

Bill No. CS/HB 4125

Amendment No.     

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Harris moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	Delete everything after the enacting clause		
15			
16	and insert:		
17	Section 1. Section 288.1256, Florida Statutes, is		
18	created to read:		
19	<u>288.1256 Promotion and development of entertainment</u>		
20	<u>industry; confidentiality of records.--</u>		
21	<u>(1) Upon written request from an entertainment</u>		
22	<u>industry private corporation, partnership, or person seeking</u>		
23	<u>to locate, relocate, or expand any of its business activities</u>		
24	<u>in this state, records of the Entertainment Industry</u>		
25	<u>Commissioner and of the Entertainment Florida Council or other</u>		
26	<u>entity authorized to perform the functions of the council</u>		
27	<u>which contain the identity, trade secrets as defined by s.</u>		
28	<u>812.081, or information concerning plans, intentions, or</u>		
29	<u>interests of such private corporation, partnership, or person</u>		
30	<u>to locate, relocate, or expand any of its business activities</u>		
31	<u>in this state are confidential and exempt from the provisions</u>		

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7 with s. 119.15, and shall stand repealed on October 2, 2003,  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

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

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  
30 Entertainment Florida Council or the Entertainment Industry  
31 Commissioner are needed initially to encourage these

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

27       Section 3. This act shall take effect on the same date  
28 as House Bill 3931 or similar legislation that creates the  
29 Entertainment Florida Council and the position of  
30 Entertainment Industry Commissioner, but this act shall not  
31 take effect if such legislation is not enacted in the same

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1 legislative session or an extension thereof.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 Delete everything before the enacting clause

7

8 and insert:

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A bill to be entitled

10 An act relating to public records; creating s.  
11 288.1256, F.S.; providing an exemption from  
12 public records requirements for records of the  
13 Entertainment Industry Commissioner and the  
14 Entertainment Florida Council or other entity  
15 authorized to function in its place relating to  
16 specified information with respect to the  
17 business activities of private persons,  
18 partnerships, or corporations in the  
19 entertainment industry, when such  
20 confidentiality is requested; providing a  
21 penalty for violation of the act; providing for  
22 future review and repeal; providing a finding  
23 of public necessity; providing a contingent  
24 effective date.

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