

By the Committees on Governmental Operations, 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 information  
5           held by the Office of Entertainment Industry  
6           Commissioner relating to specified information  
7           with respect to the business activities of  
8           private persons, partnerships, or corporations  
9           in the 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 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, information held by the Office of the  
30           Entertainment Industry Commissioner regarding the identity;  
31           trade secrets as defined by s. 812.081; or plans, intentions,

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12 s. 119.15, and shall stand repealed on October 2, 2003, unless  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

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

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

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

30 Section 3. This act shall take effect on the same date  
31 that House Bill 3687 or similar legislation which creates s.

1 288.1254, F.S., establishing the Office of Entertainment  
2 Industry Commissioner, takes effect, if such legislation is  
3 adopted in the same legislative session or an extension  
4 thereof.

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