

By the Committee on Commerce and Economic Opportunities; and  
 Senators Kirkpatrick and Silver

310-2111-99

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 Committee Substitute  
 20           for Senate Bills 2152 and 1930, 1999 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 Committee Substitute for Senate Bills 2152 and 1930 or  
28 similar legislation which creates section 288.1251, F.S.,  
29 establishing the Office of the Film Commissioner, takes  
30 effect, if such legislation is adopted in the same legislative  
31 session or an extension thereof.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bills 1766 and 1928

This committee substitute (CS) combines the two bills, with the language in the CS being identical to that provided in SB 1766, which creates a public records exemption for information held by the Office of the Film Commissioner relating to the identity; trade secrets; or plans, intentions, or interests of certain entertainment industry businesses seeking to locate, relocate, or expand in Florida.