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March 22, 2017

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The Honorable David Silvers
Florida House of Representatives
402 South Monroe Street, Room 1302 CAP
Tallahassee, FL 32399-1300

Re: HB 1393 Exemption/Florida Film Investment Corporation

Dear Representative Silvers:

We are writing to express our concerns regarding your bill, HB 1393, creating a public record exemption for certain application information submitted to the Florida Film Investment Corporation. While not opposed to the purpose of the proposed exemption, we believe the bill as currently drafted is unconstitutionally vague.

Of specific concern is the exemption for trade secrets and proprietary information contained in applications for equity investment submitted to the corporation. These two terms are not defined in HB 1393, which is contrary to the standard for creation of new exemptions to the public records law found in Article I, s. 24(c), Fla. Con.

“Trade secret” is defined in s. 812.081(1)(c), F.S., and we suggest HB 1393 be amended to reference the statutory definition. Additionally, there are numerous exemptions for proprietary confidential business information scattered throughout our state statutes, and we would recommend that the bill be amended to track one of those exemptions.

Thank you for your attention to our concerns, Representative Silvers. If we can be of any assistance, please don’t hesitate to contact us.

Sincerely,

Barbara A. Petersen, President

Cc: The Honorable Richard Corcoran, Speaker, Florida House of Representatives
Jon Kaney, General Counsel, First Amendment Foundation
Samuel Morley, General Counsel, Florida Press Association