the applicant;

3. The address, telephone numbers, and the names of
contact persons for each facility used by the applicant for the
storage, handling, and distribution of prescription drugs;

4. The type of ownership or operation, such as a
partnership, corporation, or sole proprietorship; and

5. The names of the owner and the operator of the
establishment, including:

a. If an individual, the name of the individual;

b. If a partnership, the name of each partner and the name
of the partnership;

c. If a corporation, the name and title of each corporate
officer and director, the corporate names, and the name of the
state of incorporation;

d. If a sole proprietorship, the full name of the sole
e. If a limited liability company, the name of each member, the name of each manager, the name of the limited liability company, and the name of the state in which the limited liability company was organized; and

f. Any other relevant information that the department requires.

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

(a) The name, full business address, and telephone number of the applicant.

(b) All trade or business names used by the applicant.

(c) The address, telephone numbers, and the names of contact persons for each facility used by the applicant for the storage, handling, and distribution of prescription drugs.

(d) The type of ownership or operation, such as a partnership, corporation, or sole proprietorship.

(e) The names of the owner and the operator of the establishment, including:

1. If an individual, the name of the individual.

2. If a partnership, the name of each partner and the name of the partnership.
3. If a corporation:
   a. The name, address, and title of each corporate officer and director.
   b. The name and address of the corporation, resident agent of the corporation, the resident agent's address, and the corporation's state of incorporation.
   c. The name and address of each shareholder of the corporation that owns 5 percent or more of the outstanding stock of the corporation.

4. If a sole proprietorship, the full name of the sole proprietor and the name of the business entity.

5. If a limited liability company:
   a. The name and address of each member.
   b. The name and address of each manager.
   c. The name and address of the limited liability company, the resident agent of the limited liability company, and the name of the state in which the limited liability company was organized.
   (f) If applicable, the name and address of each affiliate of the applicant.
   (g) The applicant's gross annual receipts attributable to prescription drug wholesale distribution activities for the previous tax year.
   (h) The tax year of the applicant.
   (i) A copy of the deed for the property on which
applicant's establishment is located, if the establishment is
owned by the applicant, or a copy of the applicant's lease for
the property on which applicant's establishment is located that
has an original term of not less than 1 calendar year, if the
establishment is not owned by the applicant.

(j) A list of all licenses and permits issued to the
applicant by any other state or jurisdiction which authorize the
applicant to purchase or possess prescription drugs.

(k) The name of the manager of the establishment that is
applying for the permit or to renew the permit, the next four
highest ranking employees responsible for prescription drug
wholesale operations for the establishment, and the name of all
affiliated parties for the establishment, together with the
personal information statement and fingerprints required
pursuant to subsection (9) for each of such persons.

(l) The name of each of the applicant's designated
representatives as required by subsection (15), together with
the personal information statement and fingerprints required
pursuant to subsection (9) for each such person.

(m) Evidence of a surety bond in this state or any other
state in the United States in the amount of $100,000. If the
annual gross receipts of the applicant's previous tax year are
$10 million or less, evidence of a surety bond in the amount of
$25,000. The specific language of the surety bond must include
the State of Florida as a beneficiary, payable to the
Professional Regulation Trust Fund. In lieu of the surety bond, the applicant may provide other equivalent security such as an irrevocable letter of credit, or a deposit in a trust account or financial institution, which includes the State of Florida as a beneficiary, payable to the Professional Regulation Trust Fund. The purpose of the bond or other security is to secure payment of any administrative penalties imposed by the department and any fees and costs incurred by the department regarding that permit which are authorized under state law and which the permittee fails to pay 30 days after the fine or costs become final. The department may make a claim against such bond or security until 1 year after the permittee's license ceases to be valid or until 60 days after any administrative or legal proceeding authorized in this part which involves the permittee is concluded, including any appeal, whichever occurs later.

(n) For establishments used in wholesale distribution, proof of an inspection conducted by the department, the United States Food and Drug Administration, or another governmental entity charged with the regulation of good manufacturing practices related to wholesale distribution of prescription drugs, within timeframes set forth by the department in departmental rules, which demonstrates substantial compliance with current good manufacturing practices applicable to wholesale distribution of prescription drugs. The department may recognize another state's or jurisdiction's inspection of a
wholesale distributor located in that state or jurisdiction if such state's or jurisdiction's laws are deemed to be substantially equivalent to the law of this state by the department. The department may accept an inspection by a third-party accreditation or inspection service which meets the criteria set forth in department rule.

(o) Any other relevant information that the department requires.

(p) Documentation of the credentialing policies and procedures required by s. 499.0121(15).

(q) For international prescription drug wholesale distributors and nonresident prescription drug manufacturers to participate in the International Prescription Drug Importation Program established under s. 499.0285, documentation demonstrating that the applicant is appropriately licensed or permitted by a country with which the United States has a mutual recognition agreement, cooperation agreement, memorandum of understanding, or other mechanism recognizing the country’s adherence to current good manufacturing practices for pharmaceutical products.

(10) The department may deny an application for a permit or refuse to renew a permit for a prescription drug wholesale distributor, an international prescription drug wholesale distributor, or an out-of-state prescription drug wholesale distributor if:
(a) The applicant has not met the requirements for the permit.
(b) The management, officers, or directors of the applicant or any affiliated party are found by the department to be incompetent or untrustworthy.
(c) The applicant is so lacking in experience in managing a wholesale distributor as to make the issuance of the proposed permit hazardous to the public health.
(d) The applicant is so lacking in experience in managing a wholesale distributor as to jeopardize the reasonable promise of successful operation of the wholesale distributor.
(e) The applicant is lacking in experience in the distribution of prescription drugs.
(f) The applicant's past experience in manufacturing or distributing prescription drugs indicates that the applicant poses a public health risk.
(g) The applicant is affiliated directly or indirectly through ownership, control, or other business relations, with any person or persons whose business operations are or have been detrimental to the public health.
(h) The applicant, or any affiliated party, has been found guilty of or has pleaded guilty or nolo contendere to any felony or crime punishable by imprisonment for 1 year or more under the laws of the United States, any state, or any other country, regardless of whether adjudication of guilt was withheld.
(i) The applicant or any affiliated party has been charged
with a felony in a state or federal court and the disposition of
that charge is pending during the application review or renewal
review period.

(j) The applicant has furnished false or fraudulent
information or material in any application made in this state or
any other state in connection with obtaining a permit or license
to manufacture or distribute drugs, devices, or cosmetics.

(k) That a federal, state, or local government permit
currently or previously held by the applicant, or any affiliated
party, for the manufacture or distribution of any drugs,
devices, or cosmetics has been disciplined, suspended, or
revoked and has not been reinstated.

(l) The applicant does not possess the financial or
physical resources to operate in compliance with the permit
being sought, this chapter, and the rules adopted under this
chapter.

(m) The applicant or any affiliated party receives,
directly or indirectly, financial support and assistance from a
person who was an affiliated party of a permittee whose permit
was subject to discipline or was suspended or revoked, other
than through the ownership of stock in a publicly traded company
or a mutual fund.

(n) The applicant or any affiliated party receives,
directly or indirectly, financial support and assistance from a
person who has been found guilty of any violation of this part or chapter 465, chapter 501, or chapter 893, any rules adopted under this part or those chapters, any federal or state drug law, or any felony where the underlying facts related to drugs, regardless of whether the person has been pardoned, had her or his civil rights restored, or had adjudication withheld, other than through the ownership of stock in a publicly traded company or a mutual fund.

(o) The applicant for renewal of a permit under s. 499.01(2)(e) or (f) has not actively engaged in the wholesale distribution of prescription drugs, as demonstrated by the regular and systematic distribution of prescription drugs throughout the year as evidenced by not fewer than 12 wholesale distributions in the previous year and not fewer than three wholesale distributions in the previous 6 months.

(p) Information obtained in response to s. 499.01(2)(e) or (f) demonstrates it would not be in the best interest of the public health, safety, and welfare to issue a permit.

(q) The applicant does not possess the financial standing and business experience for the successful operation of the applicant.

(r) The applicant or any affiliated party has failed to comply with the requirements for manufacturing or distributing prescription drugs under this part, similar federal laws, similar laws in other states, or the rules adopted under such
laws.

(11) Upon approval of the application by the department and payment of the required fee, the department shall issue or renew a prescription drug wholesale distributor, an international prescription drug wholesale distributor, or an out-of-state prescription drug wholesale distributor permit to the applicant.

(14) The name of a permittee or establishment on a prescription drug wholesale distributor permit, an international prescription drug wholesale distributor permit, or an out-of-state prescription drug wholesale distributor permit may not include any indicia of attainment of any educational degree, any indicia that the permittee or establishment possesses a professional license, or any name or abbreviation that the department determines is likely to cause confusion or mistake or that the department determines is deceptive, including that of any other entity authorized to purchase prescription drugs.

(15)(a) Each establishment that is issued an initial or renewal permit as a prescription drug wholesale distributor, an international prescription drug wholesale distributor, or an out-of-state prescription drug wholesale distributor must designate in writing to the department at least one natural person to serve as the designated representative of the wholesale distributor. Such person must have an active certification as a designated representative from the
department.

(b) To be certified as a designated representative, a natural person must:

1. Submit an application on a form furnished by the department and pay the appropriate fees.

2. Be at least 18 years of age.

3. Have at least 2 years of verifiable full-time:
   a. Work experience in a pharmacy licensed in this state or another state or jurisdiction, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs;
   b. Managerial experience with a prescription drug wholesale distributor licensed in this state or in another state or jurisdiction; or
   c. Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs.

4. Receive a passing score of at least 75 percent on an examination given by the department regarding federal laws governing distribution of prescription drugs and this part and the rules adopted by the department governing the wholesale distribution of prescription drugs. This requirement shall be effective 1 year after the results of the initial examination are mailed to the persons that took the examination. The
department shall offer such examinations at least four times
each calendar year.

5. Provide the department with a personal information
statement and fingerprints pursuant to subsection (9).

(f) A wholesale distributor may not operate under a
prescription drug wholesale distributor permit, an international
prescription drug wholesale distributor permit, or an out-of-
state prescription drug wholesale distributor permit for more
than 10 business days after the designated representative leaves
the employ of the wholesale distributor, unless the wholesale
distributor employs another designated representative and
notifies the department within 10 business days after of the
identity of the new designated representative.

