Session Law 83-047

Florida Senate & House of Representatives

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FLORIDA SESSION LAW HISTORY/DOCUMENTATION ABSTRACT

FIA RESEARCH PROJECT NO. L88-020
SESSION LAW/SECTION NO(S). 83-47, Section 1
AFFECTED STATUTE(S) 159.27(7)
PRIME BILL NO. SB 316
PRIME BILL SPONSOR George Firepatrick
IDENTICAL/SIMILAR BILL NOS. HB 519, HB 1131

NARRATIVE/COMMENTS:
This law expands the definition of "research and development" to include "scientifically-oriented
production or educational programs of postsecondary edu­
cational institutions". This amendment appeared in the
original of SB 316 and was not changed in the legislative
process. Similar HB 519 originally only addressed the
confidentiality of records issue in 288.075, but the 159.27
amendment was added as a House Floor amendment. HB 1131, a
committee bill of the House Tourism and Economic Development
Committee (PCB 9) contained the language relative to 159.27.

RECOMMENDATIONS FOR FURTHER RESEARCH:
As this law is narrowly focused on two issues, it is
quite possible that more information exists on the commi­
ttee and floor debate tapes. An estimated 2 to 3 hours
of research time is required for such a review.
DOCUMENTATION CHECKLIST:

NOTE: All documentation obtained from the Florida State Archives is cited by the series and box number, i.e., "FSA S.19/200." "na" indicates that either that particular documentation does not apply or is non-existent.

* Laws of Florida: Chapter 83-047, Section 1.

* Florida Statutes: (see statute/law comparison)

* History of Legislation: 1983:
  SB 316, HB 519, HB 1131

* Prime Bill Version(s): SB 316.

* Identical/Similar Bills: na

* House Journal: na

* Senate Journal: na

* Committee Staff Analyses and Reports:
  01. Senate Economic, Community and Consumer Affairs Committee, Staff Analysis of SB 316, 6/13/83 (revised). (FSA, S. 18/1354).

* Committee Meeting Tapes: na

* Floor Debate Tapes: na

* Other Documentation: na
HB 1131 (cm², Bic) 19/1112

HTED (4/20/83) 5.19/11112

STED (cm², Bic) 10 (cm²)

HB 519

SECA (4/12/83) 5.18/1354

SB 316 (in. cili, Bic)

83-47/1 (199, 27)
A bill to be entitled

An act relating to research and development authorities, amending s 159 27(7), Florida Statutes, 1982 Supplement, defining "research and development park", adding s 159 705(11), Florida Statutes; allowing research and development authorities to be granted leases for state lands and to grant subleases for such lands; amending s 288 075, Florida Statutes; providing for confidentiality of records; providing an effective date.

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

Section 1. Subsection (7) of section 159 27, Florida Statutes, 1982 Supplement, is amended to read:

159 27 Definitions -- The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(7) "Research and development park" means a center of research and development activity, including scientifically-oriented production or educational programs of postsecondary educational institutions, consisting of research and development facilities, scientifically-oriented production or assembly facilities, research institutes, testing laboratories, related business, government installations, and similar facilities, together with land, including all necessary appurtenances, rights, and franchises relating thereto with related buildings, facilities, and personal properties, but only to the extent that such facilities are incidental or complimentary to the purposes of a research and
development park, and uses reasonably incidental to or in support of any facilities or improvements located or constructed at such a center or of activities or operations conducted at such a center for purposes authorized by this subsection.

Section 2. Subsection (11) is added to section 159.705, Florida Statutes, to read:

159.705 Powers of the authority.--The authority is authorized and empowered:

(11) Notwithstanding the provisions of s. 253.034, to be granted leases for lands owned by the Board of Trustees of the Internal Improvement Trust Fund for a period not to exceed 99 years, and to grant subleases for land which is owned by the Board of Trustees of the Internal Improvement Trust Fund if the Board of Trustees of the Internal Improvement Trust Fund has approved the master lease agreement, concept of operation of the park, and master sublease provisions for use in such subleases. The term of such subleases may run concurrently with the term of the lease granted by the Board of Trustees of the Internal Improvement Trust Fund. Copies of subleases shall be filed with the Division of State Lands of the Department of Natural Resources subsequent to execution.

