

By Senator Bennett

21-00434-08

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1 A bill to be entitled

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

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Exemptions from public-records and public-  
26 meetings requirements; Florida Alternative Energy Center.--

27 (1) The following information held by the Florida  
28 Alternative Energy Center is confidential and exempt from s.  
29 119.07(1), Florida Statutes, and Section 24, Article I of the

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30 State Constitution:

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

36 (b) Proprietary business information obtained from a  
37 business entity, the disclosure of which would injure the  
38 business in the marketplace, and material relating to methods of  
39 manufacture or production, potential trade secrets, patentable  
40 material, actual trade secrets as defined in s. 668.002, Florida  
41 Statutes, or proprietary information received, generated,  
42 ascertained, or discovered during the course of research  
43 conducted by or through the corporation.

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

46 (d) Information received from another person in this state  
47 which would be confidential or exempt from disclosure while in  
48 that person's possession or information received from a person  
49 from another state or nation or the Federal Government which is  
50 otherwise exempt or confidential pursuant to the laws of that  
51 state or nation or pursuant to federal law.

52 (2) That portion of a meeting of the board of directors of  
53 the Florida Alternative Energy Center during which information is  
54 presented or discussed which is confidential and exempt from  
55 disclosure under subsection (1) is closed to the public and  
56 exempt from s. 286.011, Florida Statutes, and Section 24(b),  
57 Article I of the State Constitution.

58 (3) Any records generated during that portion of any board

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59 meeting which is closed to the public under subsection (2), such  
60 as minutes, tape recordings, videotapes, transcriptions, or  
61 notes, are confidential and exempt from s. 119.07(1), Florida  
62 Statutes, and Section 24, Article I of the State Constitution.

63 (4) A public employee may inspect and copy records or  
64 information that is made exempt and confidential under this  
65 section exclusively in the performance of public duties. A public  
66 employee who receives this exempt and confidential information  
67 must maintain the confidentiality of the information. Any public  
68 employee receiving confidential information who knowingly and  
69 willfully violates this subsection commits a misdemeanor of the  
70 first degree, punishable as provided by s. 775.082 or s. 775.083,  
71 Florida Statutes.

72 (5) This section is subject to the Open Government Sunset  
73 Review Act in accordance with s. 119.15, Florida Statutes, and  
74 shall stand repealed on October 2, 2013, unless reviewed and  
75 saved from repeal through reenactment by the Legislature.

76 Section 2. (1) The Legislature finds that it is in the  
77 public interest to promote in this state research on and the use  
78 of renewable energy resources, energy conservation, distributed  
79 generation, advanced transmission methods, and pollution control.  
80 Both Florida and the United States in general are overly  
81 dependent upon foreign oil. Renewable electric resources and  
82 energy conservation have the potential to decrease this  
83 dependency, minimize the volatility of fuel costs, and improve  
84 environmental conditions. Distributed generation and enhancements  
85 to the transmission of electricity have the potential to make the  
86 supply of electricity more secure and decrease the likelihood and  
87 severity of blackouts. Research conducted in this state on these

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88 subjects can make Florida a leader in new and innovative  
89 technologies and encourage investment and economic development  
90 within the state.

91 (2) The Legislature finds that in order to achieve these  
92 benefits, it is a public necessity that certain records held by  
93 the Florida Alternative Energy Center be made confidential and  
94 exempt from public disclosure. If information relating to  
95 recruiting, proprietary business information, and research  
96 information is not made confidential, businesses participating in  
97 these activities will be put at a competitive disadvantage. As a  
98 result, these businesses will not be willing to participate in  
99 the recruitment and location process or to share information  
100 concerning research needs, ongoing research, or research results.  
101 The state will lose the benefits of the economic development of  
102 businesses relocating to Florida, of having advanced research  
103 into alternative energy conducted in Florida, and of being in the  
104 position to make maximum use of new developments in alternative  
105 energy. The state university research system will also lose the  
106 benefits of a coordinated alternative energy research program  
107 involving private companies. Finally, because some donors wish to  
108 remain anonymous and will not make donations if their identity is  
109 not protected, donor-identity information must be made  
110 confidential.

111 Section 3. This act shall take effect on the same date that  
112 Senate Bill \_\_\_ or similar legislation takes effect, if such  
113 legislation is enacted in the same legislative session, or an  
114 extension thereof, and becomes law.