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LEGISLATIVE ACTION

Senate

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House

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Senator Avila moved the following:

Senate Amendment (with title amendment)

Between lines 117 - 118

and insert:

Section 3. Present paragraphs (a), (b), and (c) of subsection (1) of section 288.075, Florida Statutes, are redesignated as paragraphs (b), (c), and (d), respectively, a new paragraph (a) is added to that subsection, paragraph (a) of subsection (2) of that section is amended, and subsection (8) of that section is republished, to read:

288.075 Confidentiality of records.—



12 (1) DEFINITIONS.—As used in this section, the term:
13 (a) “Data center” has the same meaning as in s. 112.231.
14 (2) PLANS, INTENTIONS, AND INTERESTS.—
15 (a)1. If a private corporation, partnership, or person
16 requests in writing before an economic incentive agreement is
17 signed that an economic development agency maintain the
18 confidentiality of information concerning plans, intentions, or
19 interests of such private corporation, partnership, or person to
20 locate, relocate, or expand any of its business activities in
21 this state, the information is confidential and exempt from s.
22 119.07(1) and s. 24(a), Art. I of the State Constitution for 12
23 months after the date an economic development agency receives a
24 request for confidentiality or until the information is
25 otherwise disclosed, whichever occurs first. However, disclosure
26 that the business activities include the location, relocation,
27 or expansion of a data center is required by the economic
28 development agency.
29 2. An economic development agency may extend the period of
30 confidentiality specified in subparagraph 1. for up to an
31 additional 12 months upon written request from the private
32 corporation, partnership, or person who originally requested
33 confidentiality under this section and upon a finding by the
34 economic development agency that such private corporation,
35 partnership, or person is still actively considering locating,
36 relocating, or expanding its business activities in this state.
37 Such a request for an extension in the period of confidentiality
38 must be received prior to the expiration of any confidentiality
39 originally provided under subparagraph 1. This subparagraph does
40 not apply to any business activities that include location,



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41 relocation, or expansion of a data center.

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

51 (8) PENALTIES.—Any person who is an employee of an economic
52 development agency who violates the provisions of this section
53 commits a misdemeanor of the second degree, punishable as
54 provided in s. 775.082 or s. 775.083.

55 Section 4. For the purpose of incorporating the amendment
56 made by this act to section 288.075, Florida Statutes, in
57 references thereto, subsections (3) and (7) of section 288.076,
58 Florida Statutes, are reenacted to read:

59 288.076 Return on investment reporting for economic
60 development programs.—

61 (3) Within 48 hours after expiration of the period of
62 confidentiality for project information deemed confidential and
63 exempt pursuant to s. 288.075, the department shall publish the
64 following information pertaining to each project:

65 (a) *Projected economic benefits.*—The projected economic
66 benefits at the time of the initial project award date.

67 (b) *Project information.*—

68 1. The program or programs through which state investment
69 is being made.



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70 2. The maximum potential cumulative state investment in the
71 project.

72 3. The target industry or industries, and any high-impact
73 sectors implicated by the project.

74 4. The county or counties that will be impacted by the
75 project.

76 5. For a project that requires local commitment, the total
77 cumulative local financial commitment and in-kind support for
78 the project.

79 (c) *Participant business information.*—

80 1. The location of the headquarters of the participant
81 business or, if a subsidiary, the headquarters of the parent
82 company.

83 2. The firm size class of the participant business, or
84 where owned by a parent company the firm size class of the
85 participant business's parent company, using the firm size
86 classes established by the United States Department of Labor
87 Bureau of Labor Statistics, and whether the participant business
88 qualifies as a small business as defined in s. 288.703.

89 3. The date of the project award.

90 4. The expected duration of the contract.

91 5. The anticipated dates when the participant business will
92 claim the last state investment.

93 (d) *Project evaluation criteria.*—Economic benefits
94 generated by the project.

95 (e) *Project performance goals.*—

96 1. The incremental direct jobs attributable to the project,
97 identifying the number of jobs generated and the number of jobs
98 retained.



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99 2. The number of jobs generated and the number of jobs
100 retained by the project, and the average annual wage of persons
101 holding such jobs.

102 3. The incremental direct capital investment in the state
103 generated by the project.

104 (f) *Total state investment to date.*—The total amount of
105 state investment disbursed to the participant business to date
106 under the terms of the contract, itemized by incentive program.

107 (7) Within 48 hours after expiration of the period of
108 confidentiality provided under s. 288.075, the department shall
109 publish the contract or agreement described in s. 288.061,
110 redacted to protect the participant business from disclosure of
111 information that remains confidential or exempt by law.

112

113 ===== T I T L E A M E N D M E N T =====

114 And the title is amended as follows:

115 Delete line 18

116 and insert:

117 considered an electric substation; amending s.
118 288.075, F.S.; defining the term "data center";
119 requiring an economic development agency to disclose
120 business activities related to the location,
121 relocation, or expansion of a data center; providing
122 applicability; reenacting s. 288.076(3) and (7), F.S.,
123 relating to return on investment reporting for
124 economic development programs, to incorporate the
125 amendment made to s. 288.075, F.S., in references
126 thereto; creating s.