Section 3. Section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.--

(1) "Economic development agency" means the Division of Economic Development of the Department of Commerce or any industrial development authority created in accordance with part III of chapter 159 or by special law or any research and development authority created in accordance with part V of chapter 159.
(2) Upon written request from a private corporation, partnership, or person, information, records, reports, data, and documents of an economic development agency which contain or would provide information concerning plans, intentions, or interests of such private corporation, partnership, or person to locate, relocate, or expand any of its manufacturing or other business activities in Florida shall be privileged and confidential and shall not be published or open to public inspection and shall be exempt from the provisions of s 119.07(1). This privilege and confidentiality shall only apply for a period not to exceed 24 months from the date an initial inquiry is received by the economic development agency, except upon petition by any party to a court of competent jurisdiction and upon determination by said court that the petitioner has proven, in the opinion of the court, need for access to such documents.

(3) Nothing herein shall be construed to waive any provision of chapter 120 or any other provision of law requiring a public hearing.

(4) No public officer or employee acting in his individual capacity shall enter into a binding agreement with any corporation, partnership, or person when such public officer or employee has knowledge that information concerning such corporation, partnership, or person is confidential pursuant to this section, until 90 days after such information is made public.

(5) Any person who is an employee of an economic development agency who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s 775.083, or s 775 084.

Section 4. This act shall take effect October 1, 1983.
SENATE SUMMARY

Expands the definition of "research and development park." Allows research and development authorities to be granted leases for state lands and to grant subleases for such lands. Provides for confidentiality of records.
A bill to be entitled
An act relating to economic development;
amending s. 288.075(1), Florida Statutes,
including research and development authorities
under the definition of an economic development
agency for the purposes of confidentiality of
certain records; providing an effective date.

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

Section 1. Subsection (1) of section 288.075, Florida
Statutes, is amended to read:

288.075 Confidentiality of records.--
(1) "Economic development agency" means the Division
of Economic Development of the Department of Commerce or any
industrial development authority created in accordance with
part III of chapter 159 or by special law, or any research and
development authority created in accordance with part V of
chapter 159.

(2) Upon written request from a private corporation,
partnership, or person, information, records, reports, data,
and documents of an economic development agency which contain
or would provide information concerning plans, intentions, or
interests of such private corporation, partnership, or person
to locate, relocate, or expand any of its manufacturing or
other business activities in Florida shall be privileged and
confidential and shall not be published or open to public
inspection and shall be exempt from the provisions of s.
119.07(1). This privilege and confidentiality shall only
apply for a period not to exceed 24 months from the date an
initial inquiry is received by the economic development
agency, except upon petition by any party to a court of
competent jurisdiction and upon determination by said court
that the petitioner has proven, in the opinion of the court,
need for access to such documents.

(3) Nothing herein shall be construed to waive any
provision of chapter 120 or any other provision of law
requiring a public hearing.

(4) No public officer or employee acting in his
individual capacity shall enter into a binding agreement with
any corporation, partnership, or person when such public
officer or employee has knowledge that information concerning
such corporation, partnership, or person is confidential
pursuant to this section, until 90 days after such information
is made public.

(5) Any person who is an employee of an economic
development agency who violates the provisions of this
section is guilty of a misdemeanor of the second degree,
punishable as provided in s. 775.082, s. 775.083, or s.
775.084.

Section 2. This act shall take effect July 1, 1983.

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HOUSE SUMMARY

Includes research and development authorities under the
definition of an economic development agency for the
purposes of confidentiality of records.
05/11/83 HOUSE UN COMMITTEE AGENDA—NATURAL RESOURCES, 413 C, 8:00 AM, 05/11/83
05/13/83 HOUSE UN COMMITTEE AGENDA—NATURAL RESOURCES, 413 C, 8:00 AM, 05/13/83
05/19/83 HOUSE COMM. REPORT: FAVORABLE WITH AMEND. BY NATURAL RESOURCES—HJ 00048; HOUSE UN COMMITTEE AGENDA—NATURAL RESOURCES, 413 C, 8:00 AM, 05/19/83
05/24/83 HOUSE WITHDRAWN FROM COMMUNITY AFFAIRS—HJ 00030; PLACED ON CALENDAR
05/27/83 HOUSE READ SECOND TIME; AMENDMENTS ADOPTED; READ THIRD TIME; PASSED AS AMENDED; YEAS 117 NAYS —HJ 00061
05/27/83 SENATE Un COMMITTEE AGENDA—COMMERC. AND PROFESSIONAL
06/01/83 SENATE RECEIVED REFERRED TO RULES AND CALENDAR —S J 00012
06/02/83 SENATE CONSIDERED PLACED ON LOCAL CALENDAR BY RULES AND CALENDAR—S J 00050; PASSED YEAS 36 NAYS 1—S J 00049
06/02/83 HOUSE ORGNER EMPLUGED
06/08/83 HOUSE AMENDS BY OFFICERS AND PRESENTED TO GOVERNOR
06/23/83 HOUSE BECAME LAW WITHOUT GOVERNOR'S SIGNATURE

