

By the Committee on Education; and Senator Villalobos

304-1942B-02

1 A bill to be entitled
2 An act relating to public records and
3 meetings; reenacting and amending section
4 240.213(4), F.S.; providing that self-insurance
5 programs adopted by the university or college
6 boards of trustees may not sue or be sued and
7 their claims files are exempt from
8 public-disclosure requirements; reenacting and
9 amending s. 240.237, F.S.; providing that
10 certain university and college student records
11 as prescribed by the university and college
12 board of trustees are exempt from
13 public-disclosure requirements; reenacting and
14 amending s. 240.241(2), F.S.; providing that
15 certain records of a division of sponsored
16 research are exempt from public-disclosure
17 requirements; reenacting and amending s.
18 240.253, F.S.; providing that university and
19 college boards of trustees adopt rules relating
20 to employee records; providing that certain
21 university and college employee records are
22 exempt from public-disclosure requirements;
23 reenacting and amending s. 240.299(5), F.S.;
24 providing that the State Board of Education
25 receive an annual audit report; providing that
26 the State Board of Education may request
27 certain records; providing that the State Board
28 of Education and the university and college
29 boards of trustees may request supplemental
30 data; providing that certain organization
31 records and donor identities are exempt from

1 public-disclosure requirements; reenacting and
2 amending s. 240.2996, F.S.; providing that
3 certain records of the university and college
4 health services support organizations are
5 exempt from public-disclosure requirements;
6 conforming references to the Secretary of State
7 to the custodian of state records; providing
8 that certain meetings of university and college
9 health services support organizations are
10 exempt from public-meetings requirements;
11 reenacting and amending s. 240.323, F.S.;
12 providing that the State Board of Education
13 adopt rules relating to student records;
14 providing that certain community college
15 student records are exempt from
16 public-disclosure requirements; reenacting and
17 amending s. 240.331(6), F.S.; providing for
18 receipt of audit report by State Board of
19 Education; providing that certain community
20 college direct support organization records are
21 exempt from public-disclosure requirements;
22 reenacting s. 240.3315(6), F.S., relating to
23 exemptions for certain donor identities from
24 public-disclosure requirements; reenacting and
25 amending s. 240.337, F.S.; providing that the
26 State Board of Education adopt rules relating
27 to employee records; providing that certain
28 community college employee records are exempt
29 from public-disclosure requirements; reenacting
30 and amending s. 240.512(8) and (9), F.S.;
31 providing that the State Board of Education

1 must be given access to all proprietary
2 confidential business information; providing
3 certain records and meetings of the H. Lee
4 Moffitt Cancer Center and Research Institute
5 and its not-for-profit subsidiaries are exempt
6 from public-disclosure and public-meetings
7 requirements; reenacting and amending s.
8 240.551(14) and (22)(c), F.S.; relating to an
9 exemption for identities of certain purchasers,
10 beneficiaries, and donors, and their account
11 records from public-disclosure requirements;
12 reenacting s. 240.554, F.S., relating to
13 exemptions from public-disclosure requirements
14 for certain account information of the Florida
15 College Savings Program; reenacting and
16 amending s. 240.711(2)(h), F.S.; conforming a
17 cross-reference; providing for exemption from
18 public-disclosure requirements for certain
19 donor identities; creating s. 246.1112, F.S.;
20 providing an exemption for complaints and
21 information obtained in an investigation from
22 public-disclosure requirements for a specified
23 period after a finding of probable cause;
24 providing that certain panel proceedings are
25 exempt from public-meetings requirements until
26 the panel declares a finding of probable cause;
27 providing findings of public necessity;
28 providing an effective date.

29
30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Notwithstanding subsection (7) of section 3
2 of chapter 2000-321, Laws of Florida, subsection (4) of
3 section 240.213, Florida Statutes, is not repealed on January
4 7, 2003, as provided in that act, but that subsection is
5 reenacted and amended to read:

6 240.213 Board authorized to secure liability
7 insurance.--

8 (4) No self-insurance program adopted by the
9 university or college board of trustees ~~Board of Regents~~ may
10 sue or be sued. The Board of Regents shall pay, out of the
11 assets of a trust fund established pursuant to this section,
12 any claim or judgment for which the self-insurance trust funds
13 were created and which is rendered against the board. The
14 claims files of any such program are privileged and
15 confidential, exempt from the provisions of s. 119.07(1) and
16 s. 24(a), Art. I of the State Constitution, and are only for
17 the use of the program in fulfilling its duties. Any
18 self-insurance trust fund and revenues generated by that fund
19 shall only be used to pay claims and administration expenses.

