

House Bill No. 7017

An act relating to a review under the Open Government Sunset Review Act regarding economic development agencies; amending s. 288.075, F.S., which provides an exemption from public records requirements for information held by an economic development agency concerning plans, intentions, or interests of a private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state; reorganizing provisions; making editorial changes; removing superfluous provisions; removing the scheduled expiration of the exemption under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) As used in this section, the term “economic development agency” means:

(a) The Office of Tourism, Trade, and Economic Development;⁵

(b) Any industrial development authority created in accordance with part III of chapter 159 or by special law;⁵

(c) The Florida Space Authority created in part II of chapter 331;⁵

(d) The Florida Aerospace Finance Corporation created in part III of chapter 331;⁵

(e) The public economic development agency of a county or municipality;⁵
or

(f) Any research and development authority created in accordance with part V of chapter 159; ~~or. The term also includes~~

(g) Any private agency, person, partnership, corporation, or business entity when authorized by the state, a municipality, or a county to promote the general business interests or industrial interests of the state or that municipality or county.

(2) Upon written request from a private corporation, partnership, or person, ~~records of an economic development agency which contain or would provide information held by an economic development agency concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its business activities in this state~~ is ~~are~~ confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 12 ~~24~~ months after the date an economic development agency receives a request for confidentiality or until the ~~disclosed by an~~

~~economic development agency pursuant to subsection (4) or by the party requesting confidentiality under this section. Confidentiality must be maintained until the expiration of the 24-month period or until documents or information is are otherwise disclosed, whichever occurs first. Any confidentiality provided under this section does not apply when any party petitions a court of competent jurisdiction and, in the opinion of the court, proves need for access to such documents. This exemption expires October 2, 2006, and is subject to review by the Legislature under the Open Government Sunset Review Act of 1995 in accordance with s. 119.15.~~

~~(3) This section does not waive any provision of chapter 120 or any other provision of law requiring a public hearing.~~

~~(4) A public officer or employee may not enter into a binding agreement with any corporation, partnership, or person who has requested confidentiality of information pursuant to this section, until 90 days after such information is made public, unless such public officer or employee is acting in an official capacity, the agreement does not accrue to the personal benefit of such public officer or employee, and, in the professional judgment of such officer or employee, the agreement is necessary to effectuate an economic development project.~~

~~(3)(5) An economic development agency may extend the period of confidentiality specified in subsection (2) for up to an additional 12 months upon written request from the private corporation, partnership, or person who originally requested confidentiality under this section and upon a finding by the economic development agency that such private corporation, partnership, or person is still actively considering locating, relocating, or expanding its business activities in this state. Such a request for an extension in the period of confidentiality must be received prior to the expiration of any confidentiality originally provided under this section.~~

~~(4)(6) Notwithstanding the period of confidentiality specified in subsection (2), Trade secrets, as defined by s. 812.081, contained in the records of an economic development agency relating to the plans, intentions, or interests of a corporation, partnership, or person who has requested confidentiality pursuant to this section are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for 10 years after the date an economic development agency receives a request for confidentiality or until otherwise disclosed, whichever occurs first. The 10-year period of confidentiality provided by this subsection does not apply to any portion of the records other than trade secrets as defined by s. 812.081.~~

(5) A public officer or employee may not enter into a binding agreement with any corporation, partnership, or person who has requested confidentiality of information pursuant to this section until 90 days after the information is made public unless:

- (a) The public officer or employee is acting in an official capacity;
- (b) The agreement does not accrue to the personal benefit of such public officer or employee; and

(c) In the professional judgment of the officer or employee, the agreement is necessary to effectuate an economic development project.

~~(6)(7)~~ Any person who is an employee of an economic development agency who violates the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 2. This act shall take effect October 1, 2006.

Approved by the Governor June 9, 2006.

Filed in Office Secretary of State June 9, 2006.