

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

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

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

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

9 (e) The public economic development agency of a county
10 or municipality;~~;~~~~or~~

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

14 (g) Any private agency, person, partnership,
15 corporation, or business entity when authorized by the state,
16 a municipality, or a county to promote the general business
17 interests or industrial interests of the state or that
18 municipality or county.

19 (2) Upon written request from a private corporation,
20 partnership, or person, ~~records of an economic development~~
21 ~~agency which contain or would provide information held by an~~
22 economic development agency concerning plans, intentions, or
23 interests of such private corporation, partnership, or person
24 to locate, relocate, or expand any of its business activities
25 in this state is ~~are~~ confidential and exempt from s. 119.07(1)
26 and s. 24(a), Art. I of the State Constitution for 12 ~~24~~
27 months after the date an economic development agency receives
28 a request for confidentiality or until the ~~disclosed by an~~
29 ~~economic development agency pursuant to subsection (4) or by~~
30 ~~the party requesting confidentiality under this section.~~
31 ~~Confidentiality must be maintained until the expiration of the~~

1 ~~24 month period or until documents or information is are~~
2 otherwise disclosed, whichever occurs first. ~~Any~~
3 ~~confidentiality provided under this section does not apply~~
4 ~~when any party petitions a court of competent jurisdiction~~
5 ~~and, in the opinion of the court, proves need for access to~~
6 ~~such documents. This exemption expires October 2, 2006, and is~~
7 ~~subject to review by the Legislature under the Open Government~~
8 ~~Sunset Review Act of 1995 in accordance with s. 119.15.~~

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

12 ~~(4) A public officer or employee may not enter into a~~
13 ~~binding agreement with any corporation, partnership, or person~~
14 ~~who has requested confidentiality of information pursuant to~~
15 ~~this section, until 90 days after such information is made~~
16 ~~public, unless such public officer or employee is acting in an~~
17 ~~official capacity, the agreement does not accrue to the~~
18 ~~personal benefit of such public officer or employee, and, in~~
19 ~~the professional judgment of such officer or employee, the~~
20 ~~agreement is necessary to effectuate an economic development~~
21 ~~project.~~

22 ~~(3)(5)~~ (3) An economic development agency may extend the
23 period of confidentiality specified in subsection (2) for up
24 to an additional 12 months upon written request from the
25 private corporation, partnership, or person who originally
26 requested confidentiality under this section and upon a
27 finding by the economic development agency that such private
28 corporation, partnership, or person is still actively
29 considering locating, relocating, or expanding its business
30 activities in this state. Such a request for an extension in
31 the period of confidentiality must be received prior to the

1 expiration of any confidentiality originally provided under
2 this section.

3 ~~(4)(6) Notwithstanding the period of confidentiality~~
4 ~~specified in subsection (2),~~ Trade secrets, as defined by s.
5 812.081, contained in the records of an economic development
6 agency relating to the plans, intentions, or interests of a
7 corporation, partnership, or person who has requested
8 confidentiality pursuant to this section are confidential and
9 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
10 Constitution for 10 years after the date an economic
11 development agency receives a request for confidentiality or
12 until otherwise disclosed, whichever occurs first. ~~The 10 year~~
13 ~~period of confidentiality provided by this subsection does not~~
14 ~~apply to any portion of the records other than trade secrets~~
15 ~~as defined by s. 812.081.~~

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

21 (a) The public officer or employee is acting in an
22 official capacity;

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

25 (c) In the professional judgment of the officer or
26 employee, the agreement is necessary to effectuate an economic
27 development project.

28 ~~(6)(7)~~ Any person who is an employee of an economic
29 development agency who violates the provisions of this section
30 commits a misdemeanor of the second degree, punishable as
31 provided in s. 775.082 or s. 775.083.

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

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 Senate Bill 734

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6 Narrows the initial exemption period of 24-months to
7 12-months, while retaining one 12-month extension option.

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