20 Section 2. Notwithstanding subsection (7) of section 3
21 of chapter 2000-321, Laws of Florida, section 240.237, Florida
22 Statutes, is not repealed on January 7, 2003, as provided in
23 that act, but that section is reenacted and amended to read:

24 240.237 Student records.--The university and college
25 boards of trustees may prescribe the content and custody of
26 records and reports which the university or college may
27 maintain on its students. Such records are confidential and
28 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
29 I of the State Constitution, and are open to inspection only
30 as provided in s. 228.093.

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1 Section 3. Notwithstanding subsection (7) of section 3
2 of chapter 2000-321, Laws of Florida, subsection (2) of
3 section 240.241, Florida Statutes, is not repealed on January
4 7, 2003, as provided in that act, but that subsection is
5 reenacted and amended to read:

6 240.241 Divisions of sponsored research at state
7 universities.--

8 (2) The university shall set such policies to regulate
9 the activities of the divisions of sponsored research as it
10 may consider necessary to effectuate the purposes of this act
11 and to administer the research programs in a manner which
12 assures efficiency and effectiveness, producing the maximum
13 benefit for the educational programs and maximum service to
14 the state. To this end, materials that relate to methods of
15 manufacture or production, potential trade secrets,
16 potentially patentable material, actual trade secrets,
17 business transactions, or proprietary information received,
18 generated, ascertained, or discovered during the course of
19 research conducted within the state universities shall be
20 confidential and exempt from the provisions of s. 119.07(1)
21 and s. 24(a), Art. I of the State Constitution, except that a
22 division of sponsored research shall make available upon
23 request the title and description of a research project, the
24 name of the researcher, and the amount and source of funding
25 provided for such project.

26 Section 4. Notwithstanding subsection (7) of section 3
27 of chapter 2000-321, Laws of Florida, section 240.253, Florida
28 Statutes, is not repealed on January 7, 2003, as provided in
29 that act, but that section is reenacted and amended to read:

30 240.253 Personnel records.--

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1 (1) Each university and college board of trustees
2 shall adopt rules prescribing the content and custody of
3 limited-access records that the university or college may
4 maintain on its employees. Such limited-access records are
5 confidential and exempt from the provisions of s. 119.07(1)
6 and s. 24(a), Art. I of the State Constitution. Such records
7 are limited to the following:

8 (a) Records containing information reflecting academic
9 evaluations of employee performance shall be open to
10 inspection only by the employee and by officials of the
11 university or college responsible for supervision of the
12 employee.

13 (b) Records maintained for the purposes of any
14 investigation of employee misconduct, including but not
15 limited to a complaint against an employee and all information
16 obtained pursuant to the investigation of such complaint,
17 shall be confidential until the investigation ceases to be
18 active or until the university or college provides written
19 notice to the employee who is the subject of the complaint
20 that the university or college has either:

21 1. Concluded the investigation with a finding not to
22 proceed with disciplinary action;

23 2. Concluded the investigation with a finding to
24 proceed with disciplinary action; or

25 3. Issued a letter of discipline.

26
27 For the purpose of this paragraph, an investigation shall be
28 considered active as long as it is continuing with a
29 reasonable, good-faith ~~good-faith~~ anticipation that a finding
30 will be made in the foreseeable future. An investigation
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1 shall be presumed to be inactive if no finding is made within
2 90 days after the complaint is filed.

3 (c) Records maintained for the purposes of any
4 disciplinary proceeding brought against an employee shall be
5 confidential until a final decision is made in the proceeding.
6 The record of any disciplinary proceeding, including any
7 evidence presented, shall be open to inspection by the
8 employee at all times.

9 (d) Records maintained for the purposes of any
10 grievance proceeding brought by an employee for enforcement of
11 a collective bargaining agreement or contract shall be
12 confidential and shall be open to inspection only by the
13 employee and by officials of the university or college
14 conducting the grievance proceeding until a final decision is
15 made in the proceeding.

16 (2) Notwithstanding the foregoing, any records or
17 portions thereof which are otherwise confidential by law shall
18 continue to be exempt from the provisions of s. 119.07(1) and
19 s. 24(a), Art. I of the State Constitution. In addition, for
20 sexual harassment investigations, portions of such records
21 which identify the complainant, a witness, or information
22 which could reasonably lead to the identification of the
23 complainant or a witness are limited-access records.

24 (3) Except as required for use by the president in the
25 discharge of his or her official responsibilities, the
26 custodian of limited-access records may release information
27 from such records only upon authorization in writing from the
28 employee or upon order of a court of competent jurisdiction.

