

By the Committee on Tourism and Representatives Barreiro, Bullard, Melvin, Culp, Harrington, Bronson, Greene, Livingston, D. Prewitt and Sindler

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.

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

18           Section 1. Subsection (3) is added to section  
19           288.1254, Florida Statutes, as created by HB 3687, 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; confidentiality of  
24           records.--

25           (3) CONFIDENTIALITY OF RECORDS.--

26           (a) Upon written request from an entertainment  
27           industry private corporation, partnership, or person seeking  
28           to locate, relocate, or expand any of its business activities  
29           in this state, records of the Office of the Entertainment  
30           Industry Commissioner which contain the identity, trade  
31           secrets as defined by s. 812.081, or information concerning

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11 stand repealed on October 2, 2003, unless reviewed and saved  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

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

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

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

28           Section 3. This act shall take effect on the same date  
29 that House Bill 3687 or similar legislation which creates s.  
30 288.1254, F.S., establishing the Office of Entertainment  
31 Industry Commissioner, takes effect, if such legislation is

1 adopted in the same legislative session or an extension  
2 thereof.

3  
4 \*\*\*\*\*

5 HOUSE SUMMARY

6 Provides an exemption from public records requirements  
7 for records of the Office of Entertainment Industry  
8 Commissioner which contain the identity, trade secrets,  
9 or any information concerning plans, intentions, or  
10 interests of any private person, partnership, or  
11 corporation within the entertainment industry to locate,  
12 relocate, or expand any of its business activities in  
13 this state, when such confidentiality is requested.  
14 Provides for review and repeal of the exemption by  
15 October 2, 2003. Provides a second-degree misdemeanor  
16 penalty for violation of the act. Provides a finding of  
17 public necessity. Provides that the act shall take  
18 effect upon the passage of HB 3687 or similar legislation  
19 which creates s. 288.1254, F.S., and provides for the  
20 creation of the Office of the Entertainment Industry  
21 Commissioner.  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31