



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 Nellesen Savage, Chair, Florida Society of News Editors

BOARD OF TRUSTEES

JIM BALTZELLE, CHAIRMAN

Director Local Media Southeast,
The Associated Press

AMY HOLLYFIELD, VICE CHAIR

Senior Deputy Editor, *Tampa Bay Times*

FRANK DENTON, TREASURER

Retired Editor, *Florida Times-Union*

FARHOOD BASIRI

Co-Founder, *Bellwether Software Development*

DICK BATCHELOR

Founder and President,
Dick Batchelor Management Group, Inc.

MIKE DEESON

President, *Deeson Media*

JIM FOGLER

President and CEO, *Florida Press Association/Intersect Media*

TRIMMEL GOMES

President, *Gomes Media Strategies*

THOMAS D. HALL

President, *TLH Consulting Group LLC*

CAROL JEAN LOCICERO

Attorney, *Thomas & LoCicero*

MIRA LOWE

Assistant Dean for Student Experience, *UF College of Journalism & Communications*

Director, *The Innovation News Center*

CAROL MARBIN MILLER

Deputy Investigations Editor, *Miami Herald*

SAMUEL J. MORLEY

General Counsel, *Florida Press Association*

CAITIE MUÑOZ

Reporter, *WLRN Public Media*

PATRICK RICE

Editor, *Daytona Beach News-Journal*

BOB SHAW

Retired Editor, *Orlando Sentinel*

PETE WEITZEL

Director Emeritus

WENDY WALKER

President Emeritus, *Leadership Florida*

CHARLEY WILLIAMS

Past State Board, *League of Women Voters of Florida*

Director, *Business Development, GEC*

DAVE WILSON

Senior Editor, *The Miami Herald*