29 (4) Notwithstanding the provisions of subsection (1),
30 records comprising the common core items contained in the
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1 State University System Student Assessment of Instruction
2 instrument may not be prescribed as limited-access records.

3 (5) This act shall apply to records created after July
4 1, 1995.

5 Section 5. Notwithstanding subsection (7) of section 3
6 of chapter 2000-321, Laws of Florida, subsection (5) of
7 section 240.299, Florida Statutes, is not repealed on January
8 7, 2003, as provided in that act, but that subsection is
9 reenacted and amended to read:

10 240.299 Direct-support organizations; use of property;
11 board of directors; activities; audit; facilities.--

12 (5) ANNUAL AUDIT.--Each direct-support organization
13 shall provide for an annual financial audit of its accounts
14 and records to be conducted by an independent certified public
15 accountant in accordance with rules adopted by the Auditor
16 General pursuant to s. 11.45(8) ~~and by the Board of Regents~~.
17 The annual audit report shall be submitted, within 9 months
18 after the end of the fiscal year, to the Auditor General and
19 the State Board of Education ~~Board of Regents~~ for review. The
20 State Board of Education, the university and college boards of
21 trustees ~~Board of Regents~~, the Auditor General, and the Office
22 of Program Policy Analysis and Government Accountability shall
23 have the authority to require and receive from the
24 organization or from its independent auditor any records
25 relative to the operation of the organization. The identity of
26 donors who desire to remain anonymous shall be protected, and
27 that anonymity shall be maintained in the auditor's report.
28 All records of the organization other than the auditor's
29 report, management letter, and any supplemental data requested
30 by the State Board of Education, the university and college
31 boards of trustees ~~Board of Regents~~, the Auditor General, and

1 the Office of Program Policy Analysis and Government
2 Accountability shall be confidential and exempt from the
3 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
4 Constitution.

5 Section 6. Notwithstanding subsection (7) of section 3
6 of chapter 2000-321, Laws of Florida, section 240.2996,
7 Florida Statutes, is not repealed on January 7, 2003, as
8 provided in that act, but that section is reenacted and
9 amended to read:

10 240.2996 University and college health services
11 support organization; confidentiality of information.--

12 (1) All meetings of a governing board of a university
13 or college health services support organization and all
14 university and college health services support organizations'
15 ~~organization~~ records shall be open and available to the public
16 in accordance with s. 286.011 and s. 24(b), Art. I of the
17 State Constitution and chapter 119 and s. 24(a), Art. I of the
18 State Constitution, respectively, unless made confidential or
19 exempt by law. Records required by the Department of Insurance
20 to discharge its duties shall be made available to the
21 department upon request.

22 (2) The following university and college health
23 services support organizations'~~organization's~~ records and
24 information are confidential and exempt from the provisions of
25 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

26 (a) Contracts for managed care arrangements under
27 which the university or college health services support
28 organization provides health care services, preferred provider
29 organization contracts, health maintenance organization
30 contracts, alliance network arrangements, and exclusive
31 provider organization contracts, and any documents directly

1 relating to the negotiation, performance, and implementation
2 of any such contracts for managed care arrangements or
3 alliance network arrangements. As used in this paragraph, the
4 term "managed care" means systems or techniques generally used
5 by third-party payors or their agents to affect access to and
6 control payment for health care services. Managed-care
7 techniques most often include one or more of the following:
8 prior, concurrent, and retrospective review of the medical
9 necessity and appropriateness of services or site of services;
10 contracts with selected health care providers; financial
11 incentives or disincentives related to the use of specific
12 providers, services, or service sites; controlled access to
13 and coordination of services by a case manager; and payor
14 efforts to identify treatment alternatives and modify benefit
15 restrictions for high-cost patient care.

16 (b) Each university and college health services
17 support organization's marketing plan the disclosure of which
18 may reasonably be expected by the organization's governing
19 board to be used by a competitor or an affiliated provider of
20 the organization to frustrate, circumvent, or exploit the
21 purposes of the plan before it is implemented and which is not
22 otherwise known or cannot be legally obtained by a competitor
23 or an affiliated provider. However, documents that are
24 submitted to the organization's governing board as part of the
25 board's approval of the organization's budget, and the budget
26 itself, are not confidential and exempt.

27 (c) Trade secrets, as defined in s. 688.002, including
28 reimbursement methodologies and rates.

