

CHAPTER 2012-183

House Bill No. 1239

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

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

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

601.10 Powers of the Department of Citrus.—The Department of Citrus 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 shall not be confined to, the following:

(8)(a) To prepare and disseminate information of importance to citrus growers, handlers, shippers, processors, and industry-related and interested persons and organizations, relating to department of Citrus activities and the production, handling, shipping, processing, and marketing of citrus fruit and processed citrus products. Any information that constitutes ~~which consists of~~ a trade secret as defined in s. 812.081(1)(c) is confidential and exempt from the provisions of s. 119.07(1), and shall not be disclosed. For referendum and other notice and informational purposes, the department of Citrus may prepare and maintain, from the best available sources, a citrus grower mailing list. Such list shall be a public record available as other public records, but it shall not be subject to the purging provisions of s. 283.55.

(b) Any nonpublished reports or data related to studies or research conducted, caused to be conducted, or funded by the department under s. 601.13 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 This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any nonpublished reports or data related to studies or research conducted under s. 601.13, Florida Statutes, be made confidential and exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. In order to conduct or cause to be conducted studies or research related to citrus fruit, citrus fruit juices, and the products and

byproducts thereof, the Department of Citrus must achieve the cooperation of the citrus industry in the state to obtain access to samples of such citrus fruit, citrus fruit juices, and the products and byproducts thereof, trade secrets, and proprietary business information. Unless the Department of Citrus can assure the citrus industry that any nonpublished reports or data related to such studies or research will not be disclosed until the analysis of such data and until the reports of such studies or research are complete and approved for publication, a chilling effect will arise that reduces access by the Department of Citrus to the necessary samples and information provided by the citrus industry, thereby undermining the validity and value of such studies and research. Thus, the Legislature declares that it is a public necessity that any nonpublished reports or data related to studies or research conducted under s. 601.13, Florida Statutes, be made confidential and exempt from the requirements of s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

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

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.