

Bill No. SB 2024

Barcode 612376

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities (Bennett)
recommended the following amendment:

Senate Amendment (with title amendment)

On page 1, line 29,
Delete everything after the enacting clause

and insert:

Section 1. Exemptions from public-records and
public-meetings requirements; Florida Alternative Energy
Center.--

(1) The following information held by the Florida
Alternative Energy Center is confidential and exempt from s.
119.07(1), Florida Statutes, and Section 24, Article I of the
State Constitution:

(a) The identity of a business that may be recruited
and all negotiations to recruit a business to locate in
Florida. This information becomes a public record at the
conclusion or termination of the recruitment process and shall
be made available for inspection and copying at that time.

(b) Proprietary business information obtained from a

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1 business entity, the disclosure of which would injure the
 2 business in the marketplace, and material relating to methods
 3 of manufacture or production, potential trade secrets,
 4 patentable material, actual trade secrets as defined in s.
 5 668.002, Florida Statutes, or proprietary information
 6 received, generated, ascertained, or discovered during the
 7 course of research conducted by or through the corporation.

8 (c) The identity of a donor or potential donor who
 9 requests to be anonymous.

10 (d) Information received from another person in this
 11 state which would be confidential or exempt from disclosure
 12 while in that person's possession or information received from
 13 a person from another state or nation or the Federal
 14 Government which is otherwise exempt or confidential pursuant
 15 to the laws of that state or nation or pursuant to federal
 16 law.

17 (2) That portion of a meeting of the board of
 18 directors of the Florida Alternative Energy Center during
 19 which information is presented or discussed which is
 20 confidential and exempt from disclosure under subsection (1)
 21 is closed to the public and exempt from s. 286.011, Florida
 22 Statutes, and Section 24(b), Article I of the State
 23 Constitution.

24 (3) Any records generated during that portion of any
 25 board meeting which is closed to the public under subsection
 26 (2), such as minutes, tape recordings, videotapes,
 27 transcriptions, or notes, are confidential and exempt from s.
 28 119.07(1), Florida Statutes, and Section 24, Article I of the
 29 State Constitution.

30 (4) A public employee may inspect and copy records or
 31 information that is made exempt and confidential under this

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1 section exclusively in the performance of public duties. A
 2 public employee who receives this exempt and confidential
 3 information must maintain the confidentiality of the
 4 information. Any public employee receiving confidential
 5 information who knowingly and willfully violates this
 6 subsection commits a misdemeanor of the first degree,
 7 punishable as provided by s. 775.082 or s. 775.083, Florida
 8 Statutes.

9 (5) This section is subject to the Open Government
 10 Sunset Review Act in accordance with s. 119.15, Florida
 11 Statutes, and shall stand repealed on October 2, 2012, unless
 12 reviewed and saved from repeal through reenactment by the
 13 Legislature.

14 Section 2. (1) The Legislature finds that it is in
 15 the public interest to promote, in this state, research on and
 16 the use of renewable energy resources, energy conservation,
 17 distributed generation, advanced transmission methods, and
 18 pollution control. Both Florida and the United States in
 19 general are overly dependent upon foreign oil. Renewable
 20 electric resources and energy conservation have the potential
 21 to decrease this dependency, minimize the volatility of fuel
 22 costs, and improve environmental conditions. Distributed
 23 generation and enhancements to the transmission of electricity
 24 have the potential to make the supply of electricity more
 25 secure and decrease the likelihood and severity of blackouts.
 26 Research conducted in this state on these subjects can make
 27 Florida a leader in new and innovative technologies and
 28 encourage investment and economic development within the
 29 state.

30 (2) The Legislature finds that in order to achieve
 31 these benefits, it is a public necessity that certain records

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1 held by the Florida Alternative Energy Center be made
2 confidential and exempt from public disclosure. If information
3 relating to recruiting, proprietary business information, and
4 research information is not made confidential, businesses
5 participating in these activities will be put at a competitive
6 disadvantage. As a result, these businesses will not be
7 willing to participate in the recruitment and location process
8 or to share information on research needs, ongoing research,
9 or research results. The state will lose the benefits of the
10 economic development of businesses relocating to Florida, of
11 having advanced research into alternative energy conducted in
12 Florida, and of being positioned to make maximum use of new
13 developments in alternative energy. The state university
14 research system will also lose the benefits of a coordinated
15 alternative energy research program involving private
16 companies. Finally, because some donors wish to remain
17 anonymous and will not make donations if their identity is not
18 protected, donor-identity information must be made
19 confidential.

20 Section 3. This act shall take effect on the same date
21 that Senate Bill 996 or similar legislation takes effect, if
22 such legislation is enacted in the same legislative session,
23 or an extension thereof, and becomes law.

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26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 On page 1, line 1,
29 Delete everything before the enacting clause

30
31

and insert:

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1 An act relating to public records and meetings;
2 creating an exemption from public records and
3 public meetings requirements for certain
4 information held by the Florida Alternative
5 Energy Center; exempting specified information
6 relating to the recruitment of a business to
7 locate in Florida and proprietary business
8 information from public records requirements;
9 exempting the identity of donors or potential
10 donors from public records requirements;
11 creating an exemption from disclosure for
12 information that is confidential while in the
13 possession of the person providing it; creating
14 an exemption from public meetings requirements
15 for meetings of the governing board of
16 directors of the Florida Alternative Energy
17 Center at which confidential records are
18 presented or discussed; authorizing access to
19 exempt or confidential information under
20 specified circumstances; providing a penalty;
21 providing for future legislative review and
22 repeal; providing a statement of public
23 necessity; providing a contingent effective
24 date.

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