Section 7. Subsection (20) of section 499.005, Florida
Statutes, is amended to read:

499.005 Prohibited acts.—It is unlawful for a person to
perform or cause the performance of any of the following acts in
this state:

(20) The importation of a prescription drug except as
provided by s. 801(d) of the Federal Food, Drug, and Cosmetic
Act or s. 499.0285.

Section 8. Paragraph (e) of subsection (12) of section
499.0051, Florida Statutes, is amended to read:

499.0051 Criminal acts.—

(12) REFUSAL TO ALLOW INSPECTION; SELLING, PURCHASING, OR
TRADING DRUG SAMPLES; FAILURE TO MAINTAIN RECORDS RELATING TO PRESCRIPTION DRUGS.—Any person who violates any of the following provisions commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or as otherwise provided in this part:

(e) The importation of a prescription drug for wholesale distribution, except as provided by s. 801(d) of the Federal Food, Drug, and Cosmetic Act or s. 499.0285.

Section 9. Paragraph (c) is added to subsection (1) of section 499.015, Florida Statutes, to read:

499.015 Registration of drugs and devices; issuance of certificates of free sale.—

(1)

(c) Registration under this section is not required for prescription drugs imported under the International Prescription Drug Importation Program established in s. 499.0285.

Section 10. Subsections (1) and (3) of section 499.065, Florida Statutes, are amended to read:

499.065 Inspections; imminent danger.—

(1) Notwithstanding s. 499.051, the department shall inspect each prescription drug wholesale distributor establishment, international prescription drug wholesale distributor establishment, prescription drug repackager establishment, veterinary prescription drug wholesale distributor establishment, limited prescription drug veterinary
wholesale distributor establishment, and retail pharmacy drug
wholesale distributor establishment that is required to be
permitted under this part as often as necessary to ensure
compliance with applicable laws and rules. The department shall
have the right of entry and access to these facilities at any
reasonable time.

(3) The department may determine that a prescription drug
wholesale distributor establishment, international prescription
drug wholesale distributor establishment, prescription drug
repackager establishment, veterinary prescription drug wholesale
distributor establishment, limited prescription drug veterinary
wholesale distributor establishment, or retail pharmacy drug
wholesale distributor establishment that is required to be
permitted under this part is an imminent danger to the public
health and shall require its immediate closure if the
establishment fails to comply with applicable laws and rules
and, because of the failure, presents an imminent threat to the
public's health, safety, or welfare. Any establishment so deemed
and closed shall remain closed until allowed by the department
or by judicial order to reopen.

Section 11. Notwithstanding the Federal Food, Drug, and
Cosmetic Act, the Department of Business and Professional
Regulation, in collaboration with the Department of Health,
shall negotiate a federal arrangement to operate a pilot program
for importing prescription drugs into the state. The proposal to

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operate such a pilot program shall demonstrate that the program
sets safety standards consistent with the current federal
requirements for the manufacturing and distribution of
prescription drugs; limits the importation of prescription drugs
to entities licensed or permitted by the state to manufacture,
distribute, or dispense prescription drugs; and includes
inspection and enforcement authority. Implementation of sections
2 through 11 of this act is contingent upon such federal
arrangement or upon obtaining federal guidance.

Section 12. This act shall take effect July 1, 2019.
A bill to be entitled
An act relating to public records; creating s. 119.07135, F.S.; providing that certain information related to agency contracts is not confidential or exempt from public records requirements; amending s. 24.105, F.S.; deleting provisions relating to exemptions from public records requirements for certain information held by the Department of the Lottery; amending s. 73.0155, F.S.; deleting provisions relating to public records exemptions for trade secrets held by governmental condemning authorities; amending s. 119.071, F.S.; deleting a provision declaring that certain data processing software exempt from public records requirements is considered a trade secret; removing the scheduled repeal of the public record exemption; amending s. 119.0713, F.S.; deleting a provision exempting trade secrets held by local government agencies from public records requirements; amending s. 125.0104, F.S.; deleting a provision exempting trade secrets held by county tourism development agencies from public records requirements; amending s. 163.01, F.S.; deleting a provision exempting trade secrets held by public agencies that are electric utilities from public records requirements; amending s. 202.195,
F.S.; deleting a provision exempting trade secrets
obtained from a telecommunications company or
franchised cable company for certain purposes from
public records requirements; amending s. 215.4401,
F.S.; deleting provisions relating to confidentiality
of trade secrets held by the State Board of
Administration; amending s. 252.88, F.S.; deleting
provisions exempting certain information from public
records requirements under the Florida Emergency
Planning and Community Right-to-Know Act; repealing s.
252.943, F.S., relating to a public records exemption
under the Florida Accidental Release Prevention and
Risk Management Planning Act; amending s. 287.0943,
F.S.; deleting provisions relating to confidentiality
of certain information relating to applications for
certification of minority business enterprises;
amending s. 288.047, F.S.; deleting provisions
exempting potential trade secrets from public records
requirements; amending s. 288.075, F.S.; deleting
provisions relating to a public records exemption for
trade secrets held by economic development agencies;
amending s. 288.1226, F.S.; deleting provisions
relating to a public records exemption for trade
secrets held by the Florida Tourism Industry Marketing
Corporation; amending s. 288.776, F.S.; deleting

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provisions relating to a public records exemption for trade secrets held by the Florida Export Finance Corporation; amending s. 288.9520, F.S.; deleting provisions relating to a public records exemption for trade secrets and potential trade secrets held by Enterprise Florida, Inc., and related entities; amending s. 288.9607, F.S.; deleting provisions relating to a public records exemption for trade secrets held by the Florida Development Finance Corporation; amending s. 288.9626, F.S.; deleting provisions relating to a public records exemption for trade secrets and potential trade secrets held by the Florida Opportunity Fund; conforming provisions to changes made by the act; amending s. 288.9627, F.S.; deleting provisions relating to a public records exemption for trade secrets and potential trade secrets held by the Institute for Commercialization of Florida Technology; conforming provisions to changes made by the act; amending s. 331.326, F.S.; deleting provisions relating to a public records exemption for trade secrets held by Space Florida; amending s. 334.049, F.S.; deleting provisions relating to a public records exemption for trade secrets held by the Department of State; amending ss. 350.121 and 364.183, F.S.; deleting provisions relating to public records.
exemptions for trade secrets held by the Florida Public Service Commission; amending 365.174, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the E911 Board and the Technology Program within the Department of Management Services; amending ss. 366.093, 367.156, and 368.108, F.S.; deleting provisions relating to public records exemptions for trade secrets held by the Florida Public Service Commission; repealing s. 381.83, F.S., relating to confidentiality of certain information containing trade secrets obtained by the Department of Health; amending s. 395.3035, F.S.; deleting provisions relating to a public records exemption for trade secrets of hospitals; amending s. 403.7046, F.S.; revising provisions relating to an exemption for trade secrets contained in certain reports to the Department of Environmental Protection; repealing s. 403.73, F.S., relating to confidentiality of certain information containing trade secrets obtained by the Department of Environmental Protection; amending s. 408.061, F.S.; deleting a requirement that certain trade secret information submitted to the Agency for Healthcare Administration be clearly designated as such; amending s. 408.185, F.S.; deleting provisions relating to public records.
exemptions for certain trade secrets held by the
Office of the Attorney General; amending s. 408.910,
F.S.; deleting provisions relating to public records
exemptions for trade secrets held by the Florida
Health Choices Program; amending s. 409.91196, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Agency for
Healthcare Administration; amending s. 440.108, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Department of
Financial Services; amending s. 494.00125, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Office of
Financial Regulation; amending s. 497.172, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Department of
Financial Services or the Board of Funeral, Cemetery,
and Consumer Services; amending ss. 499.012, 499.0121,
499.05, and 499.051, F.S.; deleting provisions
relating to public records exemptions for trade
secrets held by the Department of Business and
Professional Regulation; repealing s. 499.931, F.S.,
relating to maintenance of information held by the
Department of Business and Professional Regulation
that is deemed to be a trade secret; amending s.
501.171, F.S.; deleting provisions relating to public
records exemptions for trade secrets held by the
Department of Legal Affairs; repealing s. 502.222,
F.S., relating to trade secrets of a dairy business
held by the Department of Agriculture and Consumer
Services; amending ss. 517.2015 and 520.9965, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Office of
Financial Regulation; amending s. 526.311, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Department of
Agriculture and Consumer Services; amending s.
548.062, F.S.; deleting provisions relating to public
records exemptions for trade secrets held by the
Florida State Boxing Commission; amending s. 556.113,
F.S.; deleting provisions relating to public records
exemptions for trade secrets held by Sunshine State
One-Call of Florida, Inc.; amending s. 559.5558, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Office of
Financial Regulation; amending s. 559.9285, F.S.;
revising provisions specifying that certain
information provided to the Department of Agriculture
and Consumer Services does not constitute a trade
secret; amending s. 560.129, F.S.; deleting provisions

