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CS/CS/CS/HB 775

2014 Legislature

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 2 An act relating to public records; creating s.
 3 548.062, F.S.; providing an exemption from public
 4 records requirements for proprietary confidential
 5 business information in reports required to be filed
 6 with the Florida State Boxing Commission by a promoter
 7 or obtained by the commission through an audit of a
 8 promoter's books and records; defining the term
 9 "proprietary confidential business information";
 10 providing for future legislative review and repeal of
 11 the exemption; providing a statement of public
 12 necessity; providing a contingent effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

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 16 Section 1. Section 548.062, Florida Statutes, is created
 17 to read:

18 548.062 Public records exemption.—

19 (1) As used in this section, the term "proprietary
 20 confidential business information" means information that:

21 (a) Is owned or controlled by the promoter;

22 (b) The promoter intends to be and treats as private;

23 (c) If disclosed, would cause harm to the promoter or its
 24 business operations;

25 (d) Has not been disclosed, except for any disclosure
 26 pursuant to a statutory provision, an order of a court or

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27 administrative body, or a private agreement that provides that
 28 the information not be released to the public; and

29 (e) Concerns any of the following:

30 1. The number of ticket sales for a match;

31 2. The amount of gross receipts after a match;

32 3. A trade secret, as defined in s. 688.002;

33 4. Business plans;

34 5. Internal auditing controls and reports of internal
 35 auditors; or

36 6. Reports of external auditors.

37 (2) Proprietary confidential business information provided
 38 in the written report required to be filed with the commission
 39 after a match or obtained by the commission through an audit of
 40 the promoter's books and records pursuant to s. 548.06 is
 41 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 42 of the State Constitution. Information made confidential and
 43 exempt by this subsection may be disclosed to another
 44 governmental entity in the performance of its duties and
 45 responsibilities.

46 (3) This section is subject to the Open Government Sunset
 47 Review Act in accordance with s. 119.15 and shall stand repealed
 48 on October 2, 2019, unless reviewed and saved from repeal
 49 through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public
 51 necessity that proprietary confidential business information be
 52 protected from disclosure. The disclosure of proprietary

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53 confidential business information could injure a promoter in the
54 marketplace by giving the promoter's competitors insights into
55 the promoter's financial status and business plan, thereby
56 putting the promoter at a competitive disadvantage. The
57 Legislature also finds that the harm to a promoter in disclosing
58 proprietary confidential business information significantly
59 outweighs any public benefit derived from the disclosure of such
60 information. For these reasons, the Legislature declares that
61 any proprietary confidential business information provided in
62 the written report required to be filed with the Florida State
63 Boxing Commission by a promoter after a match or obtained by the
64 commission through an audit of the promoter's books and records
65 pursuant to s. 548.06, Florida Statutes, is confidential and
66 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
67 Article I of the State Constitution.

68 Section 3. This act shall take effect on the same date
69 that HB 773 or similar legislation takes effect, if such
70 legislation is adopted in the same legislative session or an
71 extension thereof and becomes law.