

Jonathan Zachem, Secretary

Rick Scott, Governor

August 30, 2017

Re: Employee Leasing Trade Secrets

Dear Employee Leasing Companies Licensee:

The Department of Business and Professional Regulation, Board of Employee Leasing Companies (BELC) has determined that the quarterly and annual reports will remain confidential; however, these could be deemed a trade secret pursuant to 812.081(1)(c), Florida Statute. We are reaching out to you to provide the best possible protection regarding your financial statements.

In order to maintain the trade secret confidentiality, we are asking that you provide a written statement as to how the information is confidential under the definition of trade secret found in the above mentioned Florida Statute; please see attached for your reference.

If we do not receive a written response within 21 calendar days, we will continue to deem this information confidential pursuant to s. 455.229(1), F.S. when responding to public records requests.

If you have any questions or need further guidance, please do not hesitate to contact us directly.

Sincerely,



Rick Morrison
Executive Director

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

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

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

(b) “Representing” means completely or partially describing, depicting, embodying, containing, constituting, reflecting, or recording.

(c) “Trade secret” means the whole or any portion or phase of any formula, pattern, device, combination of devices, or compilation of information which is for use, or is used, in the operation of a business and which provides the business an advantage, or an opportunity to obtain an advantage, over those who do not know or use it. The term includes any scientific, technical, or commercial information, including financial information, and includes any design, process, procedure, list of suppliers, list of customers, business code, or improvement thereof. Irrespective of novelty, invention, patentability, the state of the prior art, and the level of skill in the business, art, or field to which the subject matter pertains, a trade secret is considered to be:

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

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

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

(2) Any person who, with intent to deprive or withhold from the owner thereof the control of a trade secret, or with an intent to appropriate a trade secret to his or her own use or to the use of another, steals or embezzles an article representing a trade secret or without authority makes or causes to be made a copy of an article representing a trade secret commits a felony of the third degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(3) In a prosecution for a violation of this section, the fact that the person so charged returned or intended to return the article so stolen, embezzled, or copied is not a defense.

History.—ss. 1, 2, 3, ch. 74-136; s. 1, ch. 85-34; s. 1240, ch. 97-102; s. 1, ch. 2016-5.