

By the Committees on Governmental Oversight and Productivity;
Education; and Senator Villalobos

302-2323-02

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

1 requirements; reenacting and amending s.
2 240.323, F.S.; providing that the State Board
3 of Education adopt rules relating to student
4 records; providing that certain community
5 college student records are exempt from
6 public-disclosure requirements; reenacting and
7 amending s. 240.331(6), F.S.; providing for
8 receipt of audit report by State Board of
9 Education; providing that certain community
10 college direct support organization records are
11 exempt from public-disclosure requirements;
12 reenacting s. 240.3315(6), F.S., relating to
13 exemptions for certain donor identities from
14 public-disclosure requirements; reenacting and
15 amending s. 240.337, F.S.; providing that the
16 State Board of Education adopt rules relating
17 to employee records; providing that certain
18 community college employee records are exempt
19 from public-disclosure requirements; reenacting
20 and amending s. 240.512(8) and (9), F.S.;
21 providing that the State Board of Education
22 must be given access to all proprietary
23 confidential business information; providing
24 certain records and meetings of the H. Lee
25 Moffitt Cancer Center and Research Institute
26 and its not-for-profit subsidiaries are exempt
27 from public-disclosure and public-meetings
28 requirements; reenacting and amending s.
29 240.551(14) and (22)(c), F.S.; relating to an
30 exemption for identities of certain purchasers,
31 beneficiaries, and donors, and their account

1 records from public-disclosure requirements;
2 reenacting s. 240.554, F.S., relating to
3 exemptions from public-disclosure requirements
4 for certain account information of the Florida
5 College Savings Program; reenacting and
6 amending s. 240.711(2)(h), F.S.; conforming a
7 cross-reference; providing for exemption from
8 public-disclosure requirements for certain
9 donor identities; providing findings of public
10 necessity; providing an effective date.

11

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

13

14 Section 1. Notwithstanding subsection (7) of section 3
15 of chapter 2000-321, Laws of Florida, subsection (4) of
16 section 240.213, Florida Statutes, is not repealed on January
17 7, 2003, as provided in that act, but that subsection is
18 reenacted and amended to read:

19 240.213 Board authorized to secure liability
20 insurance.--

21 (4) No self-insurance program adopted by the
22 university or college board of trustees ~~Board of Regents~~ may
23 sue or be sued. The Board of Regents shall pay, out of the
24 assets of a trust fund established pursuant to this section,
25 any claim or judgment for which the self-insurance trust funds
26 were created and which is rendered against the board. The
27 claims files of any such program are privileged and
28 confidential, exempt from the provisions of s. 119.07(1) and
29 s. 24(a), Art. I of the State Constitution, and are only for
30 the use of the program in fulfilling its duties. Any

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1 self-insurance trust fund and revenues generated by that fund
2 shall only be used to pay claims and administration expenses.

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

7 240.237 Student records.--The university and college
8 boards of trustees may prescribe the content and custody of
9 records and reports which the university or college may
10 maintain on its students. Such records are confidential and
11 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
12 I of the State Constitution, and are open to inspection only
13 as provided in s. 228.093.

14 Section 3. Notwithstanding subsection (7) of section 3
15 of chapter 2000-321, Laws of Florida, subsection (2) of
16 section 240.241, Florida Statutes, is not repealed on January
17 7, 2003, as provided in that act, but that subsection is
18 reenacted and amended to read:

19 240.241 Divisions of sponsored research at state
20 universities.--

21 (2) The university shall set such policies to regulate
22 the activities of the divisions of sponsored research as it
23 may consider necessary to effectuate the purposes of this act
24 and to administer the research programs in a manner which
25 assures efficiency and effectiveness, producing the maximum
26 benefit for the educational programs and maximum service to
27 the state. To this end, materials that relate to methods of
28 manufacture or production, potential trade secrets,
29 potentially patentable material, actual trade secrets,
30 business transactions, or proprietary information received,
31 generated, ascertained, or discovered during the course of

1 research conducted within the state universities shall be
2 confidential and exempt from the provisions of s. 119.07(1)
3 and s. 24(a), Art. I of the State Constitution, except that a
4 division of sponsored research shall make available upon
5 request the title and description of a research project, the
6 name of the researcher, and the amount and source of funding
7 provided for such project.