29 (d) The records of the peer review panels, committees,
30 governing board, and agents of the university or college
31 health services support organization which relate solely to

1 the evaluation of health care services and professional
2 credentials of health care providers and physicians employed
3 by or providing services under contract to the university or
4 college health services support organization. The exemptions
5 created by this paragraph shall not be construed to impair any
6 otherwise established rights of an individual health care
7 provider to inspect documents concerning the determination of
8 such provider's professional credentials.

9 (3) Any portion of a governing board or peer review
10 panel or committee meeting during which a confidential and
11 exempt contract, document, record, marketing plan, or trade
12 secret, as provided for in subsection (2), is discussed is
13 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
14 of the State Constitution.

15 (4) Those portions of any public record, such as a
16 tape recording, minutes, and notes, generated during that
17 portion of a governing board or peer review panel or committee
18 meeting which is closed to the public pursuant to this
19 section, which contain information relating to contracts,
20 documents, records, marketing plans, or trade secrets which
21 are made confidential and exempt by this section, are
22 confidential and exempt from the provisions of s. 119.07(1)
23 and s. 24(a), Art. I of the State Constitution.

24 (5) The exemptions from s. 119.07(1) and s. 24(a),
25 Art. I of the State Constitution and s. 286.011 and s. 24(b),
26 Art. I of the State Constitution provided in this section do
27 not apply if the governing board of a university or college
28 health services support organization votes to lease, sell, or
29 transfer all or any substantial part of the facilities or
30 property of the university or college health services support
31 organization to a nonpublic entity.

1 (6) Any person may petition a court of competent
2 jurisdiction for an order for the public release of those
3 portions of any public record, such as a tape recording,
4 minutes, or notes, generated during that portion of a
5 governing board meeting which is closed to the public pursuant
6 to subsection (3), which record is made confidential and
7 exempt by subsection (4). Any action pursuant to this
8 subsection must be brought in the county where the principal
9 office of the university or college health services support
10 organization is located, as reflected in the records of the
11 custodian of state records ~~Secretary of State~~. In any order
12 for the public release of a record pursuant to this
13 subsection, the court shall make a finding that a compelling
14 public interest is served by the release of the record or
15 portions thereof which exceeds the public necessity for
16 maintaining the confidentiality of such record as described in
17 s. 2, chapter 96-171, Laws of Florida, and that the release of
18 the record will not cause damage to or adversely affect the
19 interests of private persons, business entities, the
20 university or college health services support organization, or
21 the affiliated university or college.

22 (7) Those portions of any public record, such as a
23 tape recording, minutes, or notes, generated during that
24 portion of a governing board meeting at which negotiations for
25 contracts for managed-care arrangements occur, are reported
26 on, or are acted on by the governing board, which record is
27 made confidential and exempt by subsection (4), shall become
28 public records 2 years after the termination or completion of
29 the term of the contract to which such negotiations relate or,
30 if no contract was executed, 2 years after the termination of
31 the negotiations. Notwithstanding paragraph (2)(a) and

1 subsection (4), a university or college health services
2 support organization must make available, upon request, the
3 title and general description of a contract for managed-care
4 arrangements, the names of the contracting parties, and the
5 duration of the contract term. All contracts for managed-care
6 arrangements which are made confidential and exempt by
7 paragraph (2)(a), except those portions of any contract
8 containing trade secrets which are made confidential and
9 exempt by paragraph (2)(c), shall become public 2 years after
10 the termination or completion of the term of the contract.

11 (8) A university or college health services support
12 organization may petition a court of competent jurisdiction to
13 continue the confidentiality of any public record made
14 nonconfidential by this section, upon a showing of good cause.
15 In determining good cause, the court shall balance the
16 property, privacy, and economic interests of any affected
17 person or business entity with those of the university or
18 college health services support organization and with the
19 public interest and must make a finding that a substantial
20 public interest is served by the continued confidentiality of
21 the public record for an additional time period. The length of
22 time for this continued exemption may be no longer than is
23 necessary to protect that substantial public interest.

24 (9) This act does not preclude discovery of records
25 and information that are otherwise discoverable under the
26 Florida Rules of Civil Procedure or any statutory provision
27 allowing discovery or presuit disclosure of such records and
28 information for the purpose of civil actions.

29 Section 7. Notwithstanding subsection (7) of section 3
30 of chapter 2000-321, Laws of Florida, section 240.323, Florida
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1 Statutes, is not repealed on January 7, 2003, as provided in
2 that act, but that section is reenacted and amended to read:

3 240.323 Student records.--Rules of the State Board of
4 Education ~~Community Colleges~~ may prescribe the content and
5 custody of records and reports which a community college may
6 maintain on its students. Such records are confidential and
7 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution, and are open to inspection only as provided in
9 s. 228.093.

