

By Senator Kirkpatrick

5-1575-99

See HB

1 A bill to be entitled
2 An act relating to public records; amending s.
3 288.1251, F.S.; providing an exemption from
4 public records requirements for information
5 held by the Office of Film 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.

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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
19 288.1251, Florida Statutes, as created by SB _____, 1999
20 Regular Session, to read:

21 288.1251 Promotion and development of entertainment
22 industry; Office of the Film Commissioner; creation; purpose;
23 powers and duties; confidentiality of records.--

24 (3) CONFIDENTIALITY OF RECORDS.--

25 (a) Upon written request from an entertainment
26 industry private corporation, partnership, or person seeking
27 to locate, relocate, or expand any of its business activities
28 in this state, information held by the Office of the Film
29 Commissioner regarding the identity; trade secrets as defined
30 by s. 812.081; or plans, intentions, or interests of such
31 private corporation, partnership, or person to locate,

1 relocate, or expand any of its business activities in this
2 state are confidential and exempt from the provisions of s.
3 119.07(1) and s. 24(a), Art. I of the State Constitution
4 unless the information held is otherwise released by the party
5 requesting confidentiality or, in the case of identity, or
6 plans, intentions or interests to locate, relocate, or expand
7 any of its business activities in this state, until the party
8 retains a new or additional business location in this 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11 stand repealed on October 2, 2004, unless reviewed and saved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 Film Commissioner who willfully and knowingly violates the
15 provisions of this section is guilty of a misdemeanor of the
16 second degree, punishable as provided in s. 775.082 or s.
17 775.083.

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 Film Commissioner
31 are needed by that office initially to encourage these

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

26 Section 3. This act shall take effect on the same date
27 that Senate Bill ____ or similar legislation which creates
28 section 288.1251, F.S., establishing the Office of the Film
29 Commissioner, takes effect, if such legislation is adopted in
30 the same legislative session or an extension thereof.

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SENATE SUMMARY

Contingent on the creation of the Office of the Film
Commissioner by separate legislation, exempts from the
public records law specified information held by that
office. Provides penalties for disclosing confidential
information.