CHAPTER NO. 83-39

H 0517 GENERAL BILL BY MOGGS; CLEMENTS AND OTHERS
UNIVERSITY OF TAMPA PROVIDES APPROPRIATION FOR ESTABLISHMENT OF A COLLEGE OF CHIROPRACTIC: PROVIDES CONDITIONS: APPROPRIATIONS $150,000.
EFFECTIVE DATE: 07/01/83.
07/12/83 HOUSE PREFILED
07/14/83 HOUSE REFERRED TO HIGHER EDUCATION, APPROPRIATIONS—HJ 00061
07/19/83 HOUSE REFERRED TO SUBCOMMITTEE ON PLANNING AND PROGRAMS
07/22/83 HOUSE UN COMMITTEE AGENDA—PENDING SUBCOMMITTEE ACTION—COMMERC. AND PROFESSIONAL—413 C, 2:15 PM, 07/22/83
07/29/83 HOUSE UN COMMITTEE AGENDA—HIGHER EDUCATION, 214 C, 10:00 AM, 07/29/83
08/03/83 HOUSE COMM. REPORT: FAVORABLE BY HIGHER EDUCATION—HJ 00023; NOW IN APPROPRIATIONS
08/09/83 HOUSE REFERRED TO SUBCOMMITTEE ON EDUCATION TRANSPORTATION (SUB. III) ON COMMITTEE AGENDA—SUBCOMM. APPROP., 214 C, 8:30 AM & 5PM, 08/09/83
08/17/83 HOUSE UN COMMITTEE AGENDA—APPROPRIATIONS, 214 C, 7:30 AM, 08/17/83
08/19/83 HOUSE COMM. REPORT: FAVORABLE; PLACED ON CALENDAR BY APPROPRIATIONS—HJ 00046
08/03/83 HOUSE INDEFINITELY POSTPONED & W/O ISC 1/09711; WAS ON CALENDAR

H 0518 GENERAL BILL BY CARLTON (IDENTICAL S 0345)
PUBLIC MANGING: EXPANDS DEFINITION OF TERMS "AREA OF OPERATION" AS USED IN "HOLDING AUTHORITIES LAW:" AMENDS 421.03; EFFECTIVE DATE: 10/01/83.
03/24/83 HOUSE PREFILED
03/26/83 HOUSE REFERRED TO COMMUNITY AFFAIRS, APPROPRIATIONS
04/05/83 HOUSE INTRODUCED; REFERRED TO COMMUNITY AFFAIRS, APPROPRIATIONS—HJ 00062
04/18/83 HOUSE UN COMMITTEE AGENDA—SUBCOMM. COMM. AFFAIRS, 317 NOB, 8:30 AM, 04/22/83 ON COMMITTEE AGENDA—PENDING SUBCOMMITTEE ACTION—COMMUNITY AFFAIRS, 317 NOB, 10:30 AM, 04/22/83
04/21/83 HOUSE WITHDRAWN FROM COMMUNITY AFFAIRS, APPROPRIATIONS—WITHDRAWN FROM FURTHER CONSIDERATION—HJ 00028