10 Section 8. Notwithstanding subsection (7) of section 3
11 of chapter 2000-321, Laws of Florida, subsection (6) of
12 section 240.331, Florida Statutes, is not repealed on January
13 7, 2003, as provided in that act, but that subsection is
14 reenacted and amended to read:

15 240.331 Community college direct-support
16 organizations.--

17 (6) ANNUAL AUDIT.--Each direct-support organization
18 shall provide for an annual financial audit in accordance with
19 rules adopted by the Auditor General pursuant to s. 11.45(8).
20 The annual audit report must be submitted, within 9 months
21 after the end of the fiscal year, to the Auditor General, the
22 State Board of Education ~~Community Colleges~~, and the board of
23 trustees for review. The board of trustees, the Auditor
24 General, and the Office of Program Policy Analysis and
25 Government Accountability may require and receive from the
26 organization or from its independent auditor any detail or
27 supplemental data relative to the operation of the
28 organization. The identity of donors who desire to remain
29 anonymous shall be protected, and that anonymity shall be
30 maintained in the auditor's report. All records of the
31 organization, other than the auditor's report, any information

1 necessary for the auditor's report, any information related to
2 the expenditure of funds, and any supplemental data requested
3 by the board of trustees, the Auditor General, and the Office
4 of Program Policy Analysis and Government Accountability,
5 shall be confidential and exempt from the provisions of s.
6 119.07(1) and s. 24(a), Art. I of the State Constitution.

7 Section 9. Notwithstanding subsection (7) of section 3
8 of chapter 2000-321, Laws of Florida, subsection (6) of
9 section 240.3315, Florida Statutes, is not repealed on January
10 7, 2003, as provided in that act, but that subsection is
11 reenacted to read:

12 240.3315 Statewide community college direct-support
13 organizations.--

14 (6) ANNUAL AUDIT.--A statewide community college
15 direct-support organization shall provide for an annual
16 financial audit in accordance with s. 240.331. The identity of
17 a donor or prospective donor who desires to remain anonymous
18 and all information identifying such donor or prospective
19 donor are confidential and exempt from the provisions of s.
20 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
21 anonymity shall be maintained in the auditor's report.

22 Section 10. Notwithstanding subsection (7) of section
23 3 of chapter 2000-321, Laws of Florida, section 240.337,
24 Florida Statutes, is not repealed on January 7, 2003, as
25 provided in that act, but that section is reenacted and
26 amended to read:

27 240.337 Records of personnel.--Rules of the State
28 Board of Education ~~Community Colleges~~ shall prescribe the
29 content and custody of limited-access records which a
30 community college may maintain on its employees. Such records
31 shall be limited to information reflecting evaluations of

1 employee performance and shall be open to inspection only by
2 the employee and by officials of the community college who are
3 responsible for supervision of the employee. Such limited
4 access employee records are confidential and exempt from the
5 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
6 Constitution. Except as required for use by the president in
7 the discharge of his or her official responsibilities, the
8 custodian of limited access employee records may release
9 information from such records only upon authorization in
10 writing from the employee or the president or upon order of a
11 court of competent jurisdiction.

12 Section 11. Notwithstanding subsection (7) of section
13 3 of chapter 2000-321, Laws of Florida, subsections (8) and
14 (9) of section 240.512, Florida Statutes, are not repealed on
15 January 7, 2003, as provided in that act, but those
16 subsections (8) and (9) are reenacted and amended to read:

17 240.512 H. Lee Moffitt Cancer Center and Research
18 Institute.--There is established the H. Lee Moffitt Cancer
19 Center and Research Institute at the University of South
20 Florida.

21 (8)(a) Records of the not-for-profit corporation and
22 of its subsidiaries are public records unless made
23 confidential or exempt by law.