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

12 240.253 Personnel records.--

13 (1) Each university and college board of trustees
14 shall adopt rules prescribing the content and custody of
15 limited-access records that the university or college may
16 maintain on its employees. Such limited-access records are
17 confidential and exempt from the provisions of s. 119.07(1)
18 and s. 24(a), Art. I of the State Constitution. Such records
19 are limited to the following:

20 (a) Records containing information reflecting academic
21 evaluations of employee performance shall be open to
22 inspection only by the employee and by officials of the
23 university or college responsible for supervision of the
24 employee.

25 (b) Records maintained for the purposes of any
26 investigation of employee misconduct, including but not
27 limited to a complaint against an employee and all information
28 obtained pursuant to the investigation of such complaint,
29 shall be confidential until the investigation ceases to be
30 active or until the university or college provides written
31

1 notice to the employee who is the subject of the complaint
2 that the university or college has either:

3 1. Concluded the investigation with a finding not to
4 proceed with disciplinary action;

5 2. Concluded the investigation with a finding to
6 proceed with disciplinary action; or

7 3. Issued a letter of discipline.
8

9 For the purpose of this paragraph, an investigation shall be
10 considered active as long as it is continuing with a
11 reasonable, good-faith ~~good-faith~~ anticipation that a finding
12 will be made in the foreseeable future. An investigation
13 shall be presumed to be inactive if no finding is made within
14 90 days after the complaint is filed.

15 (c) Records maintained for the purposes of any
16 disciplinary proceeding brought against an employee shall be
17 confidential until a final decision is made in the proceeding.
18 The record of any disciplinary proceeding, including any
19 evidence presented, shall be open to inspection by the
20 employee at all times.

21 (d) Records maintained for the purposes of any
22 grievance proceeding brought by an employee for enforcement of
23 a collective bargaining agreement or contract shall be
24 confidential and shall be open to inspection only by the
25 employee and by officials of the university or college
26 conducting the grievance proceeding until a final decision is
27 made in the proceeding.

28 (2) Notwithstanding the foregoing, any records or
29 portions thereof which are otherwise confidential by law shall
30 continue to be exempt from the provisions of s. 119.07(1) and
31 s. 24(a), Art. I of the State Constitution. In addition, for

1 sexual harassment investigations, portions of such records
2 which identify the complainant, a witness, or information
3 which could reasonably lead to the identification of the
4 complainant or a witness are limited-access records.

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

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

14 (5) This act shall apply to records created after July
15 1, 1995.

16 Section 5. Notwithstanding subsection (7) of section 3
17 of chapter 2000-321, Laws of Florida, subsection (5) of
18 section 240.299, Florida Statutes, is not repealed on January
19 7, 2003, as provided in that act, but that subsection is
20 reenacted and amended to read:

21 240.299 Direct-support organizations; use of property;
22 board of directors; activities; audit; facilities.--

23 (5) ANNUAL AUDIT.--Each direct-support organization
24 shall provide for an annual financial audit of its accounts
25 and records to be conducted by an independent certified public
26 accountant in accordance with rules adopted by the Auditor
27 General pursuant to s. 11.45(8) ~~and by the Board of Regents~~.
28 The annual audit report shall be submitted, within 9 months
29 after the end of the fiscal year, to the Auditor General and
30 the State Board of Education ~~Board of Regents~~ for review. The
31 State Board of Education, the university and college boards of

1 trustees ~~Board of Regents~~, the Auditor General, and the Office
2 of Program Policy Analysis and Government Accountability shall
3 have the authority to require and receive from the
4 organization or from its independent auditor any records
5 relative to the operation of the organization. The identity of
6 donors who desire to remain anonymous shall be protected, and
7 that anonymity shall be maintained in the auditor's report.
8 All records of the organization other than the auditor's
9 report, management letter, and any supplemental data requested
10 by the State Board of Education, the university and college
11 boards of trustees ~~Board of Regents~~, the Auditor General, and
12 the Office of Program Policy Analysis and Government
13 Accountability shall be confidential and exempt from the
14 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
15 Constitution.

16 Section 6. Notwithstanding subsection (7) of section 3
17 of chapter 2000-321, Laws of Florida, section 240.323, Florida
18 Statutes, is not repealed on January 7, 2003, as provided in
19 that act, but that section is reenacted and amended to read:

20 240.323 Student records.--Rules of the State Board of
21 Education ~~Community Colleges~~ may prescribe the content and
22 custody of records and reports which a community college may
23 maintain on its students. Such records are confidential and
24 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
25 Constitution, and are open to inspection only as provided in
26 s. 228.093.

