

By Senator Harris

24-1321-98

See HB

1                                   A bill to be entitled  
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,  
8           partnerships, or corporations in the  
9           entertainment industry, when such  
10          confidentiality is requested; providing a  
11          penalty for violation of the act; providing for  
12          future review and repeal; providing a finding  
13          of public necessity; providing a contingent  
14          effective date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Subsection (3) is added to section  
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.--

24           (3) CONFIDENTIALITY OF RECORDS.--

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  
31   plans, intentions, or interests of such private corporation,

1 partnership, or person to locate, relocate, or expand any of  
2 its business activities in this state are confidential and  
3 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
4 I of the State Constitution unless the information contained  
5 in the exempted records is otherwise released by the party  
6 requesting confidentiality or, in the case of identity only,  
7 until the party retains a business location in the state.  
8 This subsection is subject to the Open Government Sunset  
9 Review Act of 1995 in accordance with s. 119.15, and shall  
10 stand repealed on October 2, 2003, unless reviewed and saved  
11 from repeal through reenactment by the Legislature.

12 (b) Any person who is an employee of the Office of the  
13 Entertainment Industry Commissioner who willfully and  
14 knowingly violates the provisions of this section is guilty of  
15 a misdemeanor of the second degree, punishable as provided in  
16 s. 775.082 or s. 775.083.

17 Section 2. The Legislature finds that it is a public  
18 necessity that the identity, or trade secrets as defined by  
19 section 812.081, Florida Statutes, of an entertainment  
20 industry corporation, partnership, or person seeking to  
21 locate, relocate, or expand any of its business activities in  
22 this state, or information concerning such plans, intentions,  
23 or interests, be exempt from public records requirements.  
24 This exemption is needed to protect the ongoing and often  
25 delicate contract negotiations common to the preproduction  
26 stage of an entertainment industry business venture which  
27 occurs prior to that business retaining a business location in  
28 the state. The identity, trade secrets, and planning  
29 information solicited from such businesses by the Office of  
30 the Entertainment Industry Commissioner are needed by that  
31 office initially to encourage these businesses to locate,

1 relocate, or expand their activities in the state. The Office  
2 of the Entertainment Industry Commissioner also needs such  
3 information in the aggregate to plan the marketing programs it  
4 conducts to promote entertainment industry growth for the  
5 benefit of this state and to measure the effectiveness of  
6 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  
9 business activity location, relocation, or expansion would be  
10 revealed. Release of this proprietary information could put  
11 those businesses from which the information is gathered at a  
12 competitive disadvantage in the marketplace. Consequently,  
13 private companies whose records are not required to be open  
14 might refrain from responding to the solicitations of the  
15 Office of the Entertainment Industry Commissioner and might  
16 choose not to locate, relocate, or expand their activities in  
17 the state, thereby denying the use of valuable information  
18 needed to assist this state and causing the state to lose  
19 potential revenue and employment for its citizens. The harm  
20 that would result from any obstruction to revealing the  
21 identity, trade secrets, and planning information solicited  
22 from entertainment industry businesses seeking to locate,  
23 relocate, or expand their business activities in the state  
24 would far outweigh any public benefit derived from release of  
25 such information.

26           Section 3. This act shall take effect on the same date  
27 as Senate Bill \_\_\_\_\_ or similar legislation that creates  
28 section 288.1254, Florida Statutes, establishing the Office of  
29 Entertainment Industry Commissioner, but this act shall not  
30 take effect if such legislation is not enacted in the same  
31 legislative session or an extension thereof.

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LEGISLATIVE SUMMARY

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