

1                   A bill to be entitled  
 2           An act relating to public records; amending s. 601.10,  
 3           F.S.; providing an exemption from public records  
 4           requirements for nonpublished reports or data related  
 5           to certain studies or research related to citrus  
 6           fruit, citrus fruit juices, and the products and  
 7           byproducts thereof that is conducted, caused to be  
 8           conducted, or funded by the Department of Citrus;  
 9           providing for future legislative review and repeal of  
 10          the exemption under the Open Government Sunset Review  
 11          Act; providing a statement of public necessity;  
 12          providing a contingent effective date.

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

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16           Section 1. Subsection (8) of section 601.10, Florida  
 17           Statutes, is amended to read:

18           601.10 Powers of the Department of Citrus.—The Department  
 19           of Citrus shall have and shall exercise such general and  
 20           specific powers as are delegated to it by this chapter and other  
 21           statutes of the state, which powers shall include, but shall not  
 22           be confined to, the following:

23           (8) (a) To prepare and disseminate information of  
 24           importance to citrus growers, handlers, shippers, processors,  
 25           and industry-related and interested persons and organizations,  
 26           relating to department ~~of Citrus~~ activities and the production,  
 27           handling, shipping, processing, and marketing of citrus fruit  
 28           and processed citrus products. Any information that constitutes

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29 ~~which consists of~~ a trade secret as defined in s. 812.081(1)(c)  
30 is confidential and exempt from ~~the provisions of~~ s. 119.07(1),  
31 and shall not be disclosed. For referendum and other notice and  
32 informational purposes, the department ~~of Citrus~~ may prepare and  
33 maintain, from the best available sources, a citrus grower  
34 mailing list. Such list shall be a public record available as  
35 other public records, but it shall not be subject to the purging  
36 provisions of s. 283.55.

37 (b) Any nonpublished reports or data related to studies or  
38 research conducted, caused to be conducted, or funded by the  
39 department under s. 601.13 is confidential and exempt from s.  
40 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
41 paragraph is subject to the Open Government Sunset Review Act in  
42 accordance with s. 119.15 and shall stand repealed on October 2,  
43 2017, unless reviewed and saved from repeal through reenactment  
44 by the Legislature.

45 Section 2. The Legislature finds that it is a public  
46 necessity that any nonpublished reports or data related to  
47 studies or research conducted under s. 601.13, Florida Statutes,  
48 be made confidential and exempt from the requirements of s.  
49 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
50 State Constitution. In order to conduct or cause to be conducted  
51 studies or research related to citrus fruit, citrus fruit  
52 juices, and the products and byproducts thereof, the Department  
53 of Citrus must achieve the cooperation of the citrus industry in  
54 the state to obtain access to samples of such citrus fruit,  
55 citrus fruit juices, and the products and byproducts thereof,  
56 trade secrets, and proprietary business information. Unless the

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57 Department of Citrus can assure the citrus industry that any  
58 nonpublished reports or data related to such studies or research  
59 will not be disclosed until the analysis of such data and until  
60 the reports of such studies or research are complete and  
61 approved for publication, a chilling effect will arise that  
62 reduces access by the Department of Citrus to the necessary  
63 samples and information provided by the citrus industry, thereby  
64 undermining the validity and value of such studies and research.  
65 Thus, the Legislature declares that it is a public necessity  
66 that any nonpublished reports or data related to studies or  
67 research conducted under s. 601.13, Florida Statutes, be made  
68 confidential and exempt from the requirements of s. 119.07(1),  
69 Florida Statutes, and s. 24(a), Article I of the State  
70 Constitution.

71 Section 3. This act shall take effect on the same date  
72 that HB 1237 or similar legislation takes effect, if such  
73 legislation is adopted in the same legislative session or an  
74 extension thereof and becomes law.