

By Senator Silver

38-1611-99

See HB 839

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 section 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11 stand repealed on October 2, 2004, unless reviewed and saved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
20 section 812.081, Florida Statutes, of an entertainment
21 industry corporation, partnership, or person seeking to
22 locate, relocate, or expand any of its business activities in
23 this state, or information concerning such plans, intentions,
24 or interests, be exempt from public records requirements.
25 This exemption is needed to protect the ongoing and often
26 delicate contract negotiations common to the preproduction
27 stage of an entertainment industry business venture which
28 occurs prior to that business retaining a business location in
29 the state. The identity, trade secrets, and planning
30 information solicited from such businesses by the Office of
31 the Film Commissioner are needed by that office initially to

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

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

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LEGISLATIVE SUMMARY

Provides for an exemption from the public records law for certain information held by the Office of the Film Commission, contingent on the creation of that office by separate legislation.