

By the Committee on State Administration and
Representative Brummer

1 A bill to be entitled
2 An act relating to a public records exemption
3 for certain records of economic development
4 agencies which contain information concerning
5 private entities; amending s. 288.075, F.S.,
6 which provides an exemption from public records
7 requirements for records of an economic
8 development agency which contain or would
9 provide plans, intentions, or interests of
10 private entities regarding their business
11 activities; reenacting such exemption and
12 removing the October 2, 2001, repeal thereof
13 scheduled under the Open Government Sunset
14 Review Act of 1995; providing an effective
15 date.

16
17 Be It Enacted by the Legislature of the State of Florida:
18

19 Section 1. Notwithstanding the October 2, 2001, repeal
20 of said section scheduled pursuant to the Open Government
21 Sunset Review Act of 1995, section 288.075, Florida Statutes,
22 is reenacted and amended to read:

23 288.075 Confidentiality of records.--

24 (1) As used in this section, the term "economic
25 development agency" means the Office of Tourism, Trade, and
26 Economic Development, any industrial development authority
27 created in accordance with part III of chapter 159 or by
28 special law, the Spaceport Florida Authority created in part
29 II of chapter 331, the public economic development agency that
30 advises the county commission on the issuance of industrial
31 revenue bonds of a county that does not have an industrial

1 development authority created in accordance with part III of
2 chapter 159 or by special law, or any research and development
3 authority created in accordance with part V of chapter 159.
4 The term also includes any private agency, person,
5 partnership, corporation, or business entity when authorized
6 by the state, a municipality, or a county to promote the
7 general business interests or industrial interests of the
8 state or that municipality or county.

9 (2) Upon written request from a private corporation,
10 partnership, or person, records of an economic development
11 agency which contain or would provide information concerning
12 plans, intentions, or interests of such private corporation,
13 partnership, or person to locate, relocate, or expand any of
14 its business activities in this state are confidential and
15 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
16 Constitution for 24 months after the date an economic
17 development agency receives a request for confidentiality or
18 until disclosed by an economic development agency pursuant to
19 subsection (4) or by the party requesting confidentiality
20 under this section. Confidentiality must be maintained until
21 the expiration of the 24-month period or until documents or
22 information are otherwise disclosed, whichever occurs first.
23 This confidentiality does not apply when any party petitions a
24 court of competent jurisdiction and, in the opinion of the
25 court, proves need for access to such documents. ~~This~~
26 ~~exemption expires October 2, 2001, and is subject to review by~~
27 ~~the Legislature under the Open Government Sunset Review Act of~~
28 ~~1995 in accordance with s. 119.15.~~

29 (3) This section does not waive any provision of
30 chapter 120 or any other provision of law requiring a public
31 hearing.

1 (4) A public officer or employee may not enter into a
2 binding agreement with any corporation, partnership, or person
3 who has requested confidentiality of information pursuant to
4 this section, until 90 days after such information is made
5 public.

6 (5) Any person who is an employee of an economic
7 development agency who violates the provisions of this section
8 is guilty of a misdemeanor of the second degree, punishable as
9 provided in s. 775.082 or s. 775.083.

10 Section 2. This act shall take effect October 1, 2001.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Reenacts the public records exemption for records of an economic development agency which contain or would provide plans, intentions, or interests of private entities regarding their business activities, and removes the October 2, 2001, repeal thereof scheduled under the Open Government Sunset Review Act of 1995.