

1 A bill to be entitled
2 An act relating to public records exemptions;
3 creating exemptions for trade secret
4 information; creating an exemption from public
5 records and public meetings requirements for
6 certain information held by the Florida
7 Institute of Human and Machine Cognition;
8 creating an exemption from public records
9 requirements for specified materials, actual
10 and potential trade secrets, information
11 identifying donors to the institute; providing
12 for specified access to certain information by
13 governmental entities; creating an exemption
14 from public meetings requirements for meetings
15 of the governing board of the not-for-profit
16 corporation at which exempt records are
17 discussed; providing for future review and
18 repeal; providing a statement of public
19 necessity; creating s. 627.9742, F.S.; creating
20 a public records exemption for credit scoring
21 methodologies and related data and information
22 that are trade secrets filed with the Office of
23 Insurance Regulation; providing for future
24 review and repeal; providing a statement of
25 public necessity; providing a contingent
26 effective date.

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28 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. Florida Institute for Human and Machine
2 Cognition, Inc.; public records exemption; public meetings
3 exemption.--

4 (1) The following information held by the Florida
5 Institution for Human and Machine Cognition, Inc., or an
6 authorized subsidiary of the corporation, is confidential and
7 exempt from the provisions of section 24, Article I of the
8 State Constitution and section 119.07(1), Florida Statutes:

9 (a) Material that relate to methods of manufacturer or
10 production, potential trade secrets, patentable material,
11 actual trade secrets as defined in section 688.002, Florida
12 Statutes, or proprietary information received, generated,
13 ascertained, or discovered during the course of research
14 conducted by or through the Florida Institute for Human and
15 Machine Cognition and its not-for-profit corporation and
16 subsidiaries and business transactions resulting from such
17 research.

18 (b) Any information received by the corporation or a
19 subsidiary from a person from another state or nation or the
20 Federal Government which is otherwise confidential or exempt
21 pursuant to that state's or nation's laws or pursuant to
22 federal law.

23 (c) Any information received by the corporation or a
24 subsidiary in the performance of its duties and
25 responsibilities which is otherwise confidential and exempt by
26 law.

27 (d) All identifying information of a donor or
28 prospective donor to the corporation or a subsidiary who
29 wishes to remain anonymous.

30 (2) The corporation or its subsidiary shall permit any
31 governmental entity to inspect or copy confidential or exempt

1 information held by the corporation or its subsidiary that is
2 necessary for that governmental entity to perform its duties
3 and responsibilities. Any governmental entity that is
4 permitted to inspect or copy confidential and exempt
5 information held by the corporation or a subsidiary shall
6 maintain the confidential and exempt status of that
7 information.

8 (3) That portion of a meeting of the corporation, or a
9 subsidiary at which information is presented or discussed that
10 is confidential and exempt pursuant to subsection (1) is
11 exempt from section 24(b), Article I of the State Constitution
12 and section 286.011, Florida Statutes.

13 (4) This section is subject to the Open Government
14 Sunset Review Act of 1995 in accordance with section 119.15,
15 Florida Statutes, and shall stand repealed on October 2, 2008,
16 unless reviewed and saved from repeal through reenactment by
17 the Legislature.

18 Section 2. The Legislature finds that it is a public
19 necessity that certain records of the Institute for Human and
20 Machine Cognition, or a subsidiary, which records contain
21 proprietary confidential business information be made
22 confidential and exempt. Materials that relate to methods of
23 manufacture or production, actual or potential trade secrets,
24 patentable materials, business transactions, or proprietary
25 information received, generated, ascertained, or discovered
26 during the course of research conducted by the corporation or
27 a subsidiary must be confidential and exempt because the
28 disclosure of such information would create an unfair
29 competitive advantage for persons receiving such information,
30 which would adversely impact the corporation or its
31 subsidiaries. If such information regarding research in

