



29 December 2015

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

Re: CS/HB 55 Exemption/Financial Information – Trade Secrets

Dear Representative Pilon:

We are writing to express our concerns regarding CS/HB 55, amending s. 812.081, F.S., to include financial information within the statutory definition of trade secret. It is our position that CS/HB 55, as currently drafted, is unconstitutionally vague in violation of Article I, s. 24(c), of the Florida Constitution, and we suggest that it be significantly amended to address the constitutional flaw.

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, CS/HB 55 does not include a definition of the phrase “financial information.” Nor does the remainder of the bill language offer any guidance as to what that phrase may include. 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 CS/HB 55 be amended to include a precise definition of the phrase “financial information.” Without such definition, the Foundation is forced to oppose the bill. 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
The Honorable Charles McBurney, Chair, House Judiciary Committee
Jon Kaney, General Counsel, First Amendment Foundation
Sam Morley, General Counsel, Florida Press Association

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