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30 September 2015

The Honorable Garrett Richter  
The Florida Senate  
3299 East Tamiami Trail, suite 203  
Naples, FL 34112-4961

Re: SB 180 Public Record Exemption/Trade Secrets

Dear Senator Richter:

We are writing to express our concerns regarding SB 180, amending s. 812.081, Florida Statutes, to include financial information within the statutory definition of trade secret. It is our position that SB 180, 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, SB 180 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 SB 180 be amended to include a precise definition of the phrase "financial information." Without such definition, the Foundation will be forced to oppose the bill. We appreciate your attention to our concerns, Senator Richter. If you have any questions, please do not hesitate to contact us.

Sincerely,

Barbara A. Petersen  
President

CC: The Honorable Andy Gardiner, President, Florida Senate  
Jon Kaney, General Counsel, First Amendment Foundation  
Sam Morley, General Counsel, Florida Press Association