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relating to public records exemptions for trade
secrets held by the Office of Financial Regulation;
amending s. 570.48, F.S.; deleting provisions relating
to public records exemptions for trade secrets held by
the Division of Fruit and Vegetables; amending ss.
570.544 and 573.123, F.S.; deleting provisions
relating to public records exemptions for trade
secrets held by the Division of Consumer Services;
repealing s. 501.199, F.S., relating to a prohibition
on the use of trade secret information obtained under
specified provisions for personal use or gain;
amending ss. 601.10, 601.15, and 601.152, F.S.;
deleting provisions relating to public records
exemptions for trade secrets held by the Department of
Citrus; amending s. 601.76, F.S.; deleting provisions
relating to a public records exemption for certain
formulas filed with the Department of Agriculture;
amending ss. 607.0505 and 617.0503, F.S.; deleting
provisions relating to public records exemptions for
certain information that might reveal trade secrets
held by the Department of Legal Affairs; amending s.
624.307, F.S.; authorizing the Office of Insurance
Regulation to report certain information on an
aggregate basis; amending s. 624.315, F.S.;
authorizing the Office of Insurance Regulation to make
certain information available on an aggregate basis;
amending s. 624.4212, F.S.; deleting provisions
relating to public records exemptions for trade
secrets held by the Office of Insurance Regulation;
revising a cross-reference; repealing s. 624.4213,
F.S., relating to trade secret documents submitted to
the Department of Financial Services or the Office of
Insurance Regulation; amending ss. 626.84195 and
626.884, F.S.; deleting provisions relating to public
records exemptions for trade secrets held by the
Office of Insurance Regulation; amending s. 626.9936,
F.S.; revising provisions relating to a public records
exemption for trade secrets held by the Office of
Insurance Regulation; amending ss. 627.0628 and
627.3518, F.S.; deleting provisions relating to public
records exemptions for trade secrets held by the
Department of Financial Services or the Office of
Insurance Regulation; amending s. 655.057, F.S.;
revising provisions relating to a public records
exemption for trade secrets held by the Office of
Financial Regulation; repealing s. 655.0591, F.S.,
relating to trade secret documents held by the Office
of Financial Regulation; amending s. 663.533, F.S.;
revising a cross-reference; repealing s. 721.071,
F.S., relating to trade secret material filed with the
Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 815.04, F.S.; deleting a public records exemption for certain trade secret information relating to offenses against intellectual property; repealing s. 815.045, F.S., relating to trade secret information; amending s. 1004.22, F.S.; revising provisions relating to public records exemptions for trade secrets and potential trade secrets received, generated, ascertained, or discovered during the course of research conducted within the state universities; amending s. 1004.30, F.S.; revising provisions relating to public records exemptions for trade secrets held by state university health support organizations; amending s. 1004.43, F.S.; revising provisions relating to public records exemptions for trade secrets and potential trade secrets held by the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.4472, F.S.; revising provisions relating to public records exemptions for trade secrets and potential trade secrets held by the Florida Institute for Human and Machine Cognition, Inc.; amending s. 1004.78, F.S.; revising provisions relating to public records exemptions for trade secrets and potential trade
secrets held by the technology transfers centers at
Florida College System institutions; amending s.
601.80, F.S.; correcting a cross-reference; amending
ss. 663.533, 721.13, and 921.0022, F.S.; conforming
provisions to changes made by the act; providing a
contingent effective date.

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

Section 1. Section 119.07135, Florida Statutes, is created
to read:

119.07135 Agency contracts; public records.—
(1) Any contract or agreement, or an addendum thereto, to
which an agency or an entity subject to this chapter is a party,
is a public record, except that confidential or exempt
information contained therein may be redacted prior to release
of the contract or agreement, or an addendum thereto, if the
specific statutory exemption is identified.

(2) Notwithstanding any other provision of law, the
following information related to any contract or agreement, or
an addendum thereto, with an agency or an entity subject to this
chapter is not confidential or exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution:

(a) The parties to the contract or agreement, or an
addendum thereto if the contract or agreement, or the addendum

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thereof, includes a provision requiring the agency or an entity
subject to this chapter to expend funds.

(b) The amount of money paid, any payment structure or
plan, expenditures, incentives, bonuses, fees, or penalties.

(c) The nature or type of the commodities or services
purchased.

(d) Applicable contract unit prices and deliverables.

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

24.105 Powers and duties of department.—The department
shall:

(12)(a) Determine by rule information relating to the
operation of the lottery which is confidential and exempt from
the provisions of s. 119.07(1) and s. 24(a), Art. I of the State
Constitution. Such information includes trade secrets, security
measures, systems, or procedures; security reports; information
concerning bids or other contractual data, the disclosure of
which would impair the efforts of the department to contract for
goods or services on favorable terms; employee personnel
information unrelated to compensation, duties, qualifications,
or responsibilities; and information obtained by the Division of
Security pursuant to its investigations which is otherwise
confidential. To be deemed confidential, the information must be
necessary to the security and integrity of the lottery.

Confidential information may be released to other governmental
entities as needed in connection with the performance of their
duties. The receiving governmental entity shall retain the
confidentiality of such information as provided for in this
subsection.

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

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

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

(e) Materials that relate to methods of manufacture or
production or, potential trade secrets, patentable material, or
actual trade secrets as defined in s. 812.081.

Section 4. Paragraph (f) of subsection (1) of section
119.071, Florida Statutes, is amended to read:

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

(1) AGENCY ADMINISTRATION.—

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

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

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

(4)(a) Proprietary confidential business information means information, regardless of form or characteristics, which is held by an electric utility that is subject to this chapter, is intended to be and is treated by the entity that provided the information to the electric utility as private in that the disclosure of the information would cause harm to the entity providing the information or its business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes:

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

1.2. Internal auditing controls and reports of internal auditors.

2. Security measures, systems, or procedures.

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

4. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

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

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

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

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

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

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

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

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

3. A trade secret, as defined in s. 812.081, held by a
county tourism promotion agency is exempt from s. 119.07(1) and
s. 24(a), Art. I of the State Constitution. This subparagraph is
subject to the Open Government Sunset Review Act in accordance
with s. 119.15 and shall stand repealed on October 2, 2021,
unless reviewed and saved from repeal through reenactment by the
Legislature.

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

163.01 Florida Interlocal Cooperation Act of 1969.
(15) Notwithstanding any other provision of this section or of any other law except s. 361.14, any public agency of this state which is an electric utility, or any separate legal entity created pursuant to the provisions of this section, the membership of which consists only of electric utilities, and which exercises or proposes to exercise the powers granted by part II of chapter 361, the Joint Power Act, may exercise any or all of the following powers:

(m) In the event that any public agency or any such legal entity, or both, should receive, in connection with its joint ownership or right to the services, output, capacity, or energy of an electric project, as defined in paragraph (3)(d), any material which is designated by the person supplying such material as proprietary confidential business information or which a court of competent jurisdiction has designated as confidential or secret shall be kept confidential and shall be exempt from the provisions of s. 119.07(1). As used in this paragraph, "proprietary confidential business information" includes, but is not limited to, trade secrets; internal auditing controls and reports of internal auditors; security measures, systems, or procedures; information concerning bids or other contractual data, the disclosure of which would impair the efforts of the utility to contract for services on favorable terms; employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; and formulas,
patterns, devices, combinations of devices, contract costs, or
other information the disclosure of which would injure the
affected entity in the marketplace.
Section 8. Subsection (2) of section 202.195, Florida
Statutes, is amended to read:
202.195 Proprietary confidential business information;
public records exemption.—
(2) For the purposes of this exemption, "proprietary
confidential business information" includes maps, plans, billing
and payment records, trade secrets, or other information
relating to the provision of or facilities for communications
service:
(a) That is intended to be and is treated by the company
as confidential;
(b) The disclosure of which would be reasonably likely to
be used by a competitor to harm the business interests of the
company; and
(c) That is not otherwise readily ascertainable or
publicly available by proper means by other persons from another
source in the same configuration as requested by the local
governmental entity.
Proprietary confidential business information does not include
schematics indicating the location of facilities for a specific
site that are provided in the normal course of the local

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

215.4401 Board of Administration; public record exemptions.—

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

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

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

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

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

5. "Proprietor" means an alternative investment vehicle, a portfolio company in which the alternative investment vehicle is invested, or an outside consultant, including the respective

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authorized officers, employees, agents, or successors in
interest, which controls or owns information provided to the
State Board of Administration.

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

a. Trade secrets as defined in s. 688.002.

b. Information provided to the State Board of
   Administration regarding a prospective investment in a private
   equity fund, venture fund, hedge fund, distress fund, or
   portfolio company which is proprietary to the provider of the
   information.

c. Financial statements and auditor reports of an
   alternative investment vehicle.

c. Meeting materials of an alternative investment
   vehicle relating to financial, operating, or marketing
   information of the alternative investment vehicle.
Information regarding the portfolio positions in which the alternative investment vehicles invest. 
Capital call and distribution notices to investors of an alternative investment vehicle. 
Alternative investment agreements and related records. 
Information concerning investors, other than the State Board of Administration, in an alternative investment vehicle.

7. "Proprietary confidential business information" does not include:
a. The name, address, and vintage year of an alternative investment vehicle and the identity of the principals involved in the management of the alternative investment vehicle.
b. The dollar amount of the commitment made by the State Board of Administration to each alternative investment vehicle since inception.
c. The dollar amount and date of cash contributions made by the State Board of Administration to each alternative investment vehicle since inception.
d. The dollar amount, on a fiscal-year-end basis, of cash distributions received by the State Board of Administration from each alternative investment vehicle.
e. The dollar amount, on a fiscal-year-end basis, of cash distributions received by the State Board of Administration plus...
the remaining value of alternative-vehicle assets that are
attributable to the State Board of Administration's investment
in each alternative investment vehicle.

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

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

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

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

j. A description of any compensation, fees, or expenses,
including the amount or value, paid or agreed to be paid by a
proprietor to any person to solicit the board to make an
alternative investment or investment through an alternative
investment vehicle. This does not apply to an executive officer,
general partner, managing member, or other employee of the
proprietor, who is paid by the proprietor to solicit the board
to make such investments.

(c)1. Notwithstanding the provisions of paragraph (b), a
request to inspect or copy a record under s. 119.07(1) that
contains proprietary confidential business information shall be
granted if the proprietor of the information fails, within a
reasonable period of time after the request is received by the
State Board of Administration, to verify the following to the
State Board of Administration through a written declaration in
the manner provided by s. 92.525:
   a. That the requested record contains proprietary
confidential business information and the specific location of
such information within the record;
   b. If the proprietary confidential business information is
a trade secret, a verification that it is a trade secret as
defined in s. 688.002;
   b.e. That the proprietary confidential business
information is intended to be and is treated by the proprietor
as private, is the subject of efforts of the proprietor to
maintain its privacy, and is not readily ascertainable or
publicly available from any other source; and
   c.e. That the disclosure of the proprietary confidential
business information to the public would harm the business
operations of the proprietor.