27 Section 7. Notwithstanding subsection (7) of section 3
28 of chapter 2000-321, Laws of Florida, subsection (6) of
29 section 240.331, Florida Statutes, is not repealed on January
30 7, 2003, as provided in that act, but that subsection is
31 reenacted and amended to read:

1 240.331 Community college direct-support
2 organizations.--
3 (6) ANNUAL AUDIT.--Each direct-support organization
4 shall provide for an annual financial audit in accordance with
5 rules adopted by the Auditor General pursuant to s. 11.45(8).
6 The annual audit report must be submitted, within 9 months
7 after the end of the fiscal year, to the Auditor General, the
8 State Board of Education ~~Community Colleges~~, and the board of
9 trustees for review. The board of trustees, the Auditor
10 General, and the Office of Program Policy Analysis and
11 Government Accountability may require and receive from the
12 organization or from its independent auditor any detail or
13 supplemental data relative to the operation of the
14 organization. The identity of donors who desire to remain
15 anonymous shall be protected, and that anonymity shall be
16 maintained in the auditor's report. All records of the
17 organization, other than the auditor's report, any information
18 necessary for the auditor's report, any information related to
19 the expenditure of funds, and any supplemental data requested
20 by the board of trustees, the Auditor General, and the Office
21 of Program Policy Analysis and Government Accountability,
22 shall be confidential and exempt from the provisions of s.
23 119.07(1) and s. 24(a), Art. I of the State Constitution.
24 Section 8. Notwithstanding subsection (7) of section 3
25 of chapter 2000-321, Laws of Florida, subsection (6) of
26 section 240.3315, Florida Statutes, is not repealed on January
27 7, 2003, as provided in that act, but that subsection is
28 reenacted to read:
29 240.3315 Statewide community college direct-support
30 organizations.--
31

1 (6) ANNUAL AUDIT.--A statewide community college
2 direct-support organization shall provide for an annual
3 financial audit in accordance with s. 240.331. The identity of
4 a donor or prospective donor who desires to remain anonymous
5 and all information identifying such donor or prospective
6 donor are confidential and exempt from the provisions of s.
7 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
8 anonymity shall be maintained in the auditor's report.

9 Section 9. Notwithstanding subsection (7) of section 3
10 of chapter 2000-321, Laws of Florida, section 240.337, Florida
11 Statutes, is not repealed on January 7, 2003, as provided in
12 that act, but that section is reenacted and amended to read:

13 240.337 Records of personnel.--Rules of the State
14 Board of Education ~~Community Colleges~~ shall prescribe the
15 content and custody of limited-access records which a
16 community college may maintain on its employees. Such records
17 shall be limited to information reflecting evaluations of
18 employee performance and shall be open to inspection only by
19 the employee and by officials of the community college who are
20 responsible for supervision of the employee. Such limited
21 access employee records are confidential and exempt from the
22 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
23 Constitution. Except as required for use by the president in
24 the discharge of his or her official responsibilities, the
25 custodian of limited access employee records may release
26 information from such records only upon authorization in
27 writing from the employee or the president or upon order of a
28 court of competent jurisdiction.

29 Section 10. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, subsections (8) and
31 (9) of section 240.512, Florida Statutes, are not repealed on

1 January 7, 2003, as provided in that act, but those
2 subsections (8) and (9) are reenacted and amended to read:

3 240.512 H. Lee Moffitt Cancer Center and Research
4 Institute.--There is established the H. Lee Moffitt Cancer
5 Center and Research Institute at the University of South
6 Florida.

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

10 (b) Proprietary confidential business information is
11 confidential and exempt from the provisions of s. 119.07(1)
12 and s. 24(a), Art. I of the State Constitution. However, the
13 Auditor General, the Office of Program Policy Analysis and
14 Government Accountability, and the State Board of Education
15 ~~Regents~~, pursuant to their oversight and auditing functions,
16 must be given access to all proprietary confidential business
17 information upon request and without subpoena and must
18 maintain the confidentiality of information so received. As
19 used in this paragraph, the term "proprietary confidential
20 business information" means information, regardless of its
21 form or characteristics, which is owned or controlled by the
22 not-for-profit corporation or its subsidiaries; is intended to
23 be and is treated by the not-for-profit corporation or its
24 subsidiaries as private and the disclosure of which would harm
25 the business operations of the not-for-profit corporation or
26 its subsidiaries; has not been intentionally disclosed by the
27 corporation or its subsidiaries unless pursuant to law, an
28 order of a court or administrative body, a legislative
29 proceeding pursuant to s. 5, Art. III of the State
30 Constitution, or a private agreement that provides that the

