

FOR CONSIDERATION By the Committee on Commerce and Tourism

577-00918A-21

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1 A bill to be entitled
2 An act relating to a review under the Open Government
3 Sunset Review Act; amending s. 125.0104, F.S., which
4 provides an exemption from public records requirements
5 for trade secrets held by county tourism promotion
6 agencies; removing the scheduled repeal of the
7 exemption; amending s. 288.1226, F.S., which provides
8 an exemption from public records requirements for the
9 identity of a person who responds to a marketing or
10 advertising research project conducted by the Florida
11 Tourism Industry Marketing Corporation and for certain
12 trade secrets; removing the scheduled repeal of the
13 exemption; providing an effective date.

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

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17 Section 1. Paragraph (d) of subsection (9) of section
18 125.0104, Florida Statutes, is amended to read:

19 125.0104 Tourist development tax; procedure for levying;
20 authorized uses; referendum; enforcement.—

21 (9) COUNTY TOURISM PROMOTION AGENCIES.—In addition to any
22 other powers and duties provided for agencies created for the
23 purpose of tourism promotion by a county levying the tourist
24 development tax, such agencies are authorized and empowered to:

25 (d) Undertake marketing research and advertising research
26 studies and provide reservations services and convention and
27 meetings booking services consistent with the authorized uses of
28 revenue as set forth in subsection (5).

29 1. Information given to a county tourism promotion agency

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30 which, if released, would reveal the identity of persons or
31 entities who provide data or other information as a response to
32 a sales promotion effort, an advertisement, or a research
33 project or whose names, addresses, meeting or convention plan
34 information or accommodations or other visitation needs become
35 booking or reservation list data, is exempt from s. 119.07(1)
36 and s. 24(a), Art. I of the State Constitution.

37 2. The following information, when held by a county tourism
38 promotion agency, is exempt from s. 119.07(1) and s. 24(a), Art.
39 I of the State Constitution:

40 a. Booking business records, as defined in s. 255.047.

41 b. Trade secrets and commercial or financial information
42 gathered from a person and privileged or confidential, as
43 defined and interpreted under 5 U.S.C. s. 552(b)(4), or any
44 amendments thereto.

45 3. A trade secret, as defined in s. 812.081, held by a
46 county tourism promotion agency is exempt from s. 119.07(1) and
47 s. 24(a), Art. I of the State Constitution. ~~This subparagraph is
48 subject to the Open Government Sunset Review Act in accordance
49 with s. 119.15 and shall stand repealed on October 2, 2021,
50 unless reviewed and saved from repeal through reenactment by the
51 Legislature.~~

52 Section 2. Subsection (9) of section 288.1226, Florida
53 Statutes, is amended to read:

54 288.1226 Florida Tourism Industry Marketing Corporation;
55 use of property; board of directors; duties; audit.—

56 (9) PUBLIC RECORDS EXEMPTION.—The identity of any person
57 who responds to a marketing project or advertising research
58 project conducted by the corporation in the performance of its

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59 duties on behalf of Enterprise Florida, Inc., or trade secrets
60 as defined by s. 812.081 obtained pursuant to such activities,
61 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
62 Constitution. ~~This subsection is subject to the Open Government
63 Sunset Review Act in accordance with s. 119.15 and shall stand
64 repealed on October 2, 2021, unless reviewed and saved from
65 repeal through reenactment by the Legislature.~~

66 Section 3. This act shall take effect October 1, 2021.