2. The State Board of Administration shall maintain a list
and a description of the records covered by any verified,
written declaration made under this paragraph.
(d) Any person may petition a court of competent
jurisdiction for an order for the public release of those
portions of any record made confidential and exempt by paragraph
(b). Any action under this paragraph must be brought in Leon
County, Florida, and the petition or other initial pleading
shall be served on the State Board of Administration and, if
determinable upon diligent inquiry, on the proprietor of the
information sought to be released. In any order for the public
release of a record under this paragraph, the court shall make a
finding that the record or portion thereof is not a trade secret
as defined in s. 688.002, that a compelling public interest is
served by the release of the record or portions thereof which
exceed the public necessity for maintaining the confidentiality
of such record, and that the release of the record will not
cause damage to or adversely affect the interests of the
proprietor of the released information, other private persons or
business entities, the State Board of Administration, or any
trust fund, the assets of which are invested by the State Board
of Administration.

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

252.88 Public records.—
(1) Whenever EPCRA authorizes an employer to exclude trade
secret information from its submittals, the employer shall
furnish the information so excluded to the commission upon
request. Such information shall be confidential and exempt from
the provisions of s. 119.07(1). The commission shall not
disclose such information except pursuant to a final
determination under s. 322 of EPCRA by the Administrator of the
Environmental Protection Agency that such information is not entitled to trade secret protection, or pursuant to an order of court.

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

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

   287.0943 Certification of minority business enterprises.—
   (2)
   (h) The certification procedures should allow an applicant seeking certification to designate on the application form the information the applicant considers to be proprietary, confidential business information. As used in this paragraph, "proprietary, confidential business information" includes, but is not limited to, any information that would be exempt from public inspection pursuant to the provisions of chapter 119; trade secrets; internal auditing controls and reports; contract costs; or other information the disclosure of which would injure the affected party in the marketplace or otherwise violate s. 286.041. The executor in receipt of the application shall issue written and final notice of any information for which noninspection is requested but not provided for by law.

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

   288.047 Quick-response training for economic development.—
(7) In providing instruction pursuant to this section, materials that relate to methods of manufacture or production, potential trade secrets, business transactions, or proprietary information received, produced, ascertained, or discovered by employees of the respective departments, district school boards, community college district boards of trustees, or other personnel employed for the purposes of this section is confidential and exempt from the provisions of s. 119.07(1). The state may seek copyright protection for instructional materials and ancillary written documents developed wholly or partially with state funds as a result of instruction provided pursuant to this section, except for materials that are confidential and exempt from the provisions of s. 119.07(1).

Section 14. 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 15. Subsection (9) of section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—
(9) PUBLIC RECORDS EXEMPTION.—The identity of any person who responds to a marketing project or advertising research project conducted by the corporation in the performance of its duties on behalf of Enterprise Florida, Inc., is or trade secrets as defined by s. 812.081 obtained pursuant to such activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

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

288.776 Board of directors; powers and duties.—

(3) The board shall:

(d) Adopt policies, including criteria, establishing which exporters and export transactions shall be eligible for insurance, coinsurance, loan guarantees, and direct, guaranteed, or collateralized loans which may be extended by the corporation. Pursuant to this subsection, the board shall include the following criteria:

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

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

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

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

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

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

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

288.9520 Public records exemption.—Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, financial and proprietary information, and agreements or proposals to receive funding that are received, generated, ascertained, or discovered by Enterprise Florida, Inc., including its affiliates or subsidiaries and partnership participants, such as private enterprises, educational institutions, and other organizations, are confidential and exempt from the provisions of s. 119.07(1) and

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s. 24(a), Art. I of the State Constitution, except that a
recipient of Enterprise Florida, Inc., research funds shall make
available, upon request, the title and description of the
research project, the name of the researcher, and the amount and
source of funding provided for the project.

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

288.9607 Guaranty of bond issues.—
(5) Personal financial records, trade secrets, or
proprietary information of applicants delivered to or obtained
by the corporation shall be confidential and exempt from the
provisions of s. 119.07(1).

Section 19. Paragraph (f) of subsection (1), paragraph (a)
of subsection (2), paragraph (a) of subsection (3), and
paragraphs (b) and (c) of subsection (4) of section 288.9626,
Florida Statutes, are amended to read:

288.9626 Exemptions from public records and public
meetings requirements for the Florida Opportunity Fund.—
(1) DEFINITIONS.—As used in this section, the term:
(f)1. "Proprietary confidential business information"
means information that has been designated by the proprietor
when provided to the Florida Opportunity Fund as information
that is owned or controlled by a proprietor; that is intended to
be and is treated by the proprietor as private, the disclosure
of which would harm the business operations of the proprietor

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and has not been intentionally disclosed by the proprietor
unless pursuant to a private agreement that provides that the
information will not be released to the public except as
required by law or legal process, or pursuant to law or an order
of a court or administrative body; and that concerns:
a. Trade secrets as defined in s. 688.002.
b. Information provided to the Florida Opportunity Fund
regarding an existing or prospective alternative investment in a
private equity fund, venture capital fund, angel fund, or
portfolio company that is proprietary to the provider of the
information.
c. Financial statements and auditor reports of an
alternative investment vehicle or portfolio company, unless
publicly released by the alternative investment vehicle or
portfolio company.
d. Meeting materials of an alternative investment
vehicle or portfolio company relating to financial, operating,
marketing information of the alternative investment vehicle
or portfolio company.
e. Information regarding the portfolio positions in
which the alternative investment vehicles or Florida Opportunity
Fund invest.
f. Capital call and distribution notices to investors or
the Florida Opportunity Fund of an alternative investment
vehicle.
Alternative investment agreements and related records.

Information concerning investors, other than the Florida Opportunity Fund, in an alternative investment vehicle or portfolio company.

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

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

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

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

d. The dollar amount, on a fiscal-year-end basis, of cash or other fungible distributions received by the Florida Opportunity Fund from each alternative investment vehicle.

e. The dollar amount, on a fiscal-year-end basis, of cash or other fungible distributions received by the Florida Opportunity Fund plus the remaining value of alternative-vehicle assets that are attributable to the Florida Opportunity Fund's investment in each alternative investment vehicle.
f. The net internal rate of return of each alternative investment vehicle since inception.

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

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

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

(2) PUBLIC RECORDS EXEMPTION.—

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

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

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

3. Proprietary confidential business information regarding alternative investments for 7 years after the termination of the alternative investment.
(3) PUBLIC MEETINGS EXEMPTION.—

(a) That portion of a meeting of the board of directors of the Florida Opportunity Fund at which information is discussed which is confidential and exempt under subsection (2) or s. 688.01 is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

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

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

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

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

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

3. That the disclosure of the proprietary confidential
business information to the public would harm the business
operations of the proprietor.

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

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

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

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

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

c. The release of the record will not cause damage to
or adversely affect the interests of the proprietor of the
released information, other private persons or business
entities, or the Florida Opportunity Fund.
Section 20. Paragraph (b) of subsection (1), paragraph (a)
of subsection (2), paragraph (a) of subsection (3), and
paragraphs (b) and (c) of subsection (4) of section 288.9627,
Florida Statutes, are amended to read:
288.9627 Exemptions from public records and public
meetings requirements for the Institute for Commercialization of
Florida Technology.—
(1) DEFINITIONS.—As used in this section, the term:
(b)1. "Proprietary confidential business information" means information that has been designated by the proprietor
when provided to the institute as information that is owned or
controlled by a proprietor; that is intended to be and is
treated by the proprietor as private, the disclosure of which
would harm the business operations of the proprietor and has not
been intentionally disclosed by the proprietor unless pursuant
to a private agreement that provides that the information will
not be released to the public except as required by law or legal
process, or pursuant to law or an order of a court or
administrative body; and that concerns:
   a. Trade secrets as defined in s. 688.002.
   a. Financial statements and internal or external auditor
   reports of a proprietor corporation, partnership, or person
   requesting confidentiality under this statute, unless publicly
   released by the proprietor.
   b. Meeting materials related to financial, operating,
investment, or marketing information of the proprietor
corporation, partnership, or person.

     c.e. Information concerning private investors in the
proprietor corporation, partnership, or person.

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

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

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

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

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

     (2) PUBLIC RECORDS EXEMPTION.—

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

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

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

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

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

(3) PUBLIC MEETINGS EXEMPTION.—
(a) That portion of a meeting of the institute's board of
directors at which information is discussed which is
confidential and exempt under subsection (2) or s. 688.01 is
exempt from s. 286.011 and s. 24(b), Art. I of the State
Constitution.

(4) REQUEST TO INSPECT OR COPY A RECORD.—
(b) Notwithstanding the provisions of paragraph (2)(a), a
request to inspect or copy a public record that contains
proprietary confidential business information shall be granted
if the proprietor of the information fails, within a reasonable
period of time after the request is received by the institute,
to verify the following to the institute through a written
declaration in the manner provided by s. 92.525:

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

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

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

4. That the disclosure of the proprietary confidential business information to the public would harm the business operations of the proprietor.

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

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

3. In any order for the public release of a record under this subsection, the court shall make a finding that:
a. The record or portion thereof is not a trade secret as defined in s. 688.002;

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

c. The release of the record will not cause damage to or adversely affect the interests of the proprietor of the released information, other private persons or business entities, or the institute.

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

331.326 Information relating to trade secrets confidential. The records of Space Florida regarding matters encompassed by this act are public records subject to chapter 119. Any information held by Space Florida which is a trade secret, as defined in s. 812.081, including trade secrets of Space Florida, any spaceport user, or the space industry business, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may not be disclosed. If Space Florida determines that any information requested by the public will reveal a trade secret, it shall, in writing, inform the person making the request of that determination. The determination is a final order as defined in s. 120.52. Any meeting or portion of a meeting of Space
Florida's board is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution when the board is discussing trade secrets as defined in s. 688.01. Any public record generated during the closed portions of the meetings, such as minutes, tape recordings, and notes, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 22. 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 23. Section 350.121, Florida Statutes, is amended to read:

350.121  Commission inquiries; confidentiality of business material.—If the commission undertakes an inquiry, any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business material, regardless of form or
characteristics, obtained by the commission incident to the
inquiry are considered confidential and exempt from s. 119.07(1)
while the inquiry is pending. If at the conclusion of an inquiry
the commission undertakes a formal proceeding, any matter
determined by the commission or by a judicial or administrative
body, federal or state, to be trade secrets or proprietary
confidential business information coming into its possession
pursuant to such inquiry shall be considered confidential and
exempt from s. 119.07(1). Such material may be used in any
administrative or judicial proceeding so long as the
confidential or proprietary nature of the material is
maintained.

