

CHAPTER 97-186

House Bill No. 99

An act relating to public records; creating s. 315.18, F.S.; providing an exemption from public records requirements for certain proposals and counterproposals exchanged between certain deepwater ports and nongovernmental entities for a specified period; providing an exemption from public records requirements for certain financial records submitted by such entities to such ports; providing for future review and repeal; providing a finding of public necessity; providing an effective date.

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

Section 1. Section 315.18, Florida Statutes, is created to read:

315.18 Confidentiality of certain records held by deepwater ports.—Any proposal or counterproposal exchanged between a deepwater port listed in s. 311.09(1) and any nongovernmental entity, relating to the sale, use, or lease of land or of port facilities, and any financial records submitted by any nongovernmental entity to such a deepwater port for the purpose of the sale, use, or lease of land or of port facilities, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, 30 days before any such proposal or counterproposal is considered for approval by the governing body of such a deepwater port, the proposal or counterproposal shall cease to be exempt. If no proposal or counterproposal is submitted to the governing body for approval, such a proposal or counterproposal shall cease to be exempt 90 days after the cessation of negotiations. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2002, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that any proposal or counterproposal exchanged between a nongovernmental entity and any deepwater port listed in s. 311.09(1), Florida Statutes, relating to the sale, use, or lease of land or port facilities, be held confidential and exempt from public records requirements until 30 days before any such proposal or counterproposal is considered for approval by the governing body of the deepwater port. Proposals and counterproposals submitted to a deepwater port contain sensitive business and financial information. Competing entities can gain access to such proposals, and, in some instances, the affected nongovernmental entity has abandoned its contractual efforts with the deepwater port, to the deepwater port's financial detriment. Also, the Legislature finds that it is a public necessity that financial records submitted to a deepwater port for purposes of the sale, use, or lease of land or of port facilities be held confidential and exempt. Financial information is sensitive, proprietary information the release of which would give competitors an unfair economic advantage. In addition, such exemptions are necessary in order that Florida deepwater ports can more effectively and effi-

ciently negotiate contracts for the sale, use, or lease of land or of port facilities.

Section 3. This act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1997.

Filed in Office Secretary of State May 29, 1997.