

ENROLLED

HB 7017, Engrossed 2, Corrected Copy

2006 Legislature

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~~

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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 ~~are~~ otherwise disclosed,  
 54 whichever occurs first. ~~Any confidentiality provided under this~~

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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

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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.

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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.