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

364.183 Access to company records.—
(3) The term "proprietary confidential business
information" means information, regardless of form or
characteristics, which is owned or controlled by the person or
company, is intended to be and is treated by the person or
company as private in that the disclosure of the information
would cause harm to the ratepayers or the person's or 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.

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

365.174 Proprietary confidential business information.—

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

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

366.093 Public utility records; confidentiality.—

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or 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 a private agreement that provides that the information will not be released to the public. Proprietary confidential business information includes, but is not limited to:

(a) Trade secrets.

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

367.156 Public utility records; confidentiality.—

(3) Proprietary confidential business information means information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or 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 a private agreement that provides that the information will not be released to the public. Proprietary business information includes, but is not limited to:

(a) Trade secrets.

Section 28. Paragraph (a) of subsection (3) of section 368.108, Florida Statutes, is amended to read:

368.108 Confidentiality; discovery.—

(3) "Proprietary confidential business information" means information, regardless of form or characteristics, which is...
receive source-separated recovered materials.

(b) Before engaging in business within the jurisdiction
of the local government, a recovered materials dealer or
pyrolysis facility must provide the local government with a copy
of the certification provided for in this section. In addition,
the local government may establish a registration process
whereby a recovered materials dealer or pyrolysis facility must
register with the local government before engaging in business
within the jurisdiction of the local government. Such
registration process is limited to requiring the dealer or
pyrolysis facility to register its name, including the owner or
operator of the dealer or pyrolysis facility, and, if the dealer
or pyrolysis facility is a business entity, its general or
limited partners, its corporate officers and directors, its
permanent place of business, evidence of its certification under
this section, and a certification that the recovered materials
or post-use polymers will be processed at a recovered materials
processing facility or pyrolysis facility satisfying the
requirements of this section. The local government may not use
the information provided in the registration application to
compete unfairly with the recovered materials dealer until 90
days after receipt of the application. All counties, and
municipalities whose population exceeds 35,000 according to the
population estimates determined pursuant to s. 186.901, may
establish a reporting process that must be limited to the
regulations, reporting format, and reporting frequency
established by the department pursuant to this section, which
must, at a minimum, include requiring the dealer or pyrolysis
facility to identify the types and approximate amount of
recovered materials or post-use polymers collected, recycled, or
reused during the reporting period; the approximate percentage
of recovered materials or post-use polymers reused, stored, or
delivered to a recovered materials processing facility or
pyrolysis facility or disposed of in a solid waste disposal
facility; and the locations where any recovered materials or
post-use polymers were disposed of as solid waste. The local
government may charge the dealer or pyrolysis facility a
registration fee commensurate with and no greater than the cost
incurred by the local government in operating its registration
program. Registration program costs are limited to those costs
associated with the activities described in this paragraph
subparagraph. Any reporting or registration process established
by a local government with regard to recovered materials or
post-use polymers is governed by this section and department
rules adopted pursuant thereto.

2. Information reported under this subsection which, if
disclosed, would reveal a trade secret, as defined in s.
812.081, is confidential and exempt from s. 119.07(1) and s.
24(a), Art. I of the State Constitution. This subparagraph is
subject to the Open Government Sunset Review Act in accordance
owned or controlled by the person or company, is intended to be
and is treated by the person or company as private in that the
disclosure of the information would cause harm to the ratepayers
or the person's or 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 a
private agreement that provides that the information will not be
released to the public. "Proprietary confidential business
information" includes, but is not limited to:

(a) Trade secrets.

Section 29. Section 381.83, Florida Statutes, is repealed.

Section 30. Paragraph (c) of subsection (2) of section
395.3035, Florida Statutes, is amended to read:

395.3035 Confidentiality of hospital records and
meetings.—

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

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

Section 31. Subsection (2) and paragraph (b) of subsection
(3) of section 403.7046, Florida Statutes, are amended to read:

403.7046 Regulation of recovered materials.—

(2) Notwithstanding s. 688.01, information reported
pursuant to this section or any rule adopted pursuant to this section which, if disclosed, would reveal a trade secret, as defined in s. 688.01, may be provided by the department & 812.081, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For reporting or information purposes, however, the department may provide this information in such form that the names of the persons reporting such information and the specific information reported are not revealed. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) Except as otherwise provided in this section or pursuant to a special act in effect on or before January 1, 1993, a local government may not require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government, nor may the local government restrict such a generator's right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has satisfied the requirements of this section. A local government may not enact any ordinance that prevents such a dealer from entering into a contract with a commercial establishment to purchase, collect, transport, process, or
with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 32. Section 403.73, Florida Statutes, is repealed.

Section 33. Paragraph (c) of subsection (1) of section 408.061, Florida Statutes, is amended to read:

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

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

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

Section 34. 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 35. Paragraph (a) of subsection (14) of section
408.910, Florida Statutes, is amended to read:

408.910 Florida Health Choices Program.—

(14) EXEMPTION FROM PUBLIC RECORDS REQUIREMENTS.—

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

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

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

3. "Participant" means an individual who is eligible to

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participate in the program pursuant to paragraph (4)(b).

4. "Proprietary confidential business information" means information, regardless of form or characteristics, that is owned or controlled by a vendor requesting confidentiality under this section; that is intended to be and is treated by the vendor as private in that the disclosure of the information would cause harm to the business operations of the vendor; that has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or a private agreement providing that the information may be released to the public; and that is information concerning:

a. Business plans.

b. Internal auditing controls and reports of internal auditors.

c. Reports of external auditors for privately held companies.

d. Client and customer lists.

e. Potentially patentable material.

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

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

Section 36. 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.

(2) That portion of a meeting of the Medicaid Pharmaceutical and Therapeutics Committee at which the rebate amount, percent of rebate, manufacturer's pricing, or supplemental rebate, or confidential and exempt other trade secrets as provided for in s. 688.01 defined in s. 688.002 that the agency has identified for use in negotiations, are discussed is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. A record shall be made of each exempt portion of a meeting. Such record must include the times of commencement and termination, all discussions and proceedings, the names of all persons present at any time, and the names of all persons speaking. No exempt portion of a meeting may be held off the record.

Section 37. 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 38. Paragraph (c) of subsection (1) of section 494.00125, Florida Statutes, is amended to read:

494.00125 Public records exemptions.—

(1) INVESTIGATIONS OR EXAMINATIONS.—

(c) 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 39. Subsection (4) of section 497.172, Florida Statutes, is amended to read:

497.172 Public records exemptions; public meetings
(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 40. Paragraph (c) of subsection (3) of section 499.012, Florida Statutes, is amended to read:

499.012 Permit application requirements.—

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

Section 41. Paragraph (b) of subsection (7) of section 499.0121, Florida Statutes, is amended to read:

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

(7) PRESCRIPTION DRUG PURCHASE LIST.—

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

Section 42. Paragraph (g) of subsection (1) of section 499.05, Florida Statutes, is amended to read:

499.05 Rules.—

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

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

Section 43. Paragraph (b) of subsection (7) of section 499.051, Florida Statutes, is amended to read:

499.051 Inspections and investigations.—

(7)

(b) Information that constitutes a trade secret, as defined in s. 812.081, contained in the complaint or obtained by the department pursuant to the investigation must remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution as long as the information is held by

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the department. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 44. Section 499.931, Florida Statutes, is repealed.

Section 45. 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 46. Section 502.222, Florida Statutes, is
repealed.

Section 47. Paragraph (b) of subsection (1) of section
517.2015, Florida Statutes, is amended to read:

517.2015 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 48. 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 49. Subsection (2) of section 526.311, Florida Statutes, is amended to read:

526.311 Enforcement; civil penalties; injunctive relief.—

(2) The Department of Agriculture and Consumer Services shall investigate any complaints regarding violations of this act and may request in writing the production of documents and records as part of its investigation of a complaint. If the person upon whom such request was made fails to produce the
documents or records within 30 days after the date of the request, the department, through the department's office of general counsel, may issue and serve a subpoena to compel the production of such documents and records. If any person shall refuse to comply with a subpoena issued under this section, the department may petition a court of competent jurisdiction to enforce the subpoena and assess such sanctions as the court may direct. Refiners shall afford the department reasonable access to the refiners' posted terminal price. Any records, documents, papers, maps, books, tapes, photographs, files, sound recordings, or other business material, regardless of form or characteristics, obtained by the department are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution while the investigation is pending. At the conclusion of an investigation, any matter determined by the department or by a judicial or administrative body, federal or state, to be a trade secret or proprietary confidential business information held by the department pursuant to such investigation shall be considered confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such materials may be used in any administrative or judicial proceeding so long as the confidential or proprietary nature of the material is maintained.

Section 50. Paragraph (e) of subsection (1) of section 548.062, Florida Statutes, is amended to read:

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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;
4. Business plans;
5. Internal auditing controls and reports of internal auditors; or
6. Reports of external auditors.

Section 51. Paragraph (a) of subsection (1) of section 556.113, Florida Statutes, is amended to read:

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

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

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

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

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

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

Section 52. 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 53. Paragraph (c) of subsection (3) of section 559.9285, Florida Statutes, is amended to read:

559.9285 Certification of business activities. —

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

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

Section 54. Subsection (2) of section 560.129, Florida Statutes, is amended to read:

560.129 Confidentiality.—
(2) All information obtained by the office in the course of its investigation or examination which is a trade secret, as defined in s. 688.002, or which is personal financial information shall remain confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. If any administrative, civil, or criminal proceeding against a money services business, its authorized vendor, or an affiliated party is initiated and the office seeks to use matter that a licensee believes to be a trade secret or personal financial information, such records shall be subject to an in camera review by the administrative law judge, if the matter is before the Division of Administrative Hearings, or a judge of any court of this state, any other state, or the United States, as appropriate, for the purpose of determining if the matter is a trade secret or is personal financial information. If it is determined that the matter is a trade secret, the matter shall remain confidential. If it is determined that the matter is personal financial information, the matter shall remain confidential unless the administrative law judge or judge determines that, in the interests of justice, the matter should become public.