H 0519 GENERAL BILL BY TOURISM & ECONOMIC DEVELOPMENT (IDENTICAL ENG 0531, SIMILAR H 11131; SIMILAR ENG 0542, SIMILAR H 12211, S 11122; COMPARABLE ENG 04-13)
RESEARCH & DEVELOPMENT; DEFINES "RESEARCH & DEVELOPMENT"; ALLOWS RESEARCH & DEVELOPMENT AUTHORITY TO BE GRANTED LEASES FOR STATE LANDS & TO LEASE SUCH LANDS FOR SUCH LANDS: PROHIBITS FOR CONFIDENTIALITY OF RECORDS; AMENDS 159.27-705. 260.075; EFFECTIVE DATE: UPON BECOMING LAW.
03/24/83 HOUSE PREFILED
03/28/83 HOUSE REFERRED TO JUDICIARY
04/05/83 HOUSE INTRODUCED; REFERRED TO JUDICIARY—HJ 00062
04/13/83 HOUSE REFERRED TO SUBCOMMITTEE ON OPEN GOVERNMENT LAWS; ON COMMITTEE AGENDA—SUBCOMM. JUDICIARY, 317 C, 8:00 AM, 04/13/83 CONTINUED ON NEXT PAGE

04/13/83 HOUSE ON COMMITTEE AGENDA; PENDING SUBCOMMITTEE ACTION—JUDICIARY, 317 C, 9:30 AM, 04/26/83
04/21/83 HOUSE COMM. REPORT: FAVORABLE; PLACED ON CALENDAR BY JUDICIARY—HJ 00216
05/03/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR
05/12/83 HOUSE READ SECOND TIME—HJ 00379; AMENDMENTS ADOPTED
05/13/83 HOUSE JOURNAL BILL SUBMITTED; LIE AT TABLE UNDER RULE 12/41/SIM/COMPARE BILL PASSED, REFER TO HB 316 (CH. 83-77) & HB 1220 (CH. 83-271)—HJ 00393

05/20 GENERAL BILL BY JONES, W. L. (COMPARABLE CS/S 0204, H 0544, H 1212, S 0985, CS/S 0979)
PURPLE LODGE: ESTABLISHMENT: REQUIRES SIGN TO INFORM EMPLOYEES TO ADMINISTER EMERGENCY FIRST AID TO CHOKING VICTIMS; REQUIRES SUCH EMPLOYEES TO BE FAMILIAR WITH SUCH FIRST AID PROCEDURES; REQUIRES PUBLIC LODGE: ESTABLISHMENT TO EXCLUDE "FAMILY DWELLING UNIT." ETC.
AMENDS CH. 509. EFFECTIVE DATE: 10/01/83.
03/24/83 HOUSE PREFILED
03/28/83 HOUSE REFERRED TO COMMERCE
03/30/83 HOUSE REFERRED TO SUBCOMMITTEE ON BANKING AND COMMERC
04/05/83 HOUSE INTRODUCED; REFERRED TO COMMERCE—HJ 00061; SUBREFERRED TO SUBCOMMITTEE ON BANKING AND COMMERC
04/29/83 HOUSE COMMITTEE AGENDA—COMMERCE, 21 NOB, 1:00 AM, 04/05/83
05/03/83 HOUSE COMM. REPORT: FAVORABLE WITH AMEND., PLACED ON CALENDAR BY COMMERC. AND CONSUMER AFFAIRS—HJ 00024
05/17/83 HOUSE PLACED ON SPECIAL ORDER CALENDAR
05/19/83 HOUSE READ SECOND TIME; AMENDMENT ADOPTED—HJ 00043
05/20/83 HOUSE READ THIRD TIME; PASSED AS AMENDED; YEAS 100 NAYS 0—HJ 00044; IMMEDIATELY CERTIFIED
05/20/83 HOUSE IN MESS, 6:46
05/25/83 HOUSE RECEIVED REFERRED TO ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS—S J 00063
05/01/83 SENATE WITHDRAWN FROM ECONOMIC, COMMUNITY AND CONSUMER AFFAIRS; SUBSTITUTED FOR SB 985—S J 00061; PASSED AS AMENDED; YEAS 37 NAYS 0—S J 00042
05/01/83 HOUSE IN MESSAGES
05/02/83 HOUSE AMENDMENTS TO SENATE AMENDMENTS ADOPTED; CONFERRED IN SENATE AMENDMENTS AS AMENDED; PASSED AS FURTHER AMENDED; YEAS 113 NAYS 1—HJ 00051; FURTHER ACTION REQUIRED FOR FINAL PASSAGE
05/02/83 HOUSE IN MESSAGES
05/03/83 SENATE CONFERENCE; PASSED AS AMENDED; YEAS 26 NAYS 0—S J 00076
05/04/83 HOUSE ORDERED EMBOSSED; THEN ENROLLED
05/15/83 HOUSE SIGNED BY OFFICERS AND PRESENTED TO GOVERNOR
05/24/83 SENATE IN MESSAGES
05/01/83 SENATE AMENDMENTS TO SENATE AMENDMENTS ADOPTED; CONFERRED IN SENATE AMENDMENTS AS AMENDED; PASSED AS FURTHER AMENDED; YEAS 113 NAYS 1—HJ 00051; FURTHER ACTION REQUIRED FOR FINAL PASSAGE