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1 information may be released to the public; and which is
2 information concerning:
3 1. Internal auditing controls and reports of internal
4 auditors;
5 2. Matters reasonably encompassed in privileged
6 attorney-client communications;
7 3. Contracts for managed-care arrangements, including
8 preferred provider organization contracts, health maintenance
9 organization contracts, and exclusive provider organization
10 contracts, and any documents directly relating to the
11 negotiation, performance, and implementation of any such
12 contracts for managed-care arrangements;
13 4. Bids or other contractual data, banking records,
14 and credit agreements the disclosure of which would impair the
15 efforts of the not-for-profit corporation or its subsidiaries
16 to contract for goods or services on favorable terms;
17 5. Information relating to private contractual data,
18 the disclosure of which would impair the competitive interest
19 of the provider of the information;
20 6. Corporate officer and employee personnel
21 information;
22 7. Information relating to the proceedings and records
23 of credentialing panels and committees and of the governing
24 board of the not-for-profit corporation or its subsidiaries
25 relating to credentialing;
26 8. Minutes of meetings of the governing board of the
27 not-for-profit corporation and its subsidiaries, except
28 minutes of meetings open to the public pursuant to subsection
29 (9);
30
31

1 9. Information that reveals plans for marketing
2 services that the corporation or its subsidiaries reasonably
3 expect to be provided by competitors;

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

6 11. The identity of donors or prospective donors of
7 property who wish to remain anonymous or any information
8 identifying such donors or prospective donors. The anonymity
9 of these donors or prospective donors must be maintained in
10 the auditor's report.

11

12 As used in this paragraph, the term "managed care" means
13 systems or techniques generally used by third-party payors or
14 their agents to affect access to and control payment for
15 health care services. Managed-care techniques most often
16 include one or more of the following: prior, concurrent, and
17 retrospective review of the medical necessity and
18 appropriateness of services or site of services; contracts
19 with selected health care providers; financial incentives or
20 disincentives related to the use of specific providers,
21 services, or service sites; controlled access to and
22 coordination of services by a case manager; and payor efforts
23 to identify treatment alternatives and modify benefit
24 restrictions for high-cost patient care.

25 (9) Meetings of the governing board of the
26 not-for-profit corporation and meetings of the subsidiaries of
27 the not-for-profit corporation at which the expenditure of
28 dollars appropriated to the not-for-profit corporation by the
29 state are discussed or reported must remain open to the public
30 in accordance with s. 286.011 and s. 24(b), Art. I of the
31 State Constitution, unless made confidential or exempt by law.

1 Other meetings of the governing board of the not-for-profit
2 corporation and of the subsidiaries of the not-for-profit
3 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
4 the State Constitution.

5 Section 11. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, subsection (14) and
7 paragraph (c) of subsection (22) of section 240.551, Florida
8 Statutes, are not repealed on January 7, 2003, as provided in
9 that act, but subsection (14) and paragraph (c) of subsection
10 (22) of section 240.551, Florida Statutes, are reenacted and
11 amended to read:

12 240.551 Florida Prepaid College Program.--

13 (14) CONFIDENTIALITY OF ACCOUNT
14 INFORMATION.--Information that identifies the purchasers or
15 beneficiaries of any plan promulgated under this section and
16 their advance payment account activities is exempt from the
17 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
18 Constitution. However, the board may authorize the program's
19 records administrator to release such information to a
20 community college, college, or university in which a
21 beneficiary may enroll or is enrolled. Community colleges,
22 colleges, and universities shall maintain such information as
23 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
24 I of the State Constitution.

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

26 (c) The identity of donors who desire to remain
27 anonymous shall be confidential and exempt from the provisions
28 of s. 119.07(1) and s. 24(a), Art. I of the State
29 Constitution, and such anonymity shall be maintained in the
30 auditor's report. Information received by the organization
31 that is otherwise confidential or exempt by law shall retain

1 such status. Any sensitive, personal information regarding
2 contract beneficiaries, including their identities, is exempt
3 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
4 the State Constitution.

5 Section 12. Notwithstanding subsection (7) of section
6 3 of chapter 2000-321, Laws of Florida, section 240.554,
7 Florida Statutes, is not repealed on January 7, 2003, as
8 provided in that act, but is reenacted to read:

9 240.554 Florida College Savings Program;
10 confidentiality of account information.--Information that
11 identifies the benefactors or the designated beneficiary of
12 any account initiated under s. 240.553 and information
13 regarding individual account activities conducted through the
14 program established in s. 240.553 are confidential and exempt
15 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
16 the State Constitution. However, the board may authorize the
17 release of such information to a community college, college,
18 or university in which a designated beneficiary may enroll or
19 is enrolled. Community colleges, colleges, and universities
20 shall maintain the confidentiality of such information. This
21 section is subject to the Open Government Sunset Review Act of
22 1995 in accordance with s. 119.15, and shall stand repealed on
23 October 2, 2005, unless reviewed and saved from repeal through
24 reenactment by the Legislature.