Section 55. Subsection (3) of section 570.48, Florida Statutes, is amended to read:

570.48 Division of Fruit and Vegetables; powers and duties; records.—The duties of the Division of Fruit and Vegetables include, but are not limited to:
(3) Maintaining the records of the division. The records of the division are public records; however, trade secrets as defined in s. 812.081 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature. This Section 688.01 may not be construed to prohibit:

(a) A disclosure necessary to enforcement procedures.
(b) The department from releasing information to other governmental agencies. Other governmental agencies that receive confidential information from the department under this subsection shall maintain the confidentiality of that information.
(e) the department or other agencies from compiling and publishing appropriate data regarding procedures, yield, recovery, quality, and related matters, provided such released data do not reveal by whom the activity to which the data relate was conducted.

Section 56. Subsection (8) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—
(8) The records of the Division of Consumer Services are
public records. However, customer lists and customer names and trade secrets are confidential and exempt from the provisions of s. 119.07(1). Disclosure necessary to enforcement procedures does not violate this prohibition.

Section 57. Subsection (2) of section 573.123, Florida Statutes, is amended to read:

573.123 Maintenance and production of records.—

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

Section 58. Section 581.199, Florida Statutes, is repealed.

Section 59. Paragraph (b) of subsection (8) of section 601.10, Florida Statutes, is amended to read:

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

(8)

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

Section 60. Paragraph (d) of subsection (7) of section
601.15, Florida Statutes, is amended to read:

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

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

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

2. The department may require from participants in noncommodity advertising and promotional programs commercial information necessary to determine eligibility for and performance in such programs. Any information required which constitutes a trade secret as defined in s. 812.081 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.
Section 61. Paragraph (c) of subsection (8) of section 601.152, Florida Statutes, is amended to read:

601.152 Special marketing orders.—
(8)

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

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

Section 62. Section 601.76, Florida Statutes, is amended to read:
601.76 Manufacturer to furnish formula and other information.—Any formula required to be filed with the Department of Agriculture shall be deemed a trade secret as defined in s. 812.081, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and may be divulged only to the Department of Agriculture or to its duly authorized representatives or upon court order when necessary in the enforcement of this law. A person who receives such a formula from the Department of Agriculture under this section shall maintain the confidentiality of the formula. This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 63. Subsection (6) of section 607.0505, Florida Statutes, is amended to read:

607.0505 Registered agent; duties.—

(6) Information provided to, and records and transcriptions of testimony obtained by, the Department of Legal Affairs pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) while the investigation is active. For purposes of this section, an investigation shall be considered "active" while such investigation is being conducted with a reasonable, good faith belief that it may lead to the filing of an administrative, civil, or criminal proceeding. An
investigation does not cease to be active so long as the
department is proceeding with reasonable dispatch and there is a
good faith belief that action may be initiated by the department
or other administrative or law enforcement agency. Except for
active criminal intelligence or criminal investigative
information, as defined in s. 119.011, and information which, if
disclosed, would reveal a trade secret, as defined in s.
688.002, or would jeopardize the safety of an individual, all
information, records, and transcriptions become public record
when the investigation is completed or ceases to be active. The
department shall not disclose confidential information, records,
or transcriptions of testimony except pursuant to the
authorization by the Attorney General in any of the following
circumstances:

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

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

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

(d) In the course of a criminal or civil proceeding.
A person or law enforcement agency which receives any information, record, or transcription of testimony that has been made confidential by this subsection shall maintain the confidentiality of such material and shall not disclose such information, record, or transcription of testimony except as provided for herein. Any person who willfully discloses any information, record, or transcription of testimony that has been made confidential by this subsection, except as provided for herein, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any information, record, or testimony obtained pursuant to subsection (2) is offered in evidence in any judicial proceeding, the court may, in its discretion, seal that portion of the record to further the policies of confidentiality set forth herein.

Section 64. Subsection (6) of section 617.0503, Florida Statutes, is amended to read:

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

(6) Information provided to, and records and transcriptions of testimony obtained by, the Department of Legal Affairs pursuant to this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution while the investigation is active. For purposes of this section, an investigation shall be considered

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"active" while such investigation is being conducted with a reasonable, good faith belief that it may lead to the filing of an administrative, civil, or criminal proceeding. An investigation does not cease to be active so long as the department is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the department or other administrative or law enforcement agency. Except for active criminal intelligence or criminal investigative information, as defined in s. 119.011, and information which, if disclosed, would reveal a trade secret, as defined in s. 688.002, or would jeopardize the safety of an individual, all information, records, and transcriptions become available to the public when the investigation is completed or ceases to be active. The department shall not disclose confidential information, records, or transcriptions of testimony except pursuant to authorization by the Attorney General in any of the following circumstances:

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

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

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

(d) In the course of a criminal proceeding.

A person or law enforcement agency that receives any information, record, or transcription of testimony that has been made confidential by this subsection shall maintain the confidentiality of such material and shall not disclose such information, record, or transcription of testimony except as provided for herein. Any person who willfully discloses any information, record, or transcription of testimony that has been made confidential by this subsection, except as provided for in this subsection, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any information, record, or testimony obtained pursuant to subsection (2) is offered in evidence in any judicial proceeding, the court may, in its discretion, seal that portion of the record to further the policies of confidentiality set forth in this subsection.

Section 65. Subsection (4) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(4) The department and office may each collect, propose, publish, and disseminate information relating to the subject matter of any duties imposed upon it by law. Notwithstanding any other provision of law, information reported to and collected by
the office may be made available on an aggregate basis. The
office may report, publish, or otherwise make available such
information from all insurers on an aggregate basis by line of
business and by county, even if marked trade secret pursuant to
s. 688.01, but shall otherwise maintain trade secret
confidentiality in accordance with s. 688.01.

Section 66. Subsection (4) is added to section 624.315,
Florida Statutes, to read:

624.315 Department; annual report.—

(4) Notwithstanding any other provision of law, the office
may make the information in subsection (2) available on an
aggregate basis. The office may include such statistical
information from all insurers on an aggregate basis by line of
business and by county, even if marked trade secret pursuant to
s. 688.01, but shall otherwise maintain trade secret
confidentiality in accordance with s. 688.01.

Section 67. Paragraph (c) of subsection (1) and subsection
(5) of section 624.4212, Florida Statutes, are amended to read:

624.4212 Confidentiality of proprietary business and other
information.—

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

(c) Includes:

1. Trade secrets as defined in s. 688.002 which comply with s. 624.4213.

2. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

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

4. Information relating to bids or other contractual data, the disclosure of which would impair the efforts of the insurer or its affiliates to contract for goods or services on favorable terms.

5. Internal auditing controls and reports of internal auditors.

(a) If the insurer to which it pertains gives prior written consent;

(b) Pursuant to a court order;

(c) To the Actuarial Board for Counseling and Discipline upon a request stating that the information is for the purpose...
of professional disciplinary proceedings and specifying
procedures satisfactory to the office for preserving the
confidentiality of the information;
(d) To other states, federal and international agencies,
the National Association of Insurance Commissioners and its
affiliates and subsidiaries, and state, federal, and
international law enforcement authorities, including members of
a supervisory college described in s. 628.805 if the recipient
agrees in writing to maintain the confidential and exempt status
of the document, material, or other information and has
certified in writing its legal authority to maintain such
confidentiality; or
(e) For the purpose of aggregating information on an
industrywide basis and disclosing the information to the public
only if the specific identities of the insurers, or persons or
affiliated persons, are not revealed.

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

Section 69. Paragraph (d) of subsection (1) of section
626.84195, Florida Statutes, is amended to read:
626.84195 Confidentiality of information supplied by title
insurance agencies and insurers.—
(1) As used in this section, the term "proprietary
business information" means information that:
(d) Concerns:
1. Business plans;
2. Internal auditing controls and reports of internal auditors;
3. Reports of external auditors for privately held companies;
4. Trade secrets, as defined in s. 688.002,
or
4.5. Financial information, including revenue data, loss expense data, gross receipts, taxes paid, capital investment, and employee wages.

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

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

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

Section 71. Paragraph (a) of subsection (1) of section 626.9936, Florida Statutes, is amended to read:

626.9936 Access to records.—

(1) Notwithstanding subsections (1) and (2) of Article
VIII, subsection (2) of Article X, and subsection (6) of Article XII of the Interstate Insurance Product Regulation Compact, a request by a resident of this state for public inspection and copying of information, data, or official records that includes:

(a) An insurer's trade secrets shall be referred to the commissioner who shall respond to the request, with the cooperation and assistance of the commission, in accordance with s. 688.01 s. 624.4213; or

Section 72. 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.

2. That portion of a meeting of the commission or of a rate proceeding on an insurer's rate filing at which a trade secret made confidential and exempt pursuant to s. 688.01 by this paragraph is discussed is exempt from s. 286.011 and s.

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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.

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

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

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

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

(a) As used in this subsection, the term "proprietary business information" means information, regardless of form or characteristics, which is owned or controlled by an insurer and:

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

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

3. Includes:
   a. Trade secrets, as defined in s. 688.002.
   b. Information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of the information.

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

Section 74. Subsections (4), (5), (14), and (15) of section 655.057, Florida Statutes, are amended to read:

655.057 Records; limited restrictions upon public access.—

(4) Except as otherwise provided in this section and

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except for those portions that are otherwise public record, trade secrets as defined in s. 688.002 which comply with s. 655.0591 and which are held by the office in accordance with its statutory duties with respect to the financial institutions codes are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4)(5) Neither this section nor s. 688.01 prevents does not prevent or restricts restrict:

(a) Publishing reports that are required to be submitted to the office pursuant to s. 655.045(2) or required by applicable federal statutes or regulations to be published.

(b) Furnishing records or information to any other state, federal, or foreign agency responsible for the regulation or supervision of financial institutions.

(c) Disclosing or publishing summaries of the condition of financial institutions and general economic and similar statistics and data, provided that the identity of a particular financial institution is not disclosed.

