



CHAMBER ACTION

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The Committee on Education K-20 recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to an exemption from public records requirements of certain information held by the Florida Institute for Human and Machine Cognition, Inc.; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, patentable material, proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and its subsidiaries, business transactions resulting from such research, information received by the corporation