Florida Senate - 1998

By Senator Harris

24-1321-98 See HB A bill to be entitled 1 2 An act relating to public records; amending s. 3 288.1254, F.S.; providing an exemption from 4 public records requirements for records of the 5 Office of Entertainment Industry Commissioner 6 relating to specified information with respect 7 to the business activities of private persons, partnerships, or corporations in the 8 9 entertainment industry, when such confidentiality is requested; providing a 10 penalty for violation of the act; providing for 11 12 future review and repeal; providing a finding of public necessity; providing a contingent 13 effective date. 14 15 16 Be It Enacted by the Legislature of the State of Florida: 17 Section 1. Subsection (3) is added to section 18 19 288.1254, Florida Statutes, as created by SB ____, 1998 20 Regular Session, to read: 21 288.1254 Promotion and development of entertainment 22 industry; Office of the Entertainment Industry Commissioner; 23 creation; purpose; powers and duties .--(3) CONFIDENTIALITY OF RECORDS.--24 25 (a) Upon written request from an entertainment 26 industry private corporation, partnership, or person seeking 27 to locate, relocate, or expand any of its business activities 28 in this state, records of the Office of the Entertainment 29 Industry Commissioner which contain the identity, trade 30 secrets as defined by s. 812.081, or information concerning plans, intentions, or interests of such private corporation, 31 1

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SB 1614

2its business activities in this state are confidential and3exempt from the provisions of s. 119.07(1) and s. 24(a), Art.4I of the State Constitution unless the information contained5in the exempted records is otherwise released by the party6requesting confidentiality or, in the case of identity only,7until the party retains a business location in the state.8This subsection is subject to the Open Government Sunset9Review Act of 1995 in accordance with s. 119.15, and shall10stand repealed on October 2, 2003, unless reviewed and saved11from repeal through reenactment by the Legislature.12(b) Any person who is an employee of the Office of the13Entertainment Industry Commissioner who willfully and14knowingly violates the provisions of this section is guilty of15a misdemeanor of the second degree, punishable as provided in16s. 775.082 or s. 775.083.17Section 812.081, Florida Statutes, of an entertainment19industry corporation, partnership, or person seeking to10locate, relocate, or expand any of its business activities in11this state, or information concerning such plans, intentions,13or interests, be exempt from public records requirements.14This exemption is needed to protect the ongoing and often15stage of an entertainment industry business venture which16occurs prior to that business retaining a business location in17the state. The identity, trade secrets, and planning	1	partnership, or person to locate, relocate, or expand any of
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relocate, or expand their activities in the state. The Office 1 of the Entertainment Industry Commissioner also needs such 2 3 information in the aggregate to plan the marketing programs it conducts to promote entertainment industry growth for the 4 5 benefit of this state and to measure the effectiveness of б those marketing programs for the Legislature. If such records 7 are not protected, critical confidential information regarding 8 contract negotiations, business identity, trade secrets, and business activity location, relocation, or expansion would be 9 10 revealed. Release of this proprietary information could put 11 those businesses from which the information is gathered at a competitive disadvantage in the marketplace. Consequently, 12 private companies whose records are not required to be open 13 might refrain from responding to the solicitations of the 14 Office of the Entertainment Industry Commissioner and might 15 choose not to locate, relocate, or expand their activities in 16 the state, thereby denying the use of valuable information 17 needed to assist this state and causing the state to lose 18 19 potential revenue and employment for its citizens. The harm that would result from any obstruction to revealing the 20 identity, trade secrets, and planning information solicited 21 from entertainment industry businesses seeking to locate, 22 relocate, or expand their business activities in the state 23 24 would far outweigh any public benefit derived from release of 25 such information. Section 3. This act shall take effect on the same date 26 27 as Senate Bill or similar legislation that creates section 288.1254, Florida Statutes, establishing the Office of 28 29 Entertainment Industry Commissioner, but this act shall not take effect if such legislation is not enacted in the same 30 31 legislative session or an extension thereof.

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Florida Senate - 1998 24-1321-98

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2	LEGISLATIVE SUMMARY
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4	Provides an exemption from public records requirements for records of the Office of Entertainment Industry
5	Commissioner which contain the identity, trade secrets, or any information concerning plans, intentions, or
6	interests of any private person, partnership, or corporation within the entertainment industry to locate,
7	relocate, or expand any of its business activities in this state, when such confidentiality is requested.
8	Provides for review and repeal of the exemption by October 2, 2003. Provides a second-degree misdemeanor
9	penalty for violation of the act. Provides a finding of public necessity. Provides that the act shall take
10	effect upon the passage of SB or similar legislation which creates s. 288.1254, F.S., and provides
11	for the creation of the Office of the Entertainment Industry Commissioner.
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