March 2, 2021

Senate Agriculture Committee  
335 Knott Building  
404 S. Monroe Street  
Tallahassee, Fl 32399-1100

Re: Open Government Bills before the Senate Agriculture Committee

The First Amendment Foundation writes to express our objection to bills before the Senate Agriculture committee on Wednesday, March 3, 2021.

FAF opposes Senate Bills 7038, 7040, 7042, 7044, 7046, and 7048. These bills are among more than 20 trade secret exemption bills up for review this session. The current patchwork approach results in different divisions and departments having different processes and rules for trade secrets. Now is an opportune time to let the myriad of trade secret exemptions sunset and enact a uniform definition and process to exclude trade secret. The misapplication and overuse of trade secret exemptions allows information about private entities regulated by the state to be withheld.

With dozens of trade secret exemptions subject to the Open Government Sunset Review this session, FAF is calling on the legislature to pass legislation like HB 1055 and SB 1446, which provides a single standardized trade secret exemption. In addition, this legislation puts the responsibility to prove the exemption on the person claiming the exemption.

Please let us know whether we can provide any further information.

With best regards,

FIRST AMENDMENT FOUNDATION

Pamela C. Marsh  
President

cc: The Honorable Wilton Simpson, President, Florida Senate  
Jim Baltzelle, Associated Press, Chair, First Amendment Foundation  
Samuel Morley, General Counsel, Florida Press Association  
Lisa Nellessen Savage, Chair, Florida Society of News Editors