

Bill No. HB 7201

Barcode 535570

CHAMBER ACTION

Senate

House

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Senator Ring moved the following amendment:

**Senate Amendment (with title amendment)**

Between lines 30 and 31,

insert:

Section 1. (1) As used in this section, the term:

(a) "Authority" means the Performing Arts Center

Authority created by chapter 84-396, Laws of Florida.

(b) "Support organization" means any private

organization incorporated under chapter 617, Florida Statutes,

which serves the purpose of supporting the activities of the

authority, acting on behalf of the authority, or generating

funds to support the purposes of the authority and, except as

provided in this section, has information or records that are

subject to disclosure under chapter 119, Florida Statutes, and

Section 24(a), Article I of the State Constitution.

(2) The following records and information of the

authority and a support organization are confidential and

exempt from the provisions of s. 119.07(1), Florida Statutes,

and Section 24(a), Article I of the State Constitution:

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1       (a) The business-related information that is generated  
2 or compiled by the authority, or obtained from third parties  
3 or in connection with third-party events, in the course of  
4 carrying out the authority's purposes, including, but not  
5 limited to:

- 6           1. Mailing lists;
- 7           2. Customer lists;
- 8           3. Client lists;
- 9           4. Ticket buyer lists;
- 10          5. Booking lists;
- 11          6. Reservation lists;
- 12          7. Data analysis of financial, ticketing, attendance  
13 and similar benchmarking data;
- 14          8. Ticket sales information;
- 15          9. Sponsorship data;
- 16          10. Artist fees;
- 17          11. Advertising data;
- 18          12. Technical requirements for events; and
- 19          13. Marketing files.

20       (b) A trade secret, as defined in s. 812.081, Florida  
21 Statutes.

22       (c) Trade secrets and commercial or financial  
23 information gathered from a person or belonging to the  
24 authority which are privileged or confidential as defined and  
25 interpreted under 5 U.S.C. s. 552(b)(4), as amended.

26       (3) This section is subject to the Open Government  
27 Sunset Review Act in accordance with s. 119.15 and shall stand  
28 repealed on October 2, 2012, unless reviewed and saved from  
29 repeal through reenactment by the Legislature.

30           Section 2. The Legislature finds that it is a public  
31 necessity to provide confidentiality for certain information

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1 concerning business matters related to carrying out the  
 2 purposes of the Performing Arts Center Authority and  
 3 supporting organizations. The authority is a public entity  
 4 whose economic survival depends on revenues obtained from  
 5 services provided in competition with its private-sector  
 6 counterparts. The disclosure of business-related information  
 7 would significantly impede or destroy the authority's ability  
 8 to effectively compete in the marketplace against private  
 9 entities whose records are not required to be open to the  
 10 public. The disclosure of information, such as trade secrets,  
 11 privileged or confidential information, or other business  
 12 information, could injure the authority in the marketplace by  
 13 providing competitors with detailed insights into the  
 14 strategic plans of the authority or a supporting organization  
 15 or with personnel or customer information, thereby diminishing  
 16 the advantage that the authority would otherwise have over  
 17 those that do not possess such information. Without these  
 18 exemptions, private-sector businesses or individuals might  
 19 refrain from participating in the authority's programs in  
 20 order to avoid public disclosure of such participation. The  
 21 harm to the authority or support organizations caused by  
 22 public disclosure of such information far outweighs the public  
 23 benefits derived from the release of the information.

24

25 (Redesignate subsequent sections.)

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

29 And the title is amended as follows:

30 Lines 2-3, delete those lines

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1 insert:

2           An act relating to public records; providing  
3           for the confidentiality of certain  
4           business-related records and information of the  
5           Performing Arts Center Authority or a  
6           supporting organization; providing for future  
7           legislative review and repeal under the Open  
8           Government Sunset Review Act; providing a  
9           statement of public necessity; amending s.  
10          288.075, F.S., which

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