H 0521 GENERAL BILL BY BAILEY, SAMUEL (COMPARABLE CS/S 0310)
RETIREMENT SYSTEM: PROVIDES FOR RESTORATION OF SPECIAL RISK CREDIT FOR CERTAIN MEMBERS OF SYSTEM; AMENDS 121.051; EFFECTIVE DATE: 07/01/83.
03/24/83 HOUSE PREFILED
03/28/83 HOUSE REFERRED TO RETIREMENT, PERSONNEL & COLLECTIVE BARGAINING
04/05/83 HOUSE INTRODUCED; REFERRED TO RETIREMENT, PERSONNEL & COLLECTIVE BARGAINING—HJ 00062
04/12/83 HOUSE ON COMMITTEE AGENDA—SUBCOMM. RETIREMENT, 317 NOB, AFTER HOUSE
04/18/83 HOUSE ON COMMITTEE AGENDA—SUBCOMM. RETIREMENT, 317 NOB, AFTER HOUSE
04/25/83 HOUSE INTRODUCED; REFERRED TO APPROPRIATIONS—HJ 00039
05/02/83 HOUSE COMM. REPORT: FAVORABLE WITH AMEND. BY RETIREMENT, PERSONNEL & COLLECTIVE BARGAINING—HJ 00034; NOW IN APPROPRIATIONS
05/16/83 HOUSE REFERRED TO SUBCOMMITTEE ON STATE EMPLOYEE BENEFITS (SELECT)
05/29/83 HOUSE AMENDMENTS TO SUBCOMMITTEE ON STATE EMPLOYEE BENEFITS (SELECT)
CONTINUED ON NEXT PAGE
CHAPTER 83-45

An act relating to the Department of Corrections; amending s. 945.025(1), Florida Statutes; deleting references to the supervisory power of the department over certain specific correctional institutions and facilities; repealing ss. 944.031, 944.032, 944.034, 944.04, 944.05, 944.06, 944.061, 944.062, and 944.064, Florida Statutes, relating to the existence, location, and purpose of certain correctional institutions; providing an effective date.

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

Section 1. Subsection (1) of section 945.025, Florida Statutes, is amended to read:

945.025 Jurisdiction of department.--

(1) The Department of Corrections shall have supervisory and protective care, custody, and control of the inmates, buildings, grounds, property, and all other matters pertaining to the following institutions, facilities, and programs for the imprisonment, correction, and rehabilitation of adult offenders:

(a) Department of Corrections Adult Correctional Institutions Apalachee Correctional Institution;
(b) Department of Corrections Youthful Offender Institutions Florida Correctional Institution;
(c) Department of Corrections Mental Health Treatment Facility Glades Correctional Institution;
(d) Department of Corrections Probation and Restitution Center Florida State Prison;
(e) Department of Corrections Road Prisons;
(f) Gator Correctional Institution;
(g) Aven Park Correctional Institution;
(h) Union Correctional Institution;
(i) Reception and Medical Center at Lake Butler;
(j) Green City Correctional Institution;
(k) Lake Correctional Institution;
(l) Brevard Correctional Institution;

Section 2. Sections 944.031, 944.032, 944.034, 944.04, 944.05, 944.06, 944.061, 944.062, and 944.064, Florida Statutes, are hereby repealed.

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

Approved by the Governor May 23, 1983.
Filed in Office Secretary of State May 24, 1983.

