

By the Committee on Communications and Public Utilities; and  
 Senator Bennett

579-2523-07

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 Center; exempting specified information

7                   relating to the recruitment of a business to

8                   locate in Florida and proprietary business

9                   information from public records requirements;

10                  exempting the identity of donors or potential

11                  donors from public records requirements;

12                  creating an exemption from disclosure for

13                  information that is confidential while in the

14                  possession of the person providing it; creating

15                  an exemption from public meetings requirements

16                  for meetings of the governing board of

17                  directors of the Florida Alternative Energy

18                  Center at which confidential records are

19                  presented or discussed; authorizing access to

20                  exempt or confidential information under

21                  specified circumstances; providing a penalty;

22                  providing for future legislative review and

23                  repeal; providing a statement of public

24                  necessity; providing a contingent effective

25                  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 Center.--

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1           (1) The following information held by the Florida  
2 Alternative Energy Center is confidential and exempt from s.  
3 119.07(1), Florida Statutes, and Section 24, Article I of the  
4 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 Center during  
29 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 Center be made  
12 confidential and exempt from public disclosure. If information  
13 relating to recruiting, proprietary business information, and  
14 research information is not made confidential, businesses  
15 participating in these activities will be put at a competitive  
16 disadvantage. As a result, these businesses will not be  
17 willing to participate in the recruitment and location process  
18 or to share information on research needs, ongoing research,  
19 or research results. The state will lose the benefits of the  
20 economic development of businesses relocating to Florida, of  
21 having advanced research into alternative energy conducted in  
22 Florida, and of being positioned to make maximum use of new  
23 developments in alternative energy. The state university  
24 research system will also lose the benefits of a coordinated  
25 alternative energy research program involving private  
26 companies. Finally, because some donors wish to remain  
27 anonymous and will not make donations if their identity is not  
28 protected, donor-identity information must be made  
29 confidential.

30       Section 3. This act shall take effect on the same date  
31 that Senate Bill 996 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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4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
5 COMMITTEE SUBSTITUTE FOR  
6 Senate Bill 2024

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7 Committee Substitute for Senate Bill 2024 changes the name of  
8 the alternative-energy-development entity and specifies that  
9 the bill is tied to SB 996.

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