



HB 0491

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A bill to be entitled

An act relating to an exemption from public records and public meetings requirements for certain information held by the Florida Institute of Human and Machine Cognition; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, potentially patentable material, proprietary information, information identifying donors to the institute, audit information, attorney-client communications, bids and contractual data, credit agreements, information relating to private contractual data, and information relating to corporate officers and employee personnel held by the institute; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for specified meetings of the governing board of the not-for-profit corporation organized to govern and operate the institute and subsidiaries of the not-for-profit corporation; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Florida Institute of Human and Machine Cognition; public records exemption; public meetings exemption.-

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(1) The following information is confidential and exempt from the provisions of s. 119.07(1), Florida Statutes, and s. 24, Art. I of the State Constitution:



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31 (a) Materials that relate to methods of manufacture or  
32 production, potential trade secrets, potentially patentable  
33 material, actual trade secrets as defined in s. 688.002, Florida  
34 Statutes, or proprietary information received, generated,  
35 ascertained, or discovered during the course of research  
36 conducted by or through the Florida Institute of Human and  
37 Machine Cognition and business transactions resulting from such  
38 research.

39 (b) The identity of a donor or prospective donor to the  
40 Florida Institute of Human and Machine Cognition who wishes to  
41 remain anonymous and all information identifying such donor or  
42 prospective donor.

43 (c) Any information received by the institute in the  
44 performance of its duties and responsibilities which is  
45 otherwise confidential and exempt by law.

46 (d) Any information received by the institute from a  
47 person from another state or nation or the Federal Government  
48 which is otherwise confidential or exempt pursuant to that  
49 state's or nation's laws or pursuant to federal law.

50 (e) Internal auditing controls and reports of internal  
51 auditors.

52 (f) Matters reasonably encompassed in privileged attorney-  
53 client communications.

54 (g) Bids or other contractual data, banking records, and  
55 credit agreements the disclosure of which would impair the  
56 efforts of the not-for-profit corporation or its subsidiaries to  
57 contract for goods and services on favorable terms.

58 (h) Information relating to private contractual data the  
59 disclosure of which would impair the competitive interest of the  
60 provider of the information.



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61        (i) Corporate officer and employee personnel information.

62        (2) Any governmental entity that demonstrates a need to  
63 access any confidential and exempt information or materials set  
64 forth in subsection (1) in order to perform its duties and  
65 responsibilities shall have access to such information and shall  
66 otherwise keep such information confidential and exempt.

67        (3) All information and materials described in subsection  
68 (1) owned, controlled, or acquired by the Florida Institute of  
69 Human and Machine Cognition are not subject to subpoena,  
70 discovery, or introduction into evidence in any civil  
71 proceeding, except that such information and materials otherwise  
72 available from other sources are not immune from subpoena,  
73 discovery, or introduction into evidence from those sources  
74 solely because they were presented to the Florida Institute of  
75 Human and Machine Cognition.

76        (4) Meetings of the governing board of the not-for-profit  
77 corporation and meetings of the subsidiaries of the not-for-  
78 profit corporation at which the expenditure of funds  
79 appropriated to the not-for-profit corporation by the state are  
80 discussed or reported must remain open to the public in  
81 accordance with s. 286.011, Florida Statutes, and s. 24(b), Art.  
82 I of the State Constitution unless made confidential or exempt  
83 by law. Other meetings of the governing board of the not-for-  
84 profit corporation and of the subsidiaries of the not-for-profit  
85 corporation are exempt from s. 286.011, Florida Statutes, and s.  
86 24(b), Art. I of the State Constitution.

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88 This section is subject to the Open Government Sunset Review Act  
89 of 1995 in accordance with s. 119.15, Florida Statutes, and



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90 shall stand repealed on October 2, 2008, unless reviewed and  
91 saved from repeal through reenactment by the Legislature.

92 Section 2. The Legislature finds that the public records  
93 and meetings exemption provided in section 1 of this act for  
94 specified information held by and specified meetings of the  
95 Florida Institute of Human and Machine Cognition is a public  
96 necessity because unrestricted public access to information,  
97 proceedings, and hearings relating to the institute's scientific  
98 research, reports, and contract and grant activity related  
99 thereto might damage the success and intellectual property  
100 development of the institute if made available to its  
101 competitors and could substantially affect the willingness of  
102 federal and foreign agencies to contract with the institute.  
103 Furthermore, public access to such information would not serve a  
104 public interest in that such information will be released in  
105 publications and news releases as soon as trademark and patent  
106 proceedings are initiated. The Legislature also finds that  
107 reports and research of the institute may constitute trade  
108 secrets that give the institute a competitive advantage in the  
109 private market. Public access to such information could affect  
110 the institute's ability to secure federal and international  
111 business. The Legislature finds that the ability of the  
112 institute to secure outside contract and grant activity is a  
113 public benefit. Providing confidentiality for such records and  
114 proceedings enables the institute to be more open and frank in  
115 the information so provided without the attendant fear that  
116 honest and truthful exchange of information will result in the  
117 public dissemination of information that could be used to harm  
118 the institute and its members. Therefore, it is a public  
119 necessity to maintain the confidentiality of this information



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120 and these proceedings and reports. Finally, the Legislature  
121 finds that the public has access through other means to  
122 information regarding the work of the institute through public  
123 distribution of research articles and news media events.

124 Section 3. This act shall take effect July 1, 2003, if HB  
125 315 or similar legislation is adopted in the same legislative  
126 session or an extension thereof and becomes law.