## Florida Senate - 2006

**By** the Committees on Governmental Oversight and Productivity; and Commerce and Consumer Services

585-2470-06

1	A bill to be entitled
2	An act relating to a review under the Open
3	Government Sunset Review Act; amending s.
4	288.075, F.S., relating to an exemption from
5	public-records requirements provided for
6	information held by the Office of Tourism,
7	Trade, and Economic Development, an industrial
8	development authority, the Florida Space
9	Authority, the Florida Aerospace Finance
10	Corporation, a public economic development
11	agency of a county or municipality, a research
12	and development authority, or a private agency
13	or other business entity authorized by the
14	state, a municipality, or a county to promote
15	certain business interests; restating
16	applicability of provisions relating to trade
17	secrets; deleting a provision authorizing a
18	court to allow access to such information under
19	certain circumstances; saving the exemption
20	from repeal under the Open Government Sunset
21	Review Act; deleting provisions providing for
22	the repeal of the exemption; providing an
23	effective date.
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25	Be It Enacted by the Legislature of the State of Florida:
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27	Section 1. Section 288.075, Florida Statutes, is
28	amended to read:
29	288.075 Confidentiality of records
30	(1) As used in this section, the term "economic
31	development agency" means:
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**CODING:** Words stricken are deletions; words <u>underlined</u> are additions.

1 (a) The Office of Tourism, Trade, and Economic 2 Development; -(b) Any industrial development authority created in 3 accordance with part III of chapter 159 or by special law; $\tau$ 4 5 (c) The Florida Space Authority created in part II of б chapter 331;-7 (d) The Florida Aerospace Finance Corporation created 8 in part III of chapter 331;-(e) The public economic development agency of a county 9 or municipality;, or 10 (f) Any research and development authority created in 11 12 accordance with part V of chapter 159; or. The term also 13 includes (q) Any private agency, person, partnership, 14 corporation, or business entity when authorized by the state, 15 a municipality, or a county to promote the general business 16 17 interests or industrial interests of the state or that 18 municipality or county. (2) Upon written request from a private corporation, 19 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 to locate, relocate, or expand any of its business activities 2.4 in this state is are confidential and exempt from s. 119.07(1) 25 26 and s. 24(a), Art. I of the State Constitution for 12 24 27 months after the date an economic development agency receives 2.8 a request for confidentiality or until the disclosed by an 29 economic development agency pursuant to subsection (4) or by the party requesting confidentiality under this section. 30 Confidentiality must be maintained until the expiration of the 31 2

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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 Sunset Review Act of 1995 in accordance with s. 119.15. 8 9 This section does not waive any provision of (3)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 who has requested confidentiality of information pursuant to 14 this section, until 90 days after such information is made 15 public, unless such public officer or employee is acting in an 16 17 official capacity, the agreement does not accrue to the 18 personal benefit of such public officer or employee, and, in the professional judgment of such officer or employee, the 19 2.0 agreement is necessary to effectuate an economic development 21 <del>project.</del> 22 (3) (3) (5) An economic development agency may extend the 23 period of confidentiality specified in subsection (2) for up to an additional 12 months upon written request from the 2.4 private corporation, partnership, or person who originally 25 requested confidentiality under this section and upon a 26 27 finding by the economic development agency that such private 2.8 corporation, partnership, or person is still actively considering locating, relocating, or expanding its business 29 activities in this state. Such a request for an extension in 30 the period of confidentiality must be received prior to the 31

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1 expiration of any confidentiality originally provided under 2 this section. 3 (4)(6) Notwithstanding the period of confidentiality specified in subsection (2), Trade secrets, as defined by s. 4 812.081, contained in the records of an economic development 5 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 exempt from s. 119.07(1) and s. 24(a), Art. I of the State 9 10 Constitution for 10 years after the date an economic development agency receives a request for confidentiality or 11 12 until otherwise disclosed, whichever occurs first. The 10 year 13 period of confidentiality provided by this subsection does not apply to any portion of the records other than trade secrets 14 as defined by s. 812.081. 15 16 (5) A public officer or employee may not enter into a 17 binding agreement with any corporation, partnership, or person who has requested confidentiality of information pursuant to 18 this section until 90 days after the information is made 19 public unless: 2.0 21 (a) The public officer or employee is acting in an 22 official capacity; 23 (b) The agreement does not accrue to the personal benefit of such public officer or employee; and 2.4 25 (c) In the professional judgment of the officer or employee, the agreement is necessary to effectuate an economic 26 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 commits a misdemeanor of the second degree, punishable as 30 provided in s. 775.082 or s. 775.083. 31

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**Florida Senate - 2006** 585-2470-06 CS for SB 734

1	Section 2. This act shall take effect October 1, 2006.
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3	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
4	Senate Bill 734
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б	Narrows the initial exemption period of 24-months to 12-months, while retaining one 12-month extension option.
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