

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

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Section 288.075, Florida Statutes, is amended
 18 to read:

19 288.075 Confidentiality of records.--

20 (1) As used in this section, the term "economic
 21 development agency" means:

22 (a) The Office of Tourism, Trade, and Economic
 23 Development;i~~7~~

24 (b) Any industrial development authority created in
 25 accordance with part III of chapter 159 or by special law;i~~7~~

26 (c) The Florida Space Authority created in part II of
 27 chapter 331;i~~7~~

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

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

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

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

40 (2) Upon written request from a private corporation,
 41 partnership, or person, ~~records of an economic development~~
 42 ~~agency which contain or would provide information held by an~~
 43 economic development agency concerning plans, intentions, or
 44 interests of such private corporation, partnership, or person to
 45 locate, relocate, or expand any of its business activities in
 46 this state is ~~are~~ confidential and exempt from s. 119.07(1) and
 47 s. 24(a), Art. I of the State Constitution for 12 ~~24~~ months
 48 after the date an economic development agency receives a request
 49 for confidentiality or until the ~~disclosed by an economic~~
 50 ~~development agency pursuant to subsection (4) or by the party~~
 51 ~~requesting confidentiality under this section. Confidentiality~~
 52 ~~must be maintained until the expiration of the 24-month period~~
 53 ~~or until documents or information is~~ is ~~are~~ otherwise disclosed,
 54 whichever occurs first. ~~Any confidentiality provided under this~~

55 ~~section does not apply when any party petitions a court of~~
56 ~~competent jurisdiction and, in the opinion of the court, proves~~
57 ~~need for access to such documents. This exemption expires~~
58 ~~October 2, 2006, and is subject to review by the Legislature~~
59 ~~under the Open Government Sunset Review Act of 1995 in~~
60 ~~accordance with s. 119.15.~~

61 ~~(3) This section does not waive any provision of chapter~~
62 ~~120 or any other provision of law requiring a public hearing.~~

63 ~~(4) A public officer or employee may not enter into a~~
64 ~~binding agreement with any corporation, partnership, or person~~
65 ~~who has requested confidentiality of information pursuant to~~
66 ~~this section, until 90 days after such information is made~~
67 ~~public, unless such public officer or employee is acting in an~~
68 ~~official capacity, the agreement does not accrue to the personal~~
69 ~~benefit of such public officer or employee, and, in the~~
70 ~~professional judgment of such officer or employee, the agreement~~
71 ~~is necessary to effectuate an economic development project.~~

72 ~~(3)(5)~~ (5) An economic development agency may extend the
73 period of confidentiality specified in subsection (2) for up to
74 an additional 12 months upon written request from the private
75 corporation, partnership, or person who originally requested
76 confidentiality under this section and upon a finding by the
77 economic development agency that such private corporation,
78 partnership, or person is still actively considering locating,
79 relocating, or expanding its business activities in this state.
80 Such a request for an extension in the period of confidentiality

81 must be received prior to the expiration of any confidentiality
82 originally provided under this section.

83 ~~(4) (6) Notwithstanding the period of confidentiality~~
84 ~~specified in subsection (2),~~ Trade secrets, as defined by s.
85 812.081, contained in the records of an economic development
86 agency relating to the plans, intentions, or interests of a
87 corporation, partnership, or person who has requested
88 confidentiality pursuant to this section are confidential and
89 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
90 Constitution for 10 years after the date an economic development
91 agency receives a request for confidentiality or until otherwise
92 disclosed, whichever occurs first. ~~The 10-year period of~~
93 ~~confidentiality provided by this subsection does not apply to~~
94 ~~any portion of the records other than trade secrets as defined~~
95 ~~by s. 812.081.~~

96 (5) A public officer or employee may not enter into a
97 binding agreement with any corporation, partnership, or person
98 who has requested confidentiality of information pursuant to
99 this section until 90 days after the information is made public
100 unless:

101 (a) The public officer or employee is acting in an
102 official capacity;

103 (b) The agreement does not accrue to the personal benefit
104 of such public officer or employee; and

105 (c) In the professional judgment of the officer or
106 employee, the agreement is necessary to effectuate an economic
107 development project.

108 | (6)~~(7)~~ Any person who is an employee of an economic
109 | development agency who violates the provisions of this section
110 | commits a misdemeanor of the second degree, punishable as
111 | provided in s. 775.082 or s. 775.083.

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