CHAPTER 83-46

An act relating to research and development authorities; amending s. 159.27(7), Florida Statutes, 1982 Supplement; defining "research and development park"; adding s. 159.705(11), Florida Statutes, allowing research and development authorities to be granted leases for state lands and to grant subleases for such lands; amending s. 288.075, Florida Statutes; providing for confidentiality of records; providing an effective date.

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

Section 1. Subsection (7) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions -- The context clearly indicates the following meanings:

(7) "Research and development park" means a center of research and development activity, including scientifically-oriented production or educational programs of postsecondary educational institutions, consisting of research and development facilities, scientifically-oriented production or assembly facilities, research institutes, testing laboratories, related business, government installations, and similar facilities, together with land, including all necessary appurtenances, rights, and franchises relating thereto, with related buildings, facilities, and personal properties, but only to the extent that such facilities are incidental or complimentary to the purposes of a research and development park, and uses reasonably incidental to or in support of any facilities or improvements located or constructed at such a center or of activities or operations conducted at such a center for purposes authorized by this subsection.

Section 2. Subsection (11) is added to section 159.705, Florida Statutes, to read.

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CHAPTER 83-47

LAWS OF FLORIDA

CHAPTER 83-47

Approved by the Governor May 25, 1983.

Filed in Office Secretary of State May 25, 1983.

CHAPTER 83-48

Senate Bill No. 875

An act relating to banker's banks; renumbering ss
658.12(4)-(11), Florida Statutes, and adding a new
subsection (4) thereto, defining "banker's bank";
creating ss. 658.165, Florida Statutes, providing for the
creation of banker's banks; providing for applicability
of the Florida Banking Code; providing exceptions, adding
ss. 658.67(5)(e), Florida Statutes, 1982 Supplement;
authorizing investments in banker's banks; providing an
effective date

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

Section 1. Subsections (4), (5), (6), (7), (8), (9), (10), (11),
(12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22),
(23), (24), (25), (26), (27), (28), (29), (30), and (31) of section
658.12, Florida Statutes, are renumbered as subsections (5), (6),
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18),
(19), (20), (21), (22), (23), (24), (25), (26), (27), (28), (29),
(30), (31), and (32), respectively, and a new subsection (4) is added
to said section to read:

658.12 Definitions—Subject to other definitions contained in
subsequent sections of this code, unless the context otherwise
requires, in this code:

(4) "Banker's bank" means a bank insured by the Federal Deposit
Insurance Corporation or a holding company which owns or controls
such an insured bank where the stock of such bank or holding company
is owned exclusively by other banks and such bank or holding company
and all subsidiaries thereof are engaged exclusively in providing
services for other depository institutions and their officers,
directors, and employees.

Section 2 Section 658.165, Florida Statutes, is created to read:

658.165 Creation of banker's banks; applicability of banking
code; exceptions.—

(1) When authorized by the department, a corporation may be
formed under the laws of this state for the purpose of becoming
a banker's bank. An application for authority to organize a banker's
bank shall be subject to the provisions of ss. 658.19, 658.20, and
658.21; except that the provisions of ss. 658.20(1)(b) and (c) and
658.21(1) and (2) shall not apply.

(2) A banker's bank chartered pursuant to subsection (1) shall be
subject to the provisions of the Florida Banking Code and chapter 655
and rules adopted thereunder, and, except as otherwise specifically
provided herein or by rule or order of the department, a banker's
bank shall be vested with or subject to the same rights, privileges,
I. STATEMENT OF THE PROBLEM

1. Currently any letters or other information received from a business prospect by the Division of Economic Development are public records and available for examination by the public. Premature revelations of a prospect's interest in a Florida community might stimulate land speculation or other activities detrimental to the community. It could also cause undue concern by employees and labor unions as well as revealing company plans to competitors.

II. FACTS BEARING ON THE PROBLEM

2. Statutes affected, amended or deleted include:
   (a) Creates statute 288.075, subsections (1), (2), and (3).

3. Legislative intent of the maker is as follows:
   To make confidential and privileged those records of the Division of Economic Development which contain or would provide information concerning the plans, partnership or person to locate, relocate or expand its manufacturing or other business activities in Florida, and to make any person who violates the provisions of this section guilty of a second degree misdemeanor punishable as provided in s. 775.082 or 775.083, Florida Statutes.

4. The Division of Economic Development receives periodically requests from various communities, organizations and companies in Florida to furnish them all information on prospects for a period of time for solicitation purposes.

