

1
2 An act relating to public records; creating s.
3 315.18, F.S.; providing an exemption from
4 public records requirements for certain
5 proposals and counterproposals exchanged
6 between certain deepwater ports and
7 nongovernmental entities for a specified
8 period; providing an exemption from public
9 records requirements for certain financial
10 records submitted by such entities to such
11 ports; providing for future review and repeal;
12 providing a finding of public necessity;
13 providing an effective date.

14

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

16

17 Section 1. Section 315.18, Florida Statutes, is
18 created to read:

19 315.18 Confidentiality of certain records held by
20 deepwater ports.--Any proposal or counterproposal exchanged
21 between a deepwater port listed in s. 311.09(1) and any
22 nongovernmental entity, relating to the sale, use, or lease of
23 land or of port facilities, and any financial records
24 submitted by any nongovernmental entity to such a deepwater
25 port for the purpose of the sale, use, or lease of land or of
26 port facilities, are confidential and exempt from s. 119.07(1)
27 and s. 24(a), Art. I of the State Constitution. However, 30
28 days before any such proposal or counterproposal is considered
29 for approval by the governing body of such a deepwater port,
30 the proposal or counterproposal shall cease to be exempt. If
31 no proposal or counterproposal is submitted to the governing

1 body for approval, such a proposal or counterproposal shall
2 cease to be exempt 90 days after the cessation of
3 negotiations. This section is subject to the Open Government
4 Sunset Review Act of 1995 in accordance with s. 119.15, and
5 shall stand repealed on October 2, 2002, unless reviewed and
6 saved from repeal through reenactment by the Legislature.

7 Section 2. The Legislature finds that it is a public
8 necessity that any proposal or counterproposal exchanged
9 between a nongovernmental entity and any deepwater port listed
10 in s. 311.09(1), Florida Statutes, relating to the sale, use,
11 or lease of land or port facilities, be held confidential and
12 exempt from public records requirements until 30 days before
13 any such proposal or counterproposal is considered for
14 approval by the governing body of the deepwater port.

15 Proposals and counterproposals submitted to a deepwater port
16 contain sensitive business and financial information.
17 Competing entities can gain access to such proposals, and, in
18 some instances, the affected nongovernmental entity has
19 abandoned its contractual efforts with the deepwater port, to
20 the deepwater port's financial detriment. Also, the
21 Legislature finds that it is a public necessity that financial
22 records submitted to a deepwater port for purposes of the
23 sale, use, or lease of land or of port facilities be held
24 confidential and exempt. Financial information is sensitive,
25 proprietary information the release of which would give
26 competitors an unfair economic advantage. In addition, such
27 exemptions are necessary in order that Florida deepwater ports
28 can more effectively and efficiently negotiate contracts for
29 the sale, use, or lease of land or of port facilities.

30 Section 3. This act shall take effect upon becoming a
31 law.