24 (b) Proprietary confidential business information is
25 confidential and exempt from the provisions of s. 119.07(1)
26 and s. 24(a), Art. I of the State Constitution. However, the
27 Auditor General, the Office of Program Policy Analysis and
28 Government Accountability, and the State Board of Education
29 ~~Regents~~, pursuant to their oversight and auditing functions,
30 must be given access to all proprietary confidential business
31 information upon request and without subpoena and must

1 maintain the confidentiality of information so received. As
2 used in this paragraph, the term "proprietary confidential
3 business information" means information, regardless of its
4 form or characteristics, which is owned or controlled by the
5 not-for-profit corporation or its subsidiaries; is intended to
6 be and is treated by the not-for-profit corporation or its
7 subsidiaries as private and the disclosure of which would harm
8 the business operations of the not-for-profit corporation or
9 its subsidiaries; has not been intentionally disclosed by the
10 corporation or its subsidiaries unless pursuant to law, an
11 order of a court or administrative body, a legislative
12 proceeding pursuant to s. 5, Art. III of the State
13 Constitution, or a private agreement that provides that the
14 information may be released to the public; and which is
15 information concerning:

16 1. Internal auditing controls and reports of internal
17 auditors;

18 2. Matters reasonably encompassed in privileged
19 attorney-client communications;

20 3. Contracts for managed-care arrangements, including
21 preferred provider organization contracts, health maintenance
22 organization contracts, and exclusive provider organization
23 contracts, and any documents directly relating to the
24 negotiation, performance, and implementation of any such
25 contracts for managed-care arrangements;

26 4. Bids or other contractual data, banking records,
27 and credit agreements the disclosure of which would impair the
28 efforts of the not-for-profit corporation or its subsidiaries
29 to contract for goods or services on favorable terms;

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1 5. Information relating to private contractual data,
2 the disclosure of which would impair the competitive interest
3 of the provider of the information;

4 6. Corporate officer and employee personnel
5 information;

6 7. Information relating to the proceedings and records
7 of credentialing panels and committees and of the governing
8 board of the not-for-profit corporation or its subsidiaries
9 relating to credentialing;

10 8. Minutes of meetings of the governing board of the
11 not-for-profit corporation and its subsidiaries, except
12 minutes of meetings open to the public pursuant to subsection
13 (9);

14 9. Information that reveals plans for marketing
15 services that the corporation or its subsidiaries reasonably
16 expect to be provided by competitors;

17 10. Trade secrets as defined in s. 688.002, including
18 reimbursement methodologies or rates; or

19 11. The identity of donors or prospective donors of
20 property who wish to remain anonymous or any information
21 identifying such donors or prospective donors. The anonymity
22 of these donors or prospective donors must be maintained in
23 the auditor's report.

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25 As used in this paragraph, the term "managed care" means
26 systems or techniques generally used by third-party payors or
27 their agents to affect access to and control payment for
28 health care services. Managed-care techniques most often
29 include one or more of the following: prior, concurrent, and
30 retrospective review of the medical necessity and
31 appropriateness of services or site of services; contracts

1 with selected health care providers; financial incentives or
2 disincentives related to the use of specific providers,
3 services, or service sites; controlled access to and
4 coordination of services by a case manager; and payor efforts
5 to identify treatment alternatives and modify benefit
6 restrictions for high-cost patient care.

7 (9) Meetings of the governing board of the
8 not-for-profit corporation and meetings of the subsidiaries of
9 the not-for-profit corporation at which the expenditure of
10 dollars appropriated to the not-for-profit corporation by the
11 state are discussed or reported must remain open to the public
12 in accordance with s. 286.011 and s. 24(b), Art. I of the
13 State Constitution, unless made confidential or exempt by law.
14 Other meetings of the governing board of the not-for-profit
15 corporation and of the subsidiaries of the not-for-profit
16 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
17 the State Constitution.

18 Section 12. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, subsection (14) and
20 paragraph (c) of subsection (22) of section 240.551, Florida
21 Statutes, are not repealed on January 7, 2003, as provided in
22 that act, but subsection (14) and paragraph (c) of subsection
23 (22) of section 240.551, Florida Statutes, are reenacted and
24 amended to read:

25 240.551 Florida Prepaid College Program.--

26 (14) CONFIDENTIALITY OF ACCOUNT
27 INFORMATION.--Information that identifies the purchasers or
28 beneficiaries of any plan promulgated under this section and
29 their advance payment account activities is exempt from the
30 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution. However, the board may authorize the program's

1 records administrator to release such information to a
2 community college, college, or university in which a
3 beneficiary may enroll or is enrolled. Community colleges,
4 colleges, and universities shall maintain such information as
5 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
6 I of the State Constitution.

7 (22) DIRECT-SUPPORT ORGANIZATION; AUTHORITY.--

8 (c) The identity of donors who desire to remain
9 anonymous shall be confidential and exempt from the provisions
10 of s. 119.07(1) and s. 24(a), Art. I of the State
11 Constitution, and such anonymity shall be maintained in the
12 auditor's report. Information received by the organization
13 that is otherwise confidential or exempt by law shall retain
14 such status. Any sensitive, personal information regarding
15 contract beneficiaries, including their identities, is exempt
16 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
17 the State Constitution.

