

CHAPTER 2014-129

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 775

An act relating to public records; creating s. 548.062, F.S.; providing an exemption from public records requirements for proprietary confidential business information in reports required to be filed with the Florida State Boxing Commission by a promoter or obtained by the commission through an audit of a promoter's books and records; defining the term "proprietary confidential business information"; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 548.062, Florida Statutes, is created to read:

548.062 Public records exemption.—

(1) As used in this section, the term "proprietary confidential business information" means information that:

- (a) Is owned or controlled by the promoter;
- (b) The promoter intends to be and treats as private;
- (c) If disclosed, would cause harm to the promoter or its business operations;
- (d) Has not been disclosed, except for any disclosure pursuant to a statutory provision, an order of a court or administrative body, or a private agreement that provides that the information not be released to the public; and

(e) Concerns any of the following:

- 1. The number of ticket sales for a match;
- 2. The amount of gross receipts after a match;
- 3. A trade secret, as defined in s. 688.002;
- 4. Business plans;
- 5. Internal auditing controls and reports of internal auditors; or
- 6. Reports of external auditors.

(2) Proprietary confidential business information provided in the written report required to be filed with the commission after a match or obtained by

the commission through an audit of the promoter's books and records pursuant to s. 548.06 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Information made confidential and exempt by this subsection may be disclosed to another governmental entity in the performance of its duties and responsibilities.

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that proprietary confidential business information be protected from disclosure. The disclosure of proprietary confidential business information could injure a promoter in the marketplace by giving the promoter's competitors insights into the promoter's financial status and business plan, thereby putting the promoter at a competitive disadvantage. The Legislature also finds that the harm to a promoter in disclosing proprietary confidential business information significantly outweighs any public benefit derived from the disclosure of such information. For these reasons, the Legislature declares that any proprietary confidential business information provided in the written report required to be filed with the Florida State Boxing Commission by a promoter after a match or obtained by the commission through an audit of the promoter's books and records pursuant to s. 548.06, Florida Statutes, is confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution.

Section 3. This act shall take effect on the same date that HB 773 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 13, 2014.

Filed in Office Secretary of State June 13, 2014.