

By Senator Grant

13-689-98

1                                   A bill to be entitled  
2           An act relating to public records; providing an  
3           exemption from public records requirements for  
4           certain business records used in a  
5           prelitigation offer in an eminent domain  
6           proceeding; providing an expiration date;  
7           providing a finding of public necessity;  
8           providing a contingent effective date.

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

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12           Section 1. Business records provided by the owner or  
13 onsite operator of a business to a governmental condemning  
14 authority after the governmental condemning authority has  
15 tendered a prelitigation offer under section 77.0511, Florida  
16 Statutes, are exempt from the disclosure provisions of section  
17 24(a) of Article I of the State Constitution and section  
18 119.07(1), Florida Statutes. This exemption is subject to the  
19 Open Government Sunset Review Act in accordance with section  
20 119.15, Florida Statutes, and expires on October 2, 2003,  
21 unless reviewed and reenacted by the Legislature.

22           Section 2. The Legislature finds that it is a public  
23 necessity that the business records of an owner or onsite  
24 operator of a business that is tendered a prelitigation offer  
25 in an eminent domain proceeding be held confidential in order  
26 to encourage prelitigation settlements. Furthermore, the  
27 Legislature finds that it would be an invasion of privacy for  
28 these sensitive business records to be revealed to the public.

29           Section 3. This act shall take effect on the effective  
30 date of SB 92 or similar legislation, relating to eminent  
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1 domain, and shall not take effect if that legislation does not  
2 become a law.

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5 SENATE SUMMARY

6 Provides an exemption from public records disclosure  
7 requirements for business records of an owner or onsite  
8 operator of a business that has been tendered a  
prelitigation offer in an eminent domain proceeding.  
9 Provides a finding of public necessity and an expiration  
10 date.

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