18 Section 13. Notwithstanding subsection (7) of section
19 3 of chapter 2000-321, Laws of Florida, section 240.554,
20 Florida Statutes, is not repealed on January 7, 2003, as
21 provided in that act, but is reenacted to read:

22 240.554 Florida College Savings Program;
23 confidentiality of account information.--Information that
24 identifies the benefactors or the designated beneficiary of
25 any account initiated under s. 240.553 and information
26 regarding individual account activities conducted through the
27 program established in s. 240.553 are confidential and exempt
28 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
29 the State Constitution. However, the board may authorize the
30 release of such information to a community college, college,
31 or university in which a designated beneficiary may enroll or

1 is enrolled. Community colleges, colleges, and universities
2 shall maintain the confidentiality of such information. This
3 section is subject to the Open Government Sunset Review Act of
4 1995 in accordance with s. 119.15, and shall stand repealed on
5 October 2, 2005, unless reviewed and saved from repeal through
6 reenactment by the Legislature.

7 Section 14. Notwithstanding subsection (7) of section
8 3 of chapter 2000-321, Laws of Florida, paragraph (h) of
9 subsection (2) of section 240.711, Florida Statutes, is not
10 repealed on January 7, 2003, as provided in that act, but that
11 paragraph is reenacted and amended to read:

12 240.711 Ringling Center for Cultural Arts.--

13 (2)

14 (h) The John and Mable Ringling Museum of Art
15 direct-support organization shall provide for an annual
16 financial audit in accordance with s. 240.299(5)~~s.~~
17 ~~240.299(4)~~. Florida State University is authorized to require
18 and receive from the direct-support organization, or from its
19 independent auditor, any detail or supplemental data relative
20 to the operation of such organization. Information that, if
21 released, would identify donors who desire to remain
22 anonymous, is confidential and exempt from the provisions of
23 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
24 Information that, if released, would identify prospective
25 donors is confidential and exempt from the provisions of s.
26 119.07(1) and s. 24(a), Art. I of the State Constitution, when
27 the direct-support organization has identified the prospective
28 donor itself and has not obtained the name of the prospective
29 donor by copying, purchasing, or borrowing names from another
30 organization or source. Identities of such donors and

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1 prospective donors shall not be revealed in the auditor's
2 report.

3 Section 15. Section 246.1112, Florida Statutes, is
4 created to read:

5 246.1112 Actions against a licensee and other
6 penalties; confidentiality of information.--The complaint and
7 all information obtained by the Commission for Independent
8 Education in the course of an investigation under s. 246.111
9 is confidential and exempt from s. 119.07(1), and s. 24(a),
10 Art. I of the State Constitution, for a maximum of 10 days
11 after the probable-cause panel declares a finding of probable
12 cause, and the proceedings of that probable-cause panel are
13 exempt from s. 286.011 and s. 24(b), Art. I of the State
14 Constitution until the panel declares a finding of probable
15 cause.

16 Section 16. (1) The Legislature finds that it is a
17 public necessity to exempt the complaint, all information
18 obtained in the course of investigation of the complaint, and
19 the proceedings determining a finding of probable cause under
20 section 246.111, Florida Statutes, from disclosure because the
21 exemption prevents unfounded complaints and investigations
22 from being used to damage the good name of the individual or
23 entity, injuring the affected entity in the marketplace. The
24 public would continue to be protected because the information
25 would be released after a finding of probable cause.

26 (2) The Legislature finds it is a public necessity to
27 exempt the claims files of self-insurance programs under
28 section 240.213, Florida Statutes, from disclosure because the
29 disclosure of confidential business information would injure
30 the affected entity in the marketplace by reducing its

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1 business advantage by providing competitors and claimants with
2 detailed insight into the management of claims.

3 (3) The Legislature finds it is a public necessity to
4 exempt certain student records under sections 240.237 and
5 240.323, Florida Statutes, from disclosure because the
6 confidential information is of a sensitive personal nature.
7 The exemption is necessary to protect student safety and a
8 student's expectation of privacy. The records are open to
9 inspection only as provided in section 228.093, Florida
10 Statutes.

11 (4) The Legislature finds it is a public necessity to
12 exempt certain employee records under sections 240.253 and
13 240.337, Florida Statutes, from disclosure because the
14 confidential information is of a sensitive personal nature.
15 The exemption is necessary to protect employee safety and to
16 protect an employee's expectation of privacy.

