

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:

12  
 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~~  
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.~~

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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~~

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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~~  
56 ~~of such public officer or employee; and~~

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

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