5. Releasing such information would negate Florida's developmental program with many prospects and would tend to lose proposed new plants to competing states, according to the Division of Economic Development. In the past they have been able to persuade inquirers not to demand this information, but there is presently no legislative protection.

III. DISCUSSION

6. This technically correct bill would keep information on business prospects of Florida confidential until a decision has been made by such prospect.

7. The bill will eliminate the possibility of problems that may come about because of premature release of a business prospect's interest in Florida. Once a decision has been made and the revelation will no longer prove detrimental to the community or the prospect, such information can be released.

IV. PROBABLE CONSEQUENCES OF BILL

8. The bill will protect the community from loss of prospective businesses and will allow the Division of Economic Development to assure business prospects of Florida that their plans will be kept confidential until such time as a decision has been reached, allowing the Division of Economic Development the opportunity to better deal with prospective businesses.

V. FISCAL IMPACT

9. No additional personnel or funds would be required of the Division.

VI. ECONOMIC IMPACT

10. The failure to enact this legislation could result in a significant unfavorable impact on Florida's economy according to the Division of Economic Development.
COMMITTEE ON TOURISM AND ECONOMIC DEVELOPMENT

HOUSE OF REPRESENTATIVES

February 16, 1983

HB 519

RELATING TO: Research and Development Authority Records

I. SUMMARY:

A. Present Situation:

Section 288.075, Florida Statutes, provides an exemption from the Public Records Act (Chapter 119, Florida Statutes) for records of economic development agencies, upon written request of a business prospect, pertaining to that prospect for a period up to 24 months. An economic development agency is defined to be the Division of Economic Development or any industrial development authority created under a special act or under part III of chapter 159, Florida Statutes.

B. Effect of Proposed Changes:

This measure would expand the definition of an economic development agency to include research and development authorities created under part V of chapter 159.

II. FISCAL IMPACT:

None

III. COMMENTS:

Section 288.075, Florida Statutes, was created by the 1977 Legislature and provided for confidentiality of information on the business prospects of the Division of Economic Development. In 1979, the exemption was amended to apply to industrial development authorities created by special act or under part III of chapter 159, Florida Statutes, and to increase the time period of the exemption from 18 months to 24 months. The staff analyses for the 1977 and 1979 legislation are attached.

Part V of chapter 159, Florida Statutes, permits counties to create research and development authorities to operate research and development parks that are affiliated with public or private universities with research and development capabilities. The following counties have created research and development authorities in association with a university: Alachua (University of Florida); Hillsborough (University of South Florida); Leon (Florida State University) and Orange (University of Central Florida).

Prepared by: Thomas R. McSwain

Staff Director: Craig A. Meyer
I. SUMMARY:

A. Present Situation:

Section 288.075, Florida Statutes, provides an exemption from the Public Records Act (Chapter 119, Florida Statutes) for records of economic development agencies, upon written request of a business prospect, pertaining to that prospect for a period up to 24 months. An economic development agency is defined to be the Division of Economic Development or any industrial development authority created under a special act or under part III, of chapter 159, Florida Statutes.

B. Effect of Proposed Changes:

This measure would expand the definition of an economic development agency to include research and development authorities created under part V of chapter 159.

II. FISCAL IMPACT:

None

III. COMMENTS:

Section 288.075, Florida Statutes, was created by the 1977 legislature and provided for confidentiality of information on the business prospects of the Division of Economic Development. In 1979, the exemption was amended to apply to industrial development authorities created by special act or under part III of chapter 159, Florida Statutes, and to increase the time period of the exemption from 18 months to 24 months. The staff analyses for the 1977 and 1979 legislation are attached.

Part V of chapter 159, Florida Statutes, permits counties to create research and development authorities to operate research and development parks that are affiliated with public or private universities with research and development capabilities. The following counties have created research and development authorities in association with a university: Alachua (University of Florida); Hillsborough (University of South Florida); Leon (Florida State University) and Orange (University of Central Florida).

Prepared by: Thomas R. McSwain
Staff Director: Craig A. Meyer

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I. SUMMARY:

A. Present Situation:

Part V of chapter 159, Florida Statutes, authorizes counties to set up research and development authorities by resolution. An authority set up by resolution must submit a petition containing specified information to the Florida Research and Development Commission requesting designation as an authority. Once designation is received the governing board of a county may create a research and development authority by ordinance to operate a research and development park.