17 (5) The Legislature finds it is a public necessity to
18 exempt certain materials related to methods of manufacture and
19 production, potential and actual trade secrets, potentially
20 patentable material, business transactions, and proprietary
21 information under section 240.241(2), Florida Statutes, from
22 disclosure because the business advantage would be reduced by
23 allowing competitors with detailed insights into the research
24 conducted by the university, injuring the university in the
25 marketplace if disclosed. Disclosure would impair the
26 administrative effectiveness and efficiency of a government
27 program because certain entities would not cooperate with the
28 university for fear that their work product would be
29 disclosed. A division of sponsored research shall make
30 available upon request the title and description of a research
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1 project, the name of the researcher, and the amount and source
2 of the funding provided for such project.

3 (6) The Legislature finds it is a public necessity to
4 exempt donor and prospective donor identities under sections
5 240.299(5), 240.331(6), 240.3315(6), 240.551(22)(c), and
6 240.711(2)(h), Florida Statutes, from disclosure to protect
7 confidential information of a sensitive personal nature. The
8 exemption is necessary to protect the donor's expectation of
9 privacy.

10 (7) The Legislature finds it is a public necessity to
11 exempt all records of a direct-support organization, under
12 sections 240.299(5) and 240.311(6), Florida Statutes, other
13 than the auditor's report, management letter, and supplemental
14 data requested by certain governmental entities, from
15 disclosure to protect a business advantage over competitors.
16 Disclosure would provide competitors with detailed insights
17 into the financial status and strategic plans of the
18 direct-support organization thereby impairing the business
19 advantage and causing injury to the direct-support
20 organization in the marketplace.

21 (8) The Legislature finds it is a public necessity to
22 exempt proprietary confidential business information of the
23 not-for-profit corporation and its subsidiaries under section
24 240.512(8), Florida Statutes, from disclosure to protect a
25 business advantage over competitors. Disclosure would provide
26 competitors with detailed insight into the research conducted
27 by the cancer center thereby diminishing the business
28 advantage and causing injury in the marketplace. The
29 Legislature finds it is a public necessity to exempt the
30 meetings of the governing board of the not-for-profit
31 corporation and its subsidiaries from disclosure. Providing

1 open meetings for the not-for-profit corporation and its
2 subsidiaries would provide competitors with detailed insight
3 into the status of research conducted by the cancer center
4 thereby diminishing the business advantage and causing injury
5 to the cancer center in the marketplace. The meeting of the
6 not-for-profit corporation and its subsidiaries at which the
7 expenditure of dollars appropriated to the not-for-profit
8 corporation and its subsidiaries by the state are discussed or
9 reported must remain open to the public in accordance with
10 section 286.011, Florida Statutes, and Section 24(b), Article
11 I of the State Constitution.

12 (9) The Legislature finds it is a public necessity to
13 exempt information that identifies the purchasers or
14 beneficiaries of any plan and their advance payment account
15 activities under sections 240.551(14) and 240.554, Florida
16 Statutes, from disclosure to protect confidential information
17 of a sensitive personal nature. The exemption is necessary to
18 protect the purchaser or beneficiary's expectation of privacy.
19 The records identifying the purchasers, beneficiaries, and
20 their advance payment account activities may be released to a
21 community college, college, or university in which a
22 beneficiary may enroll or is enrolled, provided that the
23 community colleges, colleges, and universities shall maintain
24 such information as exempt from section 119.07(1), Florida
25 Statutes, and Section 24(a), Article I of the State
26 Constitution.

27 (10) The Legislature finds it is a public necessity to
28 exempt certain contracts for managed care arrangements,
29 marketing plans, trade secrets, reimbursement methodologies
30 and rates, records of peer review boards that evaluate health
31 care services and professional credentials of health care

1 providers and physicians, and peer review meetings under
2 section 240.2996, Florida Statutes, from disclosure to protect
3 a business advantage that a health support organization has
4 over its competitors, disclosure of which would impair the
5 business advantage by allowing competitors with detailed
6 insight into confidential information concerning the
7 methodology and strategic plans of the health support
8 organization thereby causing injury in the marketplace. The
9 exemption for certain peer review meetings ensures that a
10 governmental program will be effectively and efficiently
11 administered because of the reluctance of healthcare providers
12 to publicly comment on the qualifications of another
13 healthcare provider.

14 Section 17. This act shall take effect January 7,
15 2003.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 1562

20 Provides that the State Board of Education must have access to
21 all proprietary confidential information of the not-for-profit
22 corporation and its subsidiaries and must maintain the
23 confidentiality of the information.
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