

By Senator Bennett

21-1701A-04

1 A bill to be entitled
2 An act relating to public records and meetings;
3 creating an exemption from public records and
4 public meetings requirements for certain
5 information held by the Florida Alternative
6 Energy Technology Center; exempting specified
7 information relating to the recruitment of a
8 business to locate in Florida and proprietary
9 business information from public records
10 requirements; exempting the identity of donors
11 or potential donors from public records
12 requirements; creating an exemption from
13 disclosure for information that is confidential
14 in the possession of the person providing it;
15 creating an exemption from public meetings
16 requirements for meetings of the governing
17 board of directors of the Florida Alternative
18 Energy Technology Center at which confidential
19 records are presented or discussed; authorizing
20 access to exempt or confidential information
21 under specified circumstances; providing a
22 penalty; providing for future legislative
23 review and repeal; providing a statement of
24 public necessity; providing a contingent
25 effective date.

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

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29 Section 1. Exemptions from public records and meetings
30 requirements; Florida Alternative Energy Technology Center.--
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1 (1) The following information held by the Florida
2 Alternative Energy Technology Center is confidential and
3 exempt from section 119.07(1), Florida Statutes, and Section
4 24, Article I of the State Constitution:

5 (a) Criteria used to identify a business for
6 recruitment to locate in Florida.

7 (b) The identity of a business that may be recruited
8 and all negotiations to recruit a business to locate in
9 Florida. This information becomes a public record at the
10 conclusion or termination of the recruitment process and shall
11 be made available for inspection and copying at that time.

12 (c) Proprietary business information obtained from a
13 business entity, the disclosure of which would injure the
14 business in the marketplace.

15 (d) The identity of donors or potential donors.

16 (e) Information received from another person which
17 would be confidential and exempt from disclosure while in that
18 person's possession.

19 (2) That portion of a meeting of the board of
20 directors of the Florida Alternative Energy Technology Center
21 during which information is presented or discussed which is
22 confidential and exempt from disclosure under subsection (1)
23 is closed to the public and exempt from section 286.011,
24 Florida Statutes, and Section 24(b), Article I of the State
25 Constitution.

26 (3) Any records generated during that portion of any
27 board meeting which is closed to the public under subsection
28 (2), such as minutes, tape recordings, videotapes,
29 transcriptions, or notes, are confidential and exempt from
30 section 119.07(1), Florida Statutes, and Section 24, Article I
31 of the State Constitution.

1 (4) A public employee may inspect and copy records or
2 information that is made exempt and confidential under this
3 section exclusively in the performance of public duties. A
4 public employee who receives this exempt and confidential
5 information must maintain the confidentiality of the
6 information. Any public employee receiving confidential
7 information who violates this subsection commits a misdemeanor
8 of the first degree, punishable as provided by section 775.082
9 or section 775.083, Florida Statutes.

10 (5) This section is subject to the Open Government
11 Sunset Review Act of 1995 in accordance with section 119.15,
12 Florida Statutes, and shall stand repealed on October 2, 2009,
13 unless reviewed and saved from repeal through reenactment by
14 the Legislature.

15 Section 2. (1) The Legislature finds that it is in
16 the public interest to promote, in this state, research on and
17 the use of renewable energy resources, energy conservation,
18 distributed generation, advanced transmission methods, and
19 pollution control. Both Florida and the United States in
20 general are overly dependent upon fossil fuels. Renewable
21 electric resources and energy conservation have the potential
22 to decrease this dependency, minimize the volatility of fuel
23 costs, and improve environmental conditions. Distributed
24 generation and enhancements to the transmission of electricity
25 have the potential to make the supply of electricity more
26 secure and decrease the likelihood and severity of blackouts.
27 Research conducted in this state on these subjects can make
28 Florida a leader in new and innovative technologies and
29 encourage investment and economic development within the
30 state.

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1 (2) The Legislature finds that in order to achieve
2 these benefits, it is a public necessity that certain records
3 held by the Florida Alternative Energy Technology Center be
4 made confidential and exempt from public disclosure. If
5 information relating to recruiting, proprietary business
6 information, and research information is not made
7 confidential, businesses participating in these activities
8 will be put at a competitive disadvantage. As a result, these
9 businesses will not be willing to participate in the
10 recruitment and location process or to share information on
11 research needs, ongoing research, or research results. The
12 state will lose the benefits of the economic development of
13 businesses relocating to Florida, of having advanced research
14 into alternative energy conducted in Florida, and of being
15 positioned to make maximum use of new developments in
16 alternative energy. The state university research system will
17 also lose the benefits of a coordinated alternative energy
18 research program involving private companies. Finally, because
19 some donors wish to remain anonymous and will not make
20 donations if their identity is not protected, donor-identity
21 information must be made confidential.

22 Section 3. This act shall take effect on the same date
23 that Senate Bill 1316, or similar legislation takes effect, if
24 such legislation is enacted in the same legislative session,
25 or an extension thereof, and becomes law.

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SENATE SUMMARY

Exempts from public records requirements certain information held by the Florida Alternative Energy Technology Center which relates to business recruitment, proprietary business information, or donor identity. Exempts from public meeting requirements meetings of the governing board of directors of the center at which confidential records are presented or discussed. Provides a penalty for unauthorized disclosure of confidential information. Provides for future review and repeal under the Open Government Sunset Review Act of 1995.