

By Senator Bennett

21-1869-07

1 A bill to be entitled

2 An act relating to public records and meetings;

3 creating an exemption from public records and

4 public meetings requirements for certain

5 information held by the Florida Alternative

6 Energy Technology Center; exempting specified

7 information relating to the recruitment of a

8 business to locate in Florida and proprietary

9 business information from public records

10 requirements; exempting the identity of donors

11 or potential donors from public records

12 requirements; creating an exemption from

13 disclosure for information that is confidential

14 while in the possession of the person providing

15 it; creating an exemption from public meetings

16 requirements for meetings of the governing

17 board of directors of the Florida Alternative

18 Energy Technology Center at which confidential

19 records are presented or discussed; authorizing

20 access to exempt or confidential information

21 under specified circumstances; providing a

22 penalty; providing for future legislative

23 review and repeal; providing a statement of

24 public necessity; providing a contingent

25 effective date.

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27 Be It Enacted by the Legislature of the State of Florida:

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29 Section 1. Exemptions from public-records and

30 public-meetings requirements; Florida Alternative Energy

31 Technology Center.--

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

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

10 (b) Proprietary business information obtained from a
11 business entity, the disclosure of which would injure the
12 business in the marketplace, and material relating to methods
13 of manufacture or production, potential trade secrets,
14 patentable material, actual trade secrets as defined in s.
15 668.002, Florida Statutes, or proprietary information
16 received, generated, ascertained, or discovered during the
17 course of research conducted by or through the corporation.

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

20 (d) Information received from another person in this
21 state which would be confidential or exempt from disclosure
22 while in that person's possession or information received from
23 a person from another state or nation or the Federal
24 Government which is otherwise exempt or confidential pursuant
25 to the laws of that state or nation or pursuant to federal
26 law.

27 (2) That portion of a meeting of the board of
28 directors of the Florida Alternative Energy Technology Center
29 during which information is presented or discussed which is
30 confidential and exempt from disclosure under subsection (1)
31 is closed to the public and exempt from s. 286.011, Florida

1 Statutes, and Section 24(b), Article I of the State
2 Constitution.

3 (3) Any records generated during that portion of any
4 board meeting which is closed to the public under subsection
5 (2), such as minutes, tape recordings, videotapes,
6 transcriptions, or notes, are confidential and exempt from s.
7 119.07(1), Florida Statutes, and Section 24, Article I of the
8 State Constitution.

9 (4) A public employee may inspect and copy records or
10 information that is made exempt and confidential under this
11 section exclusively in the performance of public duties. A
12 public employee who receives this exempt and confidential
13 information must maintain the confidentiality of the
14 information. Any public employee receiving confidential
15 information who knowingly and willfully violates this
16 subsection commits a misdemeanor of the first degree,
17 punishable as provided by s. 775.082 or s. 775.083, Florida
18 Statutes.

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

24 Section 2. (1) The Legislature finds that it is in
25 the public interest to promote, in this state, research on and
26 the use of renewable energy resources, energy conservation,
27 distributed generation, advanced transmission methods, and
28 pollution control. Both Florida and the United States in
29 general are overly dependent upon foreign oil. Renewable
30 electric resources and energy conservation have the potential
31 to decrease this dependency, minimize the volatility of fuel

1 costs, and improve environmental conditions. Distributed
2 generation and enhancements to the transmission of electricity
3 have the potential to make the supply of electricity more
4 secure and decrease the likelihood and severity of blackouts.
5 Research conducted in this state on these subjects can make
6 Florida a leader in new and innovative technologies and
7 encourage investment and economic development within the
8 state.

9 (2) The Legislature finds that in order to achieve
10 these benefits, it is a public necessity that certain records
11 held by the Florida Alternative Energy Technology Center be
12 made confidential and exempt from public disclosure. If
13 information relating to recruiting, proprietary business
14 information, and research information is not made
15 confidential, businesses participating in these activities
16 will be put at a competitive disadvantage. As a result, these
17 businesses will not be willing to participate in the
18 recruitment and location process or to share information on
19 research needs, ongoing research, or research results. The
20 state will lose the benefits of the economic development of
21 businesses relocating to Florida, of having advanced research
22 into alternative energy conducted in Florida, and of being
23 positioned to make maximum use of new developments in
24 alternative energy. The state university research system will
25 also lose the benefits of a coordinated alternative energy
26 research program involving private companies. Finally, because
27 some donors wish to remain anonymous and will not make
28 donations if their identity is not protected, donor-identity
29 information must be made confidential.

30 Section 3. This act shall take effect on the same date
31 that Senate Bill ____ or similar legislation takes effect, if

1 such legislation is enacted in the same legislative session,
2 or an extension thereof, and becomes law.

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SENATE SUMMARY

Creates an exemption from public-records requirements for information held by the Florida Alternative Energy Technology Center. Provides that meetings during which confidential information is discussed are exempt from public-meetings requirements. Provides for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act.