Florida House of Representatives - 1999

By the Committee on Tourism and Representatives Starks, Farkas, Dennis, Argenziano, Barreiro, Lynn, Bush, Melvin, Bloom and Hafner

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.
15	
16	Be It Enacted by the Legislature of the State of Florida:
17	
18	Section 1. Subsection (3) is added to section
19	288.1251, Florida Statutes, as created by HB, 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

CODING:Words stricken are deletions; words underlined are additions.

HB 839

Florida House of Representatives - 1999 177-252A-99

relocate, or expand any of its business activities in this 1 2 state are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution 3 unless the information held is otherwise released by the party 4 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subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall 10 stand repealed on October 2, 2004, unless reviewed and saved 11 12 from repeal through reenactment by the Legislature. 13 (b) Any person who is an employee of the Office of the Film Commissioner who willfully and knowingly violates the 14 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 necessity that the identity, or trade secrets as defined by s. 19 20 812.081, Florida Statutes, of an entertainment industry corporation, partnership, or person seeking to locate, 21 22 relocate, or expand any of its business activities in this state, or information concerning such plans, intentions, or 23 interests, be exempt from public records requirements. This 24 exemption is needed to protect the ongoing and often delicate 25 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 from such businesses by the Office of the Film Commissioner 30 are needed by that office initially to encourage these 31

2

CODING: Words stricken are deletions; words underlined are additions.

HB 839

Florida House of Representatives - 1999 177-252A-99

businesses to locate, relocate, or expand their activities in 1 2 the state. The Office of the Film Commissioner also needs 3 such information in the aggregate, which may be publicly reported in such fashion, to plan the marketing programs it 4 5 conducts to promote entertainment industry growth for the benefit of this state and to measure the effectiveness of 6 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 business activity location, relocation, or expansion would be 10 revealed. Release of this proprietary information could put 11 12 those businesses from which the information is gathered at a 13 competitive disadvantage in the marketplace. Consequently, private companies whose records are not required to be open 14 might refrain from responding to the solicitations of the 15 16 Office of the Film Commissioner and might choose not to 17 locate, relocate, or expand their activities in the state, thereby denying the use of valuable information needed to 18 19 assist this state and causing the state to lose potential 20 revenue and employment for its citizens. The harm that would result from any obstruction to revealing the identity, trade 21 22 secrets, and planning information solicited from entertainment industry businesses seeking to locate, relocate, or expand 23 their business activities in the state would far outweigh any 24 public benefit derived from release of such information. 25 Section 3. This act shall take effect on the same date 26 that House Bill ____ or similar legislation which creates s. 27 28 288.1251, F.S., establishing the Office of the Film Commissioner, takes effect, if such legislation is adopted in 29 30 the same legislative session or an extension thereof. 31

3

CODING:Words stricken are deletions; words underlined are additions.