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A bill to be entitled
 An act relating to a review under the Open Government
 Sunset Review Act regarding economic development agencies;
 amending s. 288.075, F.S., which provides an exemption
 from public records requirements for information held by
 an economic development agency concerning plans,
 intentions, or interests of a private corporation,
 partnership, or person to locate, relocate, or expand any
 of its business activities in this state; making editorial
 changes; removing superfluous provisions; removing the
 scheduled expiration of the exemption under the Open
 Government Sunset Review Act; providing an effective date.

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

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:

(a) The Office of Tourism, Trade, and Economic
 Development;;

(b) Any industrial development authority created in
 accordance with part III of chapter 159 or by special law;;

(c) The Florida Space Authority created in part II of
 chapter 331;;

(d) The Florida Aerospace Finance Corporation created in
 part III of chapter 331;;

29 (e) The public economic development agency of a county or
 30 municipality; ~~or~~

31 (f) Any research and development authority created in
 32 accordance with part V of chapter 159; or.~~The term also~~
 33 ~~includes~~

34 (g) Any private agency, person, partnership, corporation,
 35 or business entity when authorized by the state, a municipality,
 36 or a county to promote the general business interests or
 37 industrial interests of the state or that municipality or
 38 county.

39 (2) Upon written request from a private corporation,
 40 partnership, or person, ~~records of an economic development~~
 41 ~~agency which contain or would provide information~~ held by an
 42 economic development agency concerning plans, intentions, or
 43 interests of that ~~such~~ private corporation, partnership, or
 44 person to locate, relocate, or expand any of its business
 45 activities in this state is ~~are~~ confidential and exempt from s.
 46 119.07(1) and s. 24(a), Art. I of the State Constitution for 24
 47 months after the date an economic development agency receives a
 48 request for confidentiality or ~~until disclosed by an economic~~
 49 ~~development agency pursuant to subsection (4) or by the party~~
 50 ~~requesting confidentiality under this section. Confidentiality~~
 51 ~~must be maintained until the expiration of the 24-month period~~
 52 ~~or until documents or information~~ is ~~are~~ otherwise disclosed,
 53 whichever occurs first. ~~Any confidentiality provided under this~~
 54 ~~section does not apply when any party petitions a court of~~
 55 ~~competent jurisdiction and, in the opinion of the court, proves~~
 56 ~~need for access to such documents. This exemption expires~~

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57 ~~October 2, 2006, and is subject to review by the Legislature~~
58 ~~under the Open Government Sunset Review Act of 1995 in~~
59 ~~accordance with s. 119.15.~~

60 (3) An economic development agency may extend the period
61 of confidentiality specified in subsection (2) for up to an
62 additional 12 months upon written request from the private
63 corporation, partnership, or person who originally requested
64 confidentiality under this section and upon a finding by the
65 economic development agency that the private corporation,
66 partnership, or person is still actively considering locating,
67 relocating, or expanding its business activities in this state.
68 A request to extend the period of confidentiality must be
69 received prior to the expiration of confidentiality provided in
70 subsection (2) ~~This section does not waive any provision of~~
71 ~~chapter 120 or any other provision of law requiring a public~~
72 ~~hearing.~~

73 (4) Trade secrets as defined in s. 812.081 relating to the
74 plans, intentions, or interests of a corporation, partnership,
75 or person who has requested confidentiality pursuant to this
76 section, held by an economic development agency, are
77 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
78 of the State Constitution for 10 years after the date on which
79 an economic development agency receives a request for
80 confidentiality or until otherwise disclosed, whichever occurs
81 first.

82 (5) A public officer or employee may not enter into a
83 binding agreement with any corporation, partnership, or person
84 who has requested confidentiality of information pursuant to

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85 this section, until 90 days after such information is made
86 public, unless such public officer or employee is acting in an
87 official capacity, the agreement does not accrue to the personal
88 benefit of such public officer or employee, and, in the
89 professional judgment of such officer or employee, the agreement
90 is necessary to effectuate an economic development project.

91 ~~(5) An economic development agency may extend the period~~
92 ~~of confidentiality specified in subsection (2) for up to an~~
93 ~~additional 12 months upon written request from the private~~
94 ~~corporation, partnership, or person who originally requested~~
95 ~~confidentiality under this section and upon a finding by the~~
96 ~~economic development agency that such private corporation,~~
97 ~~partnership, or person is still actively considering locating,~~
98 ~~relocating, or expanding its business activities in this state.~~
99 ~~Such a request for an extension in the period of confidentiality~~
100 ~~must be received prior to the expiration of any confidentiality~~
101 ~~originally provided under this section.~~

102 ~~(6) Notwithstanding the period of confidentiality~~
103 ~~specified in subsection (2), trade secrets, as defined by s.~~
104 ~~812.081, contained in the records of an economic development~~
105 ~~agency relating to the plans, intentions, or interests of a~~
106 ~~corporation, partnership, or person who has requested~~
107 ~~confidentiality pursuant to this section are confidential and~~
108 ~~exempt from s. 119.07(1) and s. 24(a), Art. I of the State~~
109 ~~Constitution for 10 years after the date an economic development~~
110 ~~agency receives a request for confidentiality or until otherwise~~
111 ~~dislosed, whichever occurs first. The 10 year period of~~
112 ~~confidentiality provided by this subsection does not apply to~~

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113 ~~any portion of the records other than trade secrets as defined~~
114 ~~by s. 812.081.~~

115 ~~(7)~~ Any person who is an employee of an economic
116 development agency who violates the provisions of this section
117 commits a misdemeanor of the second degree, punishable as
118 provided in s. 775.082 or s. 775.083.

119 Section 2. This act shall take effect October 1, 2006.