

CHAPTER 99-224

Senate Bill No. 2350

An act relating to public records; providing an exemption from public records requirements for business records of a business owner subject to a governmental condemning authority in an eminent domain proceeding; providing an expiration date; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Business records provided by the owner of a business to a governmental condemning authority as part of an offer of business damages pursuant to section 73.015, Florida Statutes, are exempt from the disclosure provisions of Section 24(a) of Article I of the State Constitution and section 119.07(1), Florida Statutes, if the disclosure of such records would be likely to cause substantial harm to the competitive position of the person providing such records and if the person providing such records requests that such records be held exempt. Nothing in this section shall be construed to prevent inspection of such records by the Attorney General, members of the Legislature, and interested state agencies; however, such records shall remain exempt from further disclosure. This exemption is subject to the Open Government Sunset Review Act in accordance with section 119.15, Florida Statutes, and expires on October 2, 2004, unless reviewed and reenacted by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the business records of an owner who provides a governmental condemning authority business records as part of a presuit offer of business damages in an eminent domain proceeding be exempt in order to encourage presuit settlements. Furthermore, the Legislature finds that business records are of a sensitive nature and the disclosure of such information could place the business at a competitive disadvantage should these sensitive business records be revealed to the public.

Section 3. This act shall take effect on the effective date of SB 940 or similar legislation relating to eminent domain, and shall not take effect if that legislation does not become a law.

Approved by the Governor May 26, 1999.

Filed in Office Secretary of State May 26, 1999.