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09 March 2015

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The Honorable Ray Pilon
The Florida House of Representatives
412 House Office Building
402 South Monroe Street
Tallahassee, FL 32399-1300

Re: HB 91 Exemption/Trade Secrets

Dear Representative Pilon:

We are writing to express our concerns regarding HB 91, which amends Section 812.081, Florida Statutes, to include financial information within the statutory definition of trade secret. It is our position that HB 91, as currently drafted, is unconstitutionally vague in violation of Article I, s. 24(c), of the Florida Constitution.

Of particular concern is the vague nature of the phrase "financial information." The proposed bill provides that "[trade secret] includes any scientific, technical, commercial or *financial information*, including any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof." (emphasis added). However, HB 91 does not include a definition of the phrase "financial information." Nor does the remainder of the bill language offer any guidance. Because it is unknown how broadly or narrowly the phrase is to be construed, the consequences of this legislation are similarly unknown. As a result, the public is not fully aware of the breadth and effect of the bill.

In order to adequately inform the public, we respectfully request that HB 91 be amended to include a precise definition of the phrase "financial information." We appreciate your attention to our concerns, Representative Pilon. If you have any questions, please do not hesitate to contact us.

Sincerely,

Barbara A. Petersen
President

Cc: The Honorable Steve Crisafulli, Speaker, Florida House of Representatives
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association