1 progress were released pursuant to a public records request,
2 others would be allowed to take the benefit of the research
3 without compensation or reimbursement to the institute. The
4 Legislature further finds that information received by the
5 corporation or its subsidiaries from a person in another state
6 or nation or the Federal Government which is otherwise
7 confidential or exempt pursuant to the laws of that state or
8 nation or federal law should remain confidential or exempt
9 because the highly confidential nature of research
10 necessitates that the corporation or its subsidiaries be
11 authorized to maintain the status of confidential or exempt
12 information it receives from the sponsors of research. Without
13 the exemptions, the disclosure of confidential and exempt
14 information would place the corporation in an unequal footing
15 in the marketplace as compared with its private research
16 competitors that are not required to disclose confidential and
17 exempt information. The Legislature finds that the disclosure
18 of such information would adversely impact the corporation or
19 a subsidiary from fulfilling the mission of research and
20 education. It is further a public necessity that the
21 institute, its not-for-profit corporation, and subsidiaries
22 have the same confidential protections for other information
23 received in the performance of its duties and obligations
24 which is confidential and exempt by law to put the institute
25 on an equal footing with other public research institutes and
26 ensure that the institute has similar opportunities for
27 success as its private research competitors. In addition, the
28 Legislature further finds that the identity of a donor or
29 prospective donor who wishes to remain anonymous should be
30 confidential and exempt from public disclosure in the same
31 manner provided to the direct support organizations at the

1 state universities in section 1004.28(5), Florida Statutes.
2 This exemption is necessary because the disclosure of such
3 information may adversely impact the institute's ability to
4 receive donations from individuals who request anonymity. The
5 Legislature further finds that it is a public necessity that
6 portions of such meetings at which proprietary confidential
7 business information, including materials that relate to
8 methods of manufacture or production, actual or potential
9 trade secrets, patentable materials, business transactions, or
10 proprietary information received, generated, ascertained, or
11 discovered during the course of research, are being discussed
12 are exempt under public open meeting laws to allow the
13 not-for-profit corporation and its subsidiaries to maintain
14 the confidentiality of this information and prevent an unfair
15 competitive advantage for the persons receiving this
16 information.

17 Section 3. Section 627.9742, Florida Statutes, is
18 created to read:

19 627.9742 Public records exemption for the Office of
20 Insurance Regulation.--Credit scoring methodologies and
21 related data and information that are trade secrets as defined
22 in s. 688.002 and that are filed with the Office of Insurance
23 Regulation pursuant to a rate filing or other filing required
24 by law are confidential and exempt from the provisions of s.
25 119.07(1) and s. 24(a), Art. I of the State Constitution.

26 Section 4. Section 627.9742, Florida Statutes, is
27 subject to the Open Government Sunset Review Act of 1995 in
28 accordance with section 119.15, Florida Statutes, and shall
29 stand repealed on October 2, 2008, unless reviewed and saved
30 from repeal through reenactment by the Legislature.

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1 Section 5. The Legislature finds that it is a public
2 necessity that credit scoring methodologies and related data
3 and information that are trade secrets, filed with the Office
4 of Insurance Regulation pursuant to a rate filing or other
5 filing required by law, be made confidential and exempt from
6 public records requirements. Such information could harm the
7 business of an insurance company, as it contains proprietary
8 confidential business information that has economic value
9 derived from not being disclosed to competitors. The
10 Legislature further finds that it is a public necessity to
11 make such information confidential and exempt from public
12 disclosure because release of such information would likely
13 result in an insurer's not providing the Office of Insurance
14 Regulation with adequate information on which to base a
15 determination as to whether a filing meets the requirements of
16 law, resulting in increased administrative and legal disputes
17 with regard to the filing.

18 Section 6. Sections 1 and 2 of this act shall take
19 effect July 1, 2003, if SB 1414 or similar legislation is
20 adopted in the same legislative session or an extension
21 thereof and becomes law. Sections 3, 4, and 5 of this act
22 shall take effect January 1, 2004 if SB 204 or similar
23 legislation adopted in the same legislative session or an
24 extension thereof and becomes a law.

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