CS/CS/HB 775 2014

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

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

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

(1) As used in this section, the term "proprietary

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548.062 Public records exemption.

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confidential business information" means information that is held by the commission which is intended to be and is treated by the promoter providing such information as private in that the disclosure of the information would cause harm to the promoter or its business operations, and that has not been disclosed unless disclosed pursuant to a statutory provision, an order of

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a court or administrative body, or a private agreement that provides that the information will not be released to the

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27	<pre>public. The term includes:</pre>
8 2	(a) The number of ticket sales for a match.
9	(b) The amount of gross receipts after a match.
30	(c) Trade secrets.
31	(d) Business plans.
32	(e) Internal auditing controls and reports of internal
3	auditors.
34	(f) Security measures, systems, or procedures.
35	(g) Information relating to competitive interests, the
86	disclosure of which would impair the competitive business of the
37	promoter providing the information.
88	(2) Proprietary confidential business information provided
39	in the written report required to be filed with the commission
0	after a match or obtained by the commission through an audit of
1	the promoter's books and records pursuant to s. 548.06 is
12	confidential and exempt from s. 119.07(1) and s. 24(a), Art. $\scriptstyle\rm I$
13	of the State Constitution. Information made confidential and
4	exempt by this subsection may be disclosed to another
5	governmental entity in the performance of its duties and
6	responsibilities.
17	(3) This section is subject to the Open Government Sunset
8	Review Act in accordance with s. 119.15 and shall stand repealed
9	on October 2, 2019, unless reviewed and saved from repeal
0	through reenactment by the Legislature.
51	Section 2. The Legislature finds that it is a public
52	necessity that proprietary confidential business information

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53 provided in a written report required to be filed with the 54 Florida State Boxing Commission by a promoter after a match or 55 obtained by the commission through an audit of the promoter's 56 books and records, pursuant to s. 548.06, Florida Statutes, be 57 made confidential and exempt from s. 119.07(1), Florida 58 Statutes, and s. 24(a), Article I of the State Constitution. 59 Proprietary confidential business information is information 60 that a promoter does not intend to be released or disclosed. 61 Such information may include the number of ticket sales for a 62 match; the amount of gross receipts after a match; trade 63 secrets; business plans; internal auditing controls and reports 64 of internal auditors; security measures, systems, and 65 procedures; and information relating to the competitive 66 interests of the promoter. The disclosure of such information 67 would adversely affect the business interests of the promoter 68 providing the information by harming the promoter in the 69 marketplace and by impairing the competitive business interests 70 of the promoter. Disclosure of such information would reveal the 71 business interests of the promoter, including the promoter's 72 financial status and business plan, thereby putting the promoter 73 at a competitive disadvantage. Competitors can use such 74 information to impair and impede fair competition. Therefore, 75 the public and private harm in disclosing the proprietary 76 confidential business information of a promoter significantly 77 outweighs any public benefit derived from the disclosure of such 78 information.

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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.

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