

By the Committee on Commerce and Economic Opportunities and
Senator Harris

310-1812-98

1 A bill to be entitled
2 An act relating to public records; creating s.
3 288.1256, F.S.; providing an exemption from
4 public records requirements for records of the
5 Entertainment Industry Commissioner and the
6 Entertainment Florida Council or other entity
7 authorized to function in its place relating to
8 specified information with respect to the
9 business activities of private persons,
10 partnerships, or corporations in the
11 entertainment industry, when such
12 confidentiality is requested; providing a
13 penalty for violation of the act; providing for
14 future review and repeal; providing a finding
15 of public necessity; providing a contingent
16 effective date.

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

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20 Section 1. Section 288.1256, Florida Statutes, is
21 created to read:

22 288.1256 Promotion and development of entertainment
23 industry; confidentiality of records.--

24 (1) Upon written request from an entertainment
25 industry private corporation, partnership, or person seeking
26 to locate, relocate, or expand any of its business activities
27 in this state, records of the Entertainment Industry
28 Commissioner and of the Entertainment Florida Council or other
29 entity authorized to perform the functions of the council
30 which contain the identity, trade secrets as defined by s.
31 812.081, or information concerning plans, intentions, or

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10 with s. 119.15, and shall stand repealed on October 2, 2003,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

13 (2) Any person, including the Entertainment Industry
14 Commissioner or an employee of the Entertainment Florida
15 Council or other entity authorized to perform the functions of
16 the council, who willfully and knowingly violates the
17 provisions of this section is guilty of a misdemeanor of the
18 second degree, punishable as provided in s. 775.082 or s.
19 775.083.

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

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

30 Section 3. This act shall take effect on the same date
31 as Senate Bill 1612 or similar legislation that creates the

1 Entertainment Florida Council and the position of
2 Entertainment Industry Commissioner, but this act shall not
3 take effect if such legislation is not enacted in the same
4 legislative session or an extension thereof.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 1614

9 The committee substitute differs substantially from Senate
10 Bill 1614 in that the confidentiality afforded to the
11 identity, trade secrets, or intentions of an entertainment
12 industry business or person seeking to locate, relocate, or
13 expand activities in Florida applies to records held by the
14 Entertainment Industry Commissioner and by the Entertainment
15 Florida Council or other entity authorized to perform the
16 functions of the council.
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