25 Section 13. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, paragraph (h) of
27 subsection (2) of section 240.711, Florida Statutes, is not
28 repealed on January 7, 2003, as provided in that act, but that
29 paragraph is reenacted and amended to read:

30 240.711 Ringling Center for Cultural Arts.--
31 (2)

1 (h) The John and Mable Ringling Museum of Art
2 direct-support organization shall provide for an annual
3 financial audit in accordance with s. 240.299(5)~~s.~~
4 ~~240.299(4)~~. Florida State University is authorized to require
5 and receive from the direct-support organization, or from its
6 independent auditor, any detail or supplemental data relative
7 to the operation of such organization. Information that, if
8 released, would identify donors who desire to remain
9 anonymous, is confidential and exempt from the provisions of
10 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.
11 Information that, if released, would identify prospective
12 donors is confidential and exempt from the provisions of s.
13 119.07(1) and s. 24(a), Art. I of the State Constitution, when
14 the direct-support organization has identified the prospective
15 donor itself and has not obtained the name of the prospective
16 donor by copying, purchasing, or borrowing names from another
17 organization or source. Identities of such donors and
18 prospective donors shall not be revealed in the auditor's
19 report.

20 Section 14. (1) The Legislature finds it is a public
21 necessity to exempt the claims files of self-insurance
22 programs under section 240.213, Florida Statutes, from
23 disclosure because the disclosure of confidential business
24 information would injure the affected entity in the
25 marketplace by reducing its business advantage by providing
26 competitors and claimants with detailed insight into the
27 management of claims.

28 (2) The Legislature finds it is a public necessity to
29 exempt certain student records under sections 240.237 and
30 240.323, Florida Statutes, from disclosure because the
31 confidential information is of a sensitive personal nature.

1 The exemption is necessary to protect student safety and a
2 student's expectation of privacy. The records are open to
3 inspection only as provided in section 228.093, Florida
4 Statutes.

5 (3) The Legislature finds it is a public necessity to
6 exempt certain employee records under sections 240.253 and
7 240.337, Florida Statutes, from disclosure because the
8 confidential information is of a sensitive personal nature.
9 The exemption is necessary to protect employee safety and to
10 protect an employee's expectation of privacy.

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

27 (5) The Legislature finds it is a public necessity to
28 exempt donor and prospective donor identities under sections
29 240.299(5), 240.331(6), 240.3315(6), 240.551(22)(c), and
30 240.711(2)(h), Florida Statutes, from disclosure to protect
31 confidential information of a sensitive personal nature. The

1 exemption is necessary to protect the donor's expectation of
2 privacy.

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

14 (7) The Legislature finds it is a public necessity to
15 exempt proprietary confidential business information of the
16 not-for-profit corporation and its subsidiaries under section
17 240.512(8), Florida Statutes, from disclosure to protect a
18 business advantage over competitors. Disclosure would provide
19 competitors with detailed insight into the research conducted
20 by the cancer center thereby diminishing the business
21 advantage and causing injury in the marketplace. The
22 Legislature finds it is a public necessity to exempt the
23 meetings of the governing board of the not-for-profit
24 corporation and its subsidiaries from disclosure. Providing
25 open meetings for the not-for-profit corporation and its
26 subsidiaries would provide competitors with detailed insight
27 into the status of research conducted by the cancer center
28 thereby diminishing the business advantage and causing injury
29 to the cancer center in the marketplace. The meeting of the
30 not-for-profit corporation and its subsidiaries at which the
31 expenditure of dollars appropriated to the not-for-profit

1 corporation and its subsidiaries by the state are discussed or
2 reported must remain open to the public in accordance with
3 section 286.011, Florida Statutes, and Section 24(b), Article
4 I of the State Constitution.

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

20 Section 15. This act shall take effect January 7,
21 2003.

22
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 CS/SB 1562

26 Removes two exemptions from bill.

27 Removes s. 240.2996, F.S., which expands an exemption for
28 university health services support organizations by adding
community college health services support organizations.

29 Removes section creating s. 246.1112, F.S., which creates an
30 exemption for certain investigatory and complaint records.

31 Removes language avoiding review of remaining exemptions in
bill under s. 119.15, F.S.