Section 159.27(7), Florida Statutes, defines a research and development park as a "center of research and development activity consisting of research and development facilities, research institutes, testing laboratories, related business, government installations, and similar facilities, together with land, including all necessary appurtenances, rights, and franchises relating thereto with related buildings, facilities, and personal properties, but only to the extent that such facilities are incidental to the purposes of a research and development park."
and development park, and other uses reasonably incidental to or in support of center facilities, improvements, activities, or operations.

It provides a research and development authority the power to be granted leases for state lands not to exceed 99 years and to grant subleases for such leased state lands which may run concurrently with the term of the lease granted to the authority. Copies of all subleases shall be filed with the Division of State Lands.

The definition of economic development agency is expanded to include research and development authorities created in accordance with part V of chapter 159, Florida Statutes, for the purposes of the exemption from section 119.07(1), Florida Statutes, relating to examination and inspection of public records.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

To the extent that the provisions of this bill are successful in locating public and private facilities that might have located in a research and development park of another state or country, the public would benefit to the extent that new jobs are created and outside capital is invested.

B. Government:

An increase in economic activity (see "A. Public") should increase state revenue collections to the extent that expenditures are not for items not exempt from state taxes. The requirement that copies of subleases be filed with the Division of State Lands will create administrative costs to the division incidental to filing.

III. COMMENTS:

Four counties, Alachua, Hillsborough, Leon, and Orange, have created research and development authorities in accordance with part V of chapter 159, Florida Statutes.

House Bill 519, which includes only the exemption from public records, has been introduced in the House this year.

The House Tourism and Economic Development Committee has a proposed committee bill (PCB 9) which contains the other provisions included in this bill.

This bill was signed by the officers and presented to the Governor on May 18, 1983 and now appears as ch. 83-47, L.O.F.

IV. AMENDMENTS:

None.
I. SUMMARY:

A. Present Situation:

Section 288.075, Florida Statutes, provides an exemption from Chapter 119 for certain records of the Division of Economic Development and of industrial development authorities. The exemption extends to information received from a business prospect concerning its intention to locate or expand its operations in Florida. Such information is confidential only if the business prospect specifically requests that the information remain confidential, and remains confidential for a period not to exceed 24 months.

B. Probable Effect of Proposed Changes:

HB 519 is a committee bill of the House Tourism and Economic Development Committee. The bill proposes to amend s.288.075 to extend the exemption to information received by research and development authorities, which operate research and development parks affiliated with universities.

II. FISCAL IMPACT:

None

III. COMMENTS:

The intent of this exemption in the economic development area is to prevent loss to the community of prospective businesses due to premature revelation of intentions and plans. Such premature revelation leads to real estate speculation, concern on the part of company employees regarding relocation, and possible detrimental effects caused by competitor knowledge of such inquiries and plans.
Proposed Committee Bill

Relating to: Confidentiality of Records

I. Summary:

A. Present Situation - In 1977, the Legislature passed HB 592, creating section 288.075, Florida Statutes, providing for confidentiality of Division of Economic Development records. This provision exempted, upon request of a business prospect, information pertaining to that prospect, for a period of 18 months, from the Public Records Act, (Chapter 119, Florida Statutes). Although Chapter 119 provides that all state, county or municipal records shall be open to the public for inspection, the 1977 Act only provided an exemption for Division of Economic Development records, thus leaving records pertaining to business prospects, held by local industrial development authorities subject to public inspection.

B. Probable Effect of Proposed Changes - This measure deletes the Division of Economic Development language from section 288.075, Florida Statutes, and inserts economic development agency, defined as any state, county, or municipal agency which promotes economic and industrial development of the state, county, or municipality. This language would afford the current exemption from the Public Records Act provided to the Division of Economic Development, to local industrial development authorities.

II. Private Sector/State/Local Fiscal Impact:

None

III. Comments:

Section 119.07(a), Florida Statutes, specifies that all public records provided by general or special law to be confidential shall be exempt from the public inspection provisions of Chapter 119.

The staff analysis for 1977 Session, HB 592, if listed as Attachment "A".

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