

By Senator Silver

38-1103-99

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 information held by the Office of the
5 Entertainment Industry Commissioner relating to
6 specified information with respect to the
7 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.

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

17
18 Section 1. Confidentiality of records.--
19 (1) Upon written request from a private corporation,
20 partnership, or person within the entertainment industry that
21 seeks to locate, relocate, or expand any of its business
22 activities in this state, the information held by the Office
23 of the Entertainment Industry Commissioner, as created by SB
24 ____, regarding the identity; trade secrets as defined by
25 section 812.081, Florida Statutes; or plans, intentions, or
26 interests of such private corporation, partnership, or person
27 to locate, relocate, or expand any of its business activities
28 in this state are confidential and exempt from section
29 119.07(1), Florida Statutes, and Section 24(a) of Article I of
30 the State Constitution, unless the information held is
31 otherwise released by the party requesting confidentiality or,

1 in the case of identity or plans, intentions, or interests to
2 locate, relocate, or expand any of its business activities in
3 this state, until the party retains a new or additional
4 business location in this state. This subsection is subject to
5 the Open Government Sunset Review Act of 1995 in accordance
6 with section 119.15, Florida Statutes, and shall stand
7 repealed on October 2, 2004, unless reviewed and saved from
8 repeal through reenactment by the Legislature.

9 (2) Any person who is an employee of the Office of the
10 Entertainment Industry Commissioner who willfully and
11 knowingly violates this section commits a misdemeanor of the
12 second degree, punishable as provided in section 775.082 or
13 section 775.083, Florida Statutes.

14 Section 2. The Legislature finds that it is a public
15 necessity that the identity, or trade secrets as defined by
16 section 812.081, Florida Statutes, of a corporation,
17 partnership, or person within the entertainment industry that
18 seeks to locate, relocate, or expand any of its business
19 activities in this state, or information concerning such
20 plans, intentions, or interests, be exempt from public records
21 requirements. This exemption is needed to protect the ongoing
22 and often delicate contract negotiations common to the
23 preproduction stage of an entertainment industry business
24 venture that occurs prior to that business retaining a
25 business location in the state. The identity, trade secrets,
26 and planning information solicited from such businesses by the
27 Office of the Entertainment Industry Commissioner are needed
28 by that office initially to encourage these businesses to
29 locate, relocate, or expand their activities in the state. The
30 Office of the Entertainment Industry Commissioner also needs
31 such information in the aggregate, which may be publicly

1 reported in such fashion, to plan the marketing programs it
2 conducts to promote entertainment industry growth for the
3 benefit of this state and to measure the effectiveness of
4 those marketing programs for the Legislature. If such records
5 are not protected, critical confidential information regarding
6 contract negotiations, business identity, trade secrets, and
7 business activity location, relocation, or expansion would be
8 revealed. Release of this proprietary information could put
9 those businesses from which the information is gathered at a
10 competitive disadvantage in the marketplace. Consequently,
11 private companies whose records are not required to be open
12 might refrain from responding to the solicitations of the
13 Office of the Entertainment Industry Commissioner and might
14 choose not to locate, relocate, or expand their activities in
15 the state, thereby denying the use of valuable information
16 needed to assist this state and causing the state to lose
17 potential revenue and employment for its citizens. The harm
18 that would result from any obstruction to revealing the
19 identity, trade secrets, and planning information solicited
20 from entertainment industry businesses seeking to locate,
21 relocate, or expand their business activities in the state
22 would far outweigh any public benefit derived from release of
23 such information.

24 Section 3. This act shall take effect on the same date
25 that Senate Bill ____ or similar legislation takes effect, if
26 such legislation is enacted in the same legislative session or
27 an extension thereof.

28
29
30
31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

LEGISLATIVE SUMMARY

Provides an exemption from the public records law for information held by the Office of the Entertainment Industry Commissioner which relates to specified information with respect to the business activities of private persons, partnerships, or corporations in the entertainment industry, when such confidentiality is requested. Provides that it is a second-degree misdemeanor for an employee of the Office of the Entertainment Industry Commissioner to knowingly disclose such confidential information. Provides for future legislative review and repeal.