

By Senator Richter

23-00590-15

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1                   A bill to be entitled  
2       An act relating to trade secrets; amending s. 812.081,  
3       F.S.; including financial information in provisions  
4       prohibiting the theft, embezzlement, or unlawful  
5       copying of trade secrets; providing criminal  
6       penalties; reenacting s. 499.931, F.S., relating to  
7       trade secret information concerning medical gas, to  
8       incorporate the amendments made by the act to s.  
9       812.081, F.S., in a reference thereto; providing an  
10      effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14       Section 1. Section 812.081, Florida Statutes, is amended to  
15      read:

16       812.081 Trade secrets; theft, embezzlement; unlawful  
17      copying; definitions; penalty.—

18       (1) As used in this section, the term:

19       (a) "Article" means any object, device, machine, material,  
20      substance, or composition of matter, or any mixture or copy  
21      thereof, whether in whole or in part, including any complete or  
22      partial writing, record, recording, drawing, sample, specimen,  
23      prototype model, photograph, microorganism, blueprint, map, or  
24      copy thereof.

25       (b) "Representing" means completely or partially  
26      describing, depicting, embodying, containing, constituting,  
27      reflecting, or recording.

28       (c) "Trade secret" means the whole or any portion or phase  
29      of any formula, pattern, device, combination of devices, or

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30 compilation of information which is for use, or is used, in the  
31 operation of a business and which provides the business an  
32 advantage, or an opportunity to obtain an advantage, over those  
33 who do not know or use it. The term ~~"Trade secret"~~ includes any  
34 scientific, technical, ~~or~~ commercial, or financial information,  
35 including any design, process, procedure, list of suppliers,  
36 list of customers, business code, or improvement thereof.  
37 Irrespective of novelty, invention, patentability, the state of  
38 the prior art, and the level of skill in the business, art, or  
39 field to which the subject matter pertains, a trade secret is  
40 considered to be:

- 41 1. Secret;
- 42 2. Of value;
- 43 3. For use or in use by the business; and
- 44 4. Of advantage to the business, or providing an  
45 opportunity to obtain an advantage, over those who do not know  
46 or use it

47  
48 when the owner thereof takes measures to prevent it from  
49 becoming available to persons other than those selected by the  
50 owner to have access thereto for limited purposes.

51 (d) "Copy" means any facsimile, replica, photograph, or  
52 other reproduction in whole or in part of an article and any  
53 note, drawing, or sketch made of or from an article or part or  
54 portion thereof.

55 (2) Any person who, with intent to deprive or withhold from  
56 the owner thereof the control of a trade secret, or with an  
57 intent to appropriate a trade secret to his or her own use or to  
58 the use of another, steals or embezzles an article representing

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59 a trade secret or without authority makes or causes to be made a  
60 copy of an article representing a trade secret commits ~~is guilty~~  
61 ~~of~~ a felony of the third degree, punishable as provided in s.  
62 775.082 or s. 775.083.

63 (3) In a prosecution for a violation of ~~the provisions of~~  
64 this section, the fact ~~it is no defense~~ that the person so  
65 charged returned or intended to return the article so stolen,  
66 embezzled, or copied is not a defense.

67 Section 2. For the purpose of incorporating the amendment  
68 made by this act to section 812.081, Florida Statutes, in a  
69 reference thereto, section 499.931, Florida Statutes, is  
70 reenacted to read:

71 499.931 Trade secret information.—Information required to  
72 be submitted under this part which is a trade secret as defined  
73 in s. 812.081(1)(c) and designated as a trade secret by an  
74 applicant or permitholder must be maintained as required under  
75 s. 499.051.

76 Section 3. This act shall take effect October 1, 2015.