

1 A bill to be entitled
2 An act relating to public records; providing an
3 exemption from public records requirements for
4 business records of a business owner subject to
5 a governmental condemning authority in an
6 eminent domain proceeding; providing an
7 expiration date; providing a finding of public
8 necessity; providing a contingent effective
9 date.

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

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13 Section 1. Business records provided by the owner of a
14 business to a governmental condemning authority as part of an
15 offer of business damages pursuant to section 73.015, 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, if the disclosure of such records
19 would be likely to cause substantial harm to the competitive
20 position of the person providing such records and if the
21 person providing such records requests that such records be
22 held exempt. Nothing in this section shall be construed to
23 prevent inspection of such records by the Attorney General,
24 members of the Legislature, and interested state agencies;
25 however, such records shall remain exempt from further
26 disclosure. This exemption is subject to the Open Government
27 Sunset Review Act in accordance with section 119.15, Florida
28 Statutes, and expires on October 2, 2004, unless reviewed and
29 reenacted by the Legislature.

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31 Section 2. The Legislature finds that it is a public
necessity that the business records of an owner who provides a

1 governmental condemning authority business records as part of
2 a presuit offer of business damages in an eminent domain
3 proceeding be exempt in order to encourage presuit
4 settlements. Furthermore, the Legislature finds that business
5 records are of a sensitive nature and the disclosure of such
6 information could place the business at a competitive
7 disadvantage should these sensitive business records be
8 revealed to the public.

9 Section 3. This act shall take effect on the effective
10 date of SB 940 or similar legislation relating to eminent
11 domain, and shall not take effect if that legislation does not
12 become a law.