(d) Reporting any suspected criminal activity, with supporting documents and information, to appropriate law enforcement and prosecutorial agencies.

(e) Furnishing information upon request to the Chief Financial Officer or the Division of Treasury of the Department of Financial Services regarding the financial condition of any financial institution that is, or has applied to be, designated...
as a qualified public depository pursuant to chapter 280.
(f) Furnishing information to Federal Home Loan Banks
regarding its member institutions pursuant to an information
sharing agreement between the Federal Home Loan Banks and the
office.

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

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

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

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

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

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

(11) Section 688.01 655.0594, relating to trade secret
documents.

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

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

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

815.04 Offenses against intellectual property; public
records exemption.—

(3) Data, programs, or supporting documentation that is a
trade secret as defined in s. 812.081, that is held by an agency
as defined in chapter 119, and that resides or exists internal
or external to a computer, computer system, computer network, or
electronic device is confidential and exempt from the provisions
of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
This subsection is subject to the Open Government Sunset Review
Act in accordance with s. 119.15 and shall stand repealed on
October 2, 2021, unless reviewed and saved from repeal through
reenactment by the Legislature.
A person who willfully, knowingly, and without
authorization discloses or takes data, programs, or supporting
documentation that is a trade secret as defined in s. 812.081 or
is confidential as provided by law residing or existing internal
or external to a computer, computer system, computer network, or
electronic device commits an offense against intellectual
property.
Section 79. Section 815.045, Florida Statutes, is
repealed.
Section 80. Subsection (2) of section 1004.22, Florida
Statutes, is amended to read:
1004.22 Divisions of sponsored research at state
universities.—
(2) The university shall set such policies to regulate the
activities of the divisions of sponsored research as it may
consider necessary to administer the research programs in a
manner which assures efficiency and effectiveness, producing the
maximum benefit for the educational programs and maximum service
to the state. To this end, materials that relate to methods of
manufacture or production, potential trade secrets, potentially
patentable material, actual trade secrets, as defined in s.
688.01, business transactions, or proprietary information
received, generated, ascertained, or discovered during the
course of research conducted within the state universities shall
be confidential and exempt from the provisions of s. 119.07(1),

CODING: Words stricken are deletions; words underlined are additions.
except that a division of sponsored research shall make
available upon request the title and description of a research
project, the name of the researcher, and the amount and source
of funding provided for such project.

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

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

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

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

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

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

(7) Those portions of any public record, such as a tape recording, minutes, or notes, generated during that portion of a governing board meeting at which negotiations for contracts for managed-care arrangements occur, are reported on, or are acted on by the governing board, which record is made confidential and exempt by subsection (4), shall become public records 2 years after the termination or completion of the term of the contract to which such negotiations relate or, if no contract was executed, 2 years after the termination of the negotiations.

Notwithstanding paragraph (2)(a) and subsection (4), a university health services support organization must make available, upon request, the title and general description of a contract for managed-care arrangements, the names of the contracting parties, and the duration of the contract term. All contracts for managed-care arrangements which are made confidential and exempt by paragraph (2)(a), except those portions of any contract containing trade secrets which are made confidential and exempt by s. 688.01 paragraph (2)(e), shall become public 2 years after the termination or completion of the
term of the contract.

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

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

(8)

(b) Proprietary confidential business information is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Board of Governors, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been
intentionally disclosed by the corporation or its subsidiaries
unless pursuant to law, an order of a court or administrative
body, a legislative proceeding pursuant to s. 5, Art. III of the
State Constitution, or a private agreement that provides that
the information may be released to the public; and which is
information concerning:

1. Internal auditing controls and reports of internal
auditors;

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

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

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

5. Information relating to private contractual data, the
disclosure of which would impair the competitive interest of the
provider of the information;

6. Corporate officer and employee personnel information;

7. Information relating to the proceedings and records of
credentialing panels and committees and of the governing board of the not-for-profit corporation or its subsidiaries relating to credentialed;

8. Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);

9. Information that reveals plans for marketing services that the corporation or its subsidiaries reasonably expect to be provided by competitors;

10. Trade secrets as defined in s. 688.01, including:
   a. Information relating to methods of manufacture or production, potential trade secrets, potentially patentable materials, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by the not-for-profit corporation or its subsidiaries; and
   b. Reimbursement methodologies or rates;

11. The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report; or

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

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

Section 83. Paragraph (a) of subsection (2) of section
1004.4472, Florida Statutes, is 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. 688.01, 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.

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

1004.78 Technology transfer centers at Florida College System institutions.—

(2) The Florida College System institution board of trustees shall set such policies to regulate the activities of the technology transfer center as it may consider necessary to effectuate the purposes of this section and to administer the programs of the center in a manner which assures efficiency and effectiveness, producing the maximum benefit for the educational programs and maximum service to the state. To this end, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets as defined in s. 688.01, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of activities conducted within the Florida College System institutions shall be confidential and exempt from the provisions of s. 119.07(1), except that a Florida College System institution shall make available upon
request the title and description of a project, the name of the
investigator, and the amount and source of funding provided for
such project.

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

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

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

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

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

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

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

721.13 Management.—
(12)

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>24.118(3)(a)</td>
<td>3rd</td>
<td>Counterfeit or altered state</td>
</tr>
</tbody>
</table>
lottery ticket.

212.054(2)(b) 3rd Discretionary sales surtax; limitations, administration, and collection.

212.15(2)(b) 3rd Failure to remit sales taxes, amount greater than $300 but less than $20,000.

316.1935(1) 3rd Fleeing or attempting to elude law enforcement officer.

319.30(5) 3rd Sell, exchange, give away certificate of title or identification number plate.

319.35(1)(a) 3rd Tamper, adjust, change, etc., an odometer.

320.26(1)(a) 3rd Counterfeit, manufacture, or sell registration license plates or validation stickers.

322.212 3rd Possession of forged, stolen, 
(1)(a)-(c) counterfeit, or unlawfully issued driver license; possession of simulated identification.

322.212(4) 3rd Supply or aid in supplying unauthorized driver license or identification card.

322.212(5)(a) 3rd False application for driver license or identification card.

414.39(3)(a) 3rd Fraudulent misappropriation of public assistance funds by employee/official, value more than $200.

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 $300.
517.302(1)  3rd  Violation of the Florida Securities and Investor Protection Act.

562.27(1)  3rd  Possess still or still apparatus.

713.69  3rd  Tenant removes property upon which lien has accrued, value more than $50.

812.014(3)(c)  3rd  Petit theft (3rd conviction); theft of any property not specified in subsection (2).

812.081(2)  3rd  Unlawfully makes or causes to be made a reproduction of a trade secret.

815.04(4)(a)  3rd  Offense against intellectual property (i.e., computer programs, data).

817.52(2)  3rd  Hiring with intent to defraud,
motor vehicle services.

817.569(2)  3rd  Use of public record or public records information or providing false information to facilitate commission of a felony.

826.01  3rd  Bigamy.

828.122(3)  3rd  Fighting or baiting animals.

831.04(1)  3rd  Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

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.
<table>
<thead>
<tr>
<th>Section</th>
<th>Offense Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>832.05(2)(b) &amp;</td>
<td>Knowing, making, issuing worthless checks $150 or more</td>
</tr>
<tr>
<td>(4)(c)</td>
<td>or obtaining property in return for worthless check $150 or more.</td>
</tr>
<tr>
<td>838.15(2)</td>
<td>3rd Commercial bribe receiving.</td>
</tr>
<tr>
<td>838.16</td>
<td>3rd Commercial bribery.</td>
</tr>
<tr>
<td>843.18</td>
<td>3rd Fleeing by boat to elude a law enforcement officer.</td>
</tr>
<tr>
<td>847.011(1)(a)</td>
<td>3rd Sell, distribute, etc., obscene, lewd, etc., material</td>
</tr>
<tr>
<td></td>
<td>(2nd conviction).</td>
</tr>
<tr>
<td>849.01</td>
<td>3rd Keeping gambling house.</td>
</tr>
<tr>
<td>849.09(1)(a)-(d)</td>
<td>3rd Lottery; set up, promote, etc., or assist therein, conduct or advertisedrawing for prizes, or dispose of property or money by means of lottery.</td>
</tr>
</tbody>
</table>

CODING: Words stricken are deletions; words underlined are additions.
<table>
<thead>
<tr>
<th>Statute</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>849.23</td>
<td>3rd</td>
<td>Gambling-related machines; &quot;common offender&quot; as to property rights.</td>
</tr>
<tr>
<td>849.25(2)</td>
<td>3rd</td>
<td>Engaging in bookmaking.</td>
</tr>
<tr>
<td>860.08</td>
<td>3rd</td>
<td>Interfere with a railroad signal.</td>
</tr>
<tr>
<td>860.13(1)(a)</td>
<td>3rd</td>
<td>Operate aircraft while under the influence.</td>
</tr>
<tr>
<td>893.13(2)(a)</td>
<td>3rd</td>
<td>Purchase of cannabis.</td>
</tr>
<tr>
<td>893.13(6)(a)</td>
<td>3rd</td>
<td>Possession of cannabis (more than 20 grams).</td>
</tr>
<tr>
<td>934.03(1)(a)</td>
<td>3rd</td>
<td>Intercepts, or procures any other person to intercept, any wire or oral communication.</td>
</tr>
</tbody>
</table>

(c) LEVEL 3

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

CODING: Words stricken are deletions; words underlined are additions.
319.33(4)  3rd  With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

327.35(2) (b)  3rd  Felony BUI.

328.05(2)  3rd  Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

328.07(4)  3rd  Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

376.302(5)  3rd  Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

379.2431  3rd  Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell,
molesting, or harassing marine
turtles, marine turtle eggs, or
marine turtle nests in
violation of the Marine Turtle
Protection Act.

379.2431 (1)(e)6. 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.

379.2431 (1)(e)7. 3rd Soliciting to commit or
conspiring to commit a
violation of the Marine Turtle
Protection Act.

400.9935(4)(a) 3rd Operating a clinic, or offering
or (b) services requiring licensure,
without a license.

400.9935(4)(e) 3rd Filing a false license
application or other required
information or failing to
440.1051(3)  3rd False report of workers' compensation fraud or retaliation for making such a report.

501.001(2)(b)  2nd Tampers with a consumer product or the container using materially false/misleading information.

624.401(4)(a)  3rd Transacting insurance without a certificate of authority.

624.401(4)(b)  3rd Transacting insurance without a certificate of authority; premium collected less than $20,000.

626.902(1)(a) & (b)  3rd Representing an unauthorized insurer.

697.08  3rd Equity skimming.
<table>
<thead>
<tr>
<th></th>
<th>790.15(3)</th>
<th>3rd</th>
<th>Person directs another to discharge firearm from a vehicle.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2339</td>
<td>806.10(1)</td>
<td>3rd</td>
<td>Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.</td>
</tr>
<tr>
<td>2340</td>
<td>806.10(2)</td>
<td>3rd</td>
<td>Interferes with or assaults firefighter in performance of duty.</td>
</tr>
<tr>
<td>2341</td>
<td>810.09(2) (c)</td>
<td>3rd</td>
<td>Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.</td>
</tr>
<tr>
<td>2342</td>
<td>812.014(2) (c)</td>
<td>3rd</td>
<td>Grand theft; $5,000 or more but less than $10,000.</td>
</tr>
<tr>
<td>2343</td>
<td>812.0145(2) (c)</td>
<td>3rd</td>
<td>Theft from person 65 years of age or older; $300 or more but less than $10,000.</td>
</tr>
<tr>
<td>2344</td>
<td>815.04(4) (b)</td>
<td>2nd</td>
<td>Computer offense devised to</td>
</tr>
</tbody>
</table>

CODING: Words struck are deletions; words underlined are additions.
815.04(5)(b) defraud or obtain property.

817.034(4)(a)3. Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.

817.233 Burning to defraud insurer.

817.234 Unlawful solicitation of (8)(b) & (c) persons involved in motor vehicle accidents.

817.234(11)(a) Insurance fraud; property value less than $20,000.

817.236 Filing a false motor vehicle insurance application.

817.2361 Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

817.413(2) Sale of used goods as new.

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<table>
<thead>
<tr>
<th>Section</th>
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<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>831.28(2)(a)</td>
<td>3rd</td>
<td>Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.</td>
</tr>
<tr>
<td>831.29</td>
<td>2nd</td>
<td>Possession of instruments for counterfeiting driver licenses or identification cards.</td>
</tr>
<tr>
<td>838.021(3)(b)</td>
<td>3rd</td>
<td>Threatens unlawful harm to public servant.</td>
</tr>
<tr>
<td>843.19</td>
<td>3rd</td>
<td>Injure, disable, or kill police dog or horse.</td>
</tr>
<tr>
<td>860.15(3)</td>
<td>3rd</td>
<td>Overcharging for repairs and parts.</td>
</tr>
<tr>
<td>870.01(2)</td>
<td>3rd</td>
<td>Riot; inciting or encouraging.</td>
</tr>
<tr>
<td>893.13(1)(a)</td>
<td>3rd</td>
<td>Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6.,</td>
</tr>
</tbody>
</table>

CODING: Words stricken are deletions; words underlined are additions.
(2) (c) 7., (2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4) drugs).

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) 6.,
(2) (c) 7., (2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4) drugs
within 1,000 feet of
university.

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) 6.,
(2) (c) 7., (2) (c) 8., (2) (c) 9.,
(2) (c) 10., (3), or (4) drugs
within 1,000 feet of public
housing facility.

893.13(4)(c)  3rd  Use or hire of minor; deliver
to minor other controlled
substances.

893.13(6)(a)  3rd  Possession of any controlled
substance other than felony

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CODING: Words stricken are deletions; words underlined are additions.
<table>
<thead>
<tr>
<th>Section</th>
<th>3rd</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.13(7)(a)8.</td>
<td>Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.</td>
</tr>
<tr>
<td>893.13(7)(a)9.</td>
<td>Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.</td>
</tr>
<tr>
<td>893.13(7)(a)10.</td>
<td>Affix false or forged label to package of controlled substance.</td>
</tr>
<tr>
<td>893.13(7)(a)11.</td>
<td>Furnish false or fraudulent material information on any document or record required by chapter 893.</td>
</tr>
<tr>
<td>893.13(8)(a)1.</td>
<td>Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through</td>
</tr>
</tbody>
</table>

CODING: Words struck are deletions; words underlined are additions.
deceptive, untrue, or
fraudulent representations in
or related to the
practitioner's practice.

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.

893.13(8)(a)3. 3rd Knowingly write a prescription
for a controlled substance for
a fictitious person.

893.13(8)(a)4. 3rd Write a prescription for a
controlled substance for a
patient, other person, or an
animal if the sole purpose of
writing the prescription is a
monetary benefit for the
practitioner.

918.13(1)(a) 3rd Alter, destroy, or conceal
investigation evidence.

| 2372 | 944.47          | 3rd | Introduce contraband to correctional facility. |
| 2373 | (1)(a)1. & 2.  |     |                                               |
| 2374 | 944.47(1)(c)   | 2nd | Possess contraband while upon the grounds of a correctional institution. |
| 2375 | 985.721        | 3rd | Escapes from a juvenile facility (secure detention or residential commitment facility). |

Section 89. This act shall take effect upon becoming a law if HB 761 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.
A bill to be entitled
An act relating to public records; creating s. 688.01, F.S.; providing definitions; providing an exemption from public record requirements for a trade secret held by an agency; providing notice requirements; providing an exception to the exemption; providing that an agency employee is not liable for the release of records in compliance with the act; providing applicability; providing for future legislative review and repeal of the exemption; amending ss. 688.001 and 688.006, F.S.; conforming cross-references; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 688.01, Florida Statutes, is created to read:

688.01 Trade secret exemption from inspecting or copying public records.—
(1) DEFINITIONS.—As used in this section, the term:
(a) "Agency" has the same meaning as in s. 119.011.
(b) "Trade secret" has the same meaning as in s. 688.002, except that the term does not include the following information related to any contract or agreement, or an addendum thereto.
with an agency:

1. The parties to the contract or agreement, or an addendum thereto.

2. The amount of money paid, any payment structure or plan, expenditures, incentives, bonuses, fees, or penalties.

3. The nature or type of commodities or services purchased.

4. Applicable contract unit prices and deliverables.

(2) PUBLIC RECORD EXEMPTION.—A trade secret held by an agency is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(3) SUBMISSION OF TRADE SECRET TO AN AGENCY.—

(a) If a person who submits records to an agency claims that such submission contains a trade secret, such person shall submit to the agency a notice of trade secret when such records are submitted to the agency. Failure to submit such notice constitutes a waiver of any claim by such person that the record contains a trade secret. The notice must provide the name, telephone number, and mailing address of the person claiming the record contains a trade secret. Such person is responsible for updating his or her contact information with the agency.

(b) Each page of a record or specific portion of a record that contains a trade secret must be clearly marked with the words "trade secret."
(c) In submitting a notice of trade secret to the agency, the submitting party shall verify to the agency through a written declaration in the manner provided in s. 92.525 the following:

[...I have/my company has...] read the definition of a trade secret in s. 688.01, Florida Statutes, and [...I believe/my company believes...] the information contained in this record is a trade secret as defined in s. 688.01, Florida Statutes.

[...I have/my company has...] taken measures to prevent the disclosure of the record or specific portion of a record claimed to be a trade secret to anyone other than those who have been selected to have access for limited purposes, and [...I intend/my company intends...] to continue to take such measures.

The record or specific portion of a record claimed to be a trade secret is not, and has not been, reasonably obtainable without [...my/our...] consent by other persons by use of legitimate means.

The record or specific portion of a record claimed to be a trade secret is not publicly available elsewhere.

(4) AGENCY ACCESS.—An agency may disclose a trade secret, together with the notice of trade secret, to an officer or employee of another agency or governmental entity whose use of
the trade secret is within the scope of his or her lawful duties
and responsibilities.

(5) LIABILITY.—An agency employee who, while acting in
good faith and in the performance of his or her duties, releases
a record containing a trade secret pursuant to this act is not
liable, civilly or criminally, for such release.

(6) APPLICABILITY.—This section does not apply to research
institutes created or established in law, divisions of sponsored
research at state universities, or technology transfer centers
at Florida College System institutions.

(7) 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, 2024, unless
reviewed and saved from repeal through reenactment by the
Legislature.

Section 2. Section 688.001, Florida Statutes, is amended
to read:

688.001 Short title.—Sections 688.001-688.01 may be cited as the "Uniform Trade Secrets Act."

Section 3. Section 688.006, Florida Statutes, is amended
to read:

688.006 Preservation of secrecy.—In an action under ss.
688.001-688.01, a court shall preserve the
secrecy of an alleged trade secret by reasonable means, which
may include granting protective orders in connection with
discovery proceedings, holding in camera hearings, sealing the
records of the action, and ordering any person involved in the
litigation not to disclose an alleged trade secret without prior
court approval.

Section 4. The Legislature finds that it is a public
necessity that trade secrets held by an agency be made
confidential and exempt from s. 119.07(1), Florida Statutes, and
s. 24(a), Article I of the State Constitution. The Legislature
recognizes that an agency may create trade secret information in
furtherance of the agency's duties and responsibilities and that
disclosure of such information would be detrimental to the
effective and efficient operation of the agency. If such trade
secret information were made available to the public, the agency
could suffer great economic harm. In addition, the Legislature
recognizes that in many instances, individuals and businesses
provide trade secret information for regulatory or other
purposes to an agency and that disclosure of such information to
competitors of those businesses would be detrimental to the
businesses. Without the public record exemption, those entities
would hesitate to cooperate with an agency, which would impair
the effective and efficient administration of governmental
functions. As such, the Legislature's intent is to protect trade
secret information of a confidential nature that includes a
formula, pattern, compilation, program, device, method,
technique, or process used that derives independent economic
value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. Therefore, the Legislature finds that the need to protect trade secrets is sufficiently compelling to override this state's public policy of open government and that the protection of such information cannot be accomplished without this exemption.

Section 5. This act shall take effect on the same date that HB 759 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.