

By the Committee on Commerce and Tourism; and Senator Taddeo

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 288.1259, F.S.; providing an exemption from public
4 records requirements for certain application
5 information submitted to the Florida Motion Picture
6 Capital Corporation; providing for legislative review
7 and repeal of the exemption; defining terms; providing
8 a statement of public necessity; providing a
9 contingent effective date.

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

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13 Section 1. Subsection (8) is added to section 288.1259,
14 Florida Statutes, as created by SB 1606, to read:

15 288.1259 Florida Motion Picture Capital Corporation.—

16 (8) APPLICATIONS; PUBLIC RECORDS EXEMPTION.—

17 (a) Personal financial records, trade secrets, and
18 proprietary information of persons applying for financing for a
19 production are confidential and exempt from s. 119.07(1) and s.
20 24(a), Art. I of the State Constitution. This subsection is
21 subject to the Open Government Sunset Review Act in accordance
22 with s. 119.15 and shall stand repealed on October 2, 2023,
23 unless reviewed and saved from repeal through reenactment by the
24 Legislature.

25 (b) As used in this subsection, the term:

26 1. "Personal financial record" means a record relating to:

27 a. The existence, nature, source, or amount of a person's
28 personal income or expenses;

29 b. A person's personal financial transactions; or

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30 c. The existence, identification, nature, or value of a
31 person's assets, liabilities, or net worth.

32 2. "Proprietary information" means information that is
33 owned or controlled by the person applying for financing for a
34 production; that is intended to be or is treated by such person
35 as private, in that the disclosure of the information would
36 cause harm to the person; and that has not been disclosed unless
37 disclosed pursuant to a statutory provision, an order of a court
38 or administrative body, or a private agreement providing that
39 the information may be released to the public.

40 3. "Trade secret" has the same meaning as in s. 688.002,
41 and does not include:

42 a. Any contract or agreement, or an addendum thereto, to
43 which the corporation is a party.

44 b. Financial information related to any contract or
45 agreement, or an addendum thereto, with the corporation. Such
46 financial information includes the amount of money paid, any
47 payment structure or plan, expenditures, incentives, bonuses,
48 fees, and penalties.

49 Section 2. The Legislature finds that it is a public
50 necessity that personal financial records, trade secrets, and
51 proprietary information of persons applying for financing by the
52 Florida Motion Picture Capital Corporation in a production be
53 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),
54 Article I of the State Constitution. If the personal financial
55 records, trade secrets, and proprietary information of persons
56 applying for financing were subject to disclosure, a chilling
57 effect on participation would result. There is a strong
58 likelihood that productions would choose not to apply for

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59 financing from the Florida Motion Picture Capital Corporation.
60 Since productions are required to make in-state expenditures as
61 a condition of receiving such financing, the chilling effect
62 caused by such disclosure would undermine the public purpose of
63 the Florida Motion Picture Capital Corporation to encourage this
64 state to be used as a site for scripted productions and would
65 consequently result in productions being produced outside of the
66 state.

67 Section 3. This act shall take effect on the same date that
68 SB 1606 or similar legislation takes effect, if such legislation
69 is adopted in the same legislative session or an extension
70 thereof and becomes a law.