

By the Committee on Governmental Oversight and Productivity;  
and Senator Bennett

302-2434-04

1                                   A bill to be entitled  
2           An act relating to public records and meetings;  
3           creating an exemption from public records and  
4           public meetings requirements for certain  
5           information held by the Florida Alternative  
6           Energy Technology Center; exempting specified  
7           information relating to the recruitment of a  
8           business to locate in Florida and proprietary  
9           business information from public records  
10          requirements; exempting the identity of donors  
11          or potential donors from public records  
12          requirements; creating an exemption from  
13          disclosure for information that is confidential  
14          while in the possession of the person providing  
15          it; creating an exemption from public meetings  
16          requirements for meetings of the governing  
17          board of directors of the Florida Alternative  
18          Energy Technology Center at which confidential  
19          records are presented or discussed; authorizing  
20          access to exempt or confidential information  
21          under specified circumstances; providing a  
22          penalty; providing for future legislative  
23          review and repeal; providing a statement of  
24          public necessity; providing a contingent  
25          effective date.

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

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29           Section 1. Exemptions from public records and meetings  
30 requirements; Florida Alternative Energy Technology Center.--  
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1           (1) The following information held by the Florida  
2 Alternative Energy Technology Center is confidential and  
3 exempt from section 119.07(1), Florida Statutes, and Section  
4 24, Article I of the State Constitution:

5           (a) The identity of a business that may be recruited  
6 and all negotiations to recruit a business to locate in  
7 Florida. This information becomes a public record at the  
8 conclusion or termination of the recruitment process and shall  
9 be made available for inspection and copying at that time.

10           (b) Proprietary business information obtained from a  
11 business entity, the disclosure of which would injure the  
12 business in the marketplace, and material relating to methods  
13 of manufacture or production, potential trade secrets,  
14 patentable material, actual trade secrets as defined in  
15 section 668.002, Florida Statutes, or proprietary information  
16 received, generated, ascertained, or discovered during the  
17 course of research conducted by or through the corporation.

18           (c) The identity of a donor or potential donor who  
19 requests to be anonymous.

20           (d) Information received from another person in this  
21 state which would be confidential or exempt from disclosure  
22 while in that person's possession or information received from  
23 a person from another state or nation or the Federal  
24 Government which is otherwise exempt or confidential pursuant  
25 to the laws of that state or nation or pursuant to federal  
26 law.

27           (2) That portion of a meeting of the board of  
28 directors of the Florida Alternative Energy Technology Center  
29 during which information is presented or discussed which is  
30 confidential and exempt from disclosure under subsection (1)  
31 is closed to the public and exempt from section 286.011,

1 Florida Statutes, and Section 24(b), Article I of the State  
2 Constitution.

3 (3) Any records generated during that portion of any  
4 board meeting which is closed to the public under subsection  
5 (2), such as minutes, tape recordings, videotapes,  
6 transcriptions, or notes, are confidential and exempt from  
7 section 119.07(1), Florida Statutes, and Section 24, Article I  
8 of the State Constitution.

9 (4) A public employee may inspect and copy records or  
10 information that is made exempt and confidential under this  
11 section exclusively in the performance of public duties. A  
12 public employee who receives this exempt and confidential  
13 information must maintain the confidentiality of the  
14 information. Any public employee receiving confidential  
15 information who knowingly and willfully violates this  
16 subsection commits a misdemeanor of the first degree,  
17 punishable as provided by section 775.082 or section 775.083,  
18 Florida Statutes.

19 (5) This section is subject to the Open Government  
20 Sunset Review Act of 1995 in accordance with section 119.15,  
21 Florida Statutes, and shall stand repealed on October 2, 2009,  
22 unless reviewed and saved from repeal through reenactment by  
23 the Legislature.

24 Section 2. (1) The Legislature finds that it is in  
25 the public interest to promote, in this state, research on and  
26 the use of renewable energy resources, energy conservation,  
27 distributed generation, advanced transmission methods, and  
28 pollution control. Both Florida and the United States in  
29 general are overly dependent upon fossil fuels. Renewable  
30 electric resources and energy conservation have the potential  
31 to decrease this dependency, minimize the volatility of fuel

1 costs, and improve environmental conditions. Distributed  
2 generation and enhancements to the transmission of electricity  
3 have the potential to make the supply of electricity more  
4 secure and decrease the likelihood and severity of blackouts.  
5 Research conducted in this state on these subjects can make  
6 Florida a leader in new and innovative technologies and  
7 encourage investment and economic development within the  
8 state.

9       (2) The Legislature finds that in order to achieve  
10 these benefits, it is a public necessity that certain records  
11 held by the Florida Alternative Energy Technology Center be  
12 made confidential and exempt from public disclosure. If  
13 information relating to recruiting, proprietary business  
14 information, and research information is not made  
15 confidential, businesses participating in these activities  
16 will be put at a competitive disadvantage. As a result, these  
17 businesses will not be willing to participate in the  
18 recruitment and location process or to share information on  
19 research needs, ongoing research, or research results. The  
20 state will lose the benefits of the economic development of  
21 businesses relocating to Florida, of having advanced research  
22 into alternative energy conducted in Florida, and of being  
23 positioned to make maximum use of new developments in  
24 alternative energy. The state university research system will  
25 also lose the benefits of a coordinated alternative energy  
26 research program involving private companies. Finally, because  
27 some donors wish to remain anonymous and will not make  
28 donations if their identity is not protected, donor-identity  
29 information must be made confidential.

30       Section 3. This act shall take effect on the same date  
31 that CS for CS for CS for Senate Bill 1316, or similar

1 | legislation takes effect, if such legislation is enacted in  
2 | the same legislative session, or an extension thereof, and  
3 | becomes law.

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5 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
6 | COMMITTEE SUBSTITUTE FOR  
7 | SB 2190

7 |

8 | Removes criteria by which the entity identifies a business for  
9 | recruitment from the exemption.

10 | Expands definition of proprietary business information to  
11 | include material relating to methods of manufacture or  
12 | production, potential trade secrets, patentable material,  
13 | actual trade secrets.

14 | Provides that identity of donors or potential donors is exempt  
15 | only if they request to be anonymous.

16 | Protects information that is confidential or exempt pursuant  
17 | to the laws of another state, nation, or the Federal  
18 | Government.

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