

Bill No. SB 484, 1st Eng.

Amendment No.      Barcode 141760

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Diaz de la Portilla moved the following amendment:

**Senate Amendment (with title amendment)**

On page 1, line 26, through page 4, line 17, delete those lines

and insert:

Section 1. Section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.--

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

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

8 (2) Upon written request from a private corporation,  
9 partnership, or person, records of an economic development  
10 agency which contain or would provide information concerning  
11 plans, intentions, or interests of such private corporation,  
12 partnership, or person to locate, relocate, or expand any of  
13 its business activities in this state are confidential and  
14 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
15 Constitution for 24 months after the date an economic  
16 development agency receives a request for confidentiality or  
17 until disclosed by an economic development agency pursuant to  
18 subsection (4) or by the party requesting confidentiality  
19 under this section. Confidentiality must be maintained until  
20 the expiration of the 24-month period or until documents or  
21 information are otherwise disclosed, whichever occurs first.  
22 Any This confidentiality provided under this section does not  
23 apply when any party petitions a court of competent  
24 jurisdiction and, in the opinion of the court, proves need for  
25 access to such documents. This exemption expires October 2,  
26 2006 ~~2001~~, and is subject to review by the Legislature under  
27 the Open Government Sunset Review Act of 1995 in accordance  
28 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.

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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, unless such public officer or employee is acting in an  
6 official capacity, the agreement does not accrue to the  
7 personal benefit of such public officer or employee, and, in  
8 the professional judgment of such officer or employee, the  
9 agreement is necessary to effectuate an economic development  
10 project.

11           (5) An economic development agency may extend the  
12 period of confidentiality specified in subsection (2) for up  
13 to an additional 12 months upon written request from the  
14 private corporation, partnership, or person who originally  
15 requested confidentiality under this section and upon a  
16 finding by the economic development agency that such private  
17 corporation, partnership, or person is still actively  
18 considering locating, relocating, or expanding its business  
19 activities in this state. Such a request for an extension in  
20 the period of confidentiality must be received prior to the  
21 expiration of any confidentiality originally provided under  
22 this section.

23           (6) Notwithstanding the period of confidentiality  
24 specified in subsection (2), trade secrets, as defined by s.  
25 812.081, contained in the records of an economic development  
26 agency relating to the plans, intentions, or interests of a  
27 corporation, partnership, or person who has requested  
28 confidentiality pursuant to this section are confidential and  
29 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
30 Constitution for 10 years after the date an economic  
31 development agency receives a request for confidentiality or

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1 until otherwise disclosed, whichever occurs first. The 10-year  
2 period of confidentiality provided by this subsection does not  
3 apply to any portion of the records other than trade secrets  
4 as defined by s. 812.081.

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

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11 ===== T I T L E A M E N D M E N T =====  
12 And the title is amended as follows:

13 On page 1, line 8, delete the word "abrogating"

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and insert:

16 extending

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