

By Senator Farmer

34-01700-22

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1 A bill to be entitled
2 An act relating to confidentiality of economic
3 development agreement information; amending s.
4 288.075, F.S.; deleting provisions relating to
5 confidentiality and exemption from public records
6 requirements of information concerning plans,
7 intentions, or interests of a private entity entering
8 into certain agreements with an economic development
9 agency; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (2) of section 288.075, Florida
14 Statutes, is amended to read:

15 288.075 Confidentiality of records.—

16 ~~(2) PLANS, INTENTIONS, AND INTERESTS.—~~

17 ~~(a)1. If a private corporation, partnership, or person~~
18 ~~requests in writing before an economic incentive agreement is~~
19 ~~signed that an economic development agency maintain the~~
20 ~~confidentiality of information concerning plans, intentions, or~~
21 ~~interests of such private corporation, partnership, or person to~~
22 ~~locate, relocate, or expand any of its business activities in~~
23 ~~this state, the information is confidential and exempt from s.~~
24 ~~119.07(1) and s. 24(a), Art. I of the State Constitution for 12~~
25 ~~months after the date an economic development agency receives a~~
26 ~~request for confidentiality or until the information is~~
27 ~~otherwise disclosed, whichever occurs first.~~

28 ~~2. An economic development agency may extend the period of~~
29 ~~confidentiality specified in subparagraph 1. for up to an~~

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30 ~~additional 12 months upon written request from the private~~
31 ~~corporation, partnership, or person who originally requested~~
32 ~~confidentiality under this section and upon a finding by the~~
33 ~~economic development agency that such private corporation,~~
34 ~~partnership, or person is still actively considering locating,~~
35 ~~relocating, or expanding its business activities in this state.~~
36 ~~Such a request for an extension in the period of confidentiality~~
37 ~~must be received prior to the expiration of any confidentiality~~
38 ~~originally provided under subparagraph 1.~~

39
40 ~~If a final project order for a signed economic development~~
41 ~~agreement is issued, then the information will remain~~
42 ~~confidential and exempt for 180 days after the final project~~
43 ~~order is issued, until a date specified in the final project~~
44 ~~order, or until the information is otherwise disclosed,~~
45 ~~whichever occurs first. However, such period of confidentiality~~
46 ~~may not extend beyond the period of confidentiality established~~
47 ~~in subparagraph 1. or subparagraph 2.~~

48 ~~(b) A public officer or employee may not enter into a~~
49 ~~binding agreement with any corporation, partnership, or person~~
50 ~~who has requested confidentiality of information under this~~
51 ~~subsection until 90 days after the information is made public~~
52 ~~unless:~~

53 ~~1. The public officer or employee is acting in an official~~
54 ~~capacity;~~

55 ~~2. The agreement does not accrue to the personal benefit of~~
56 ~~such public officer or employee; and~~

57 ~~3. In the professional judgment of the officer or employee,~~
58 ~~the agreement is necessary to effectuate an economic development~~

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59 ~~project.~~

60 Section 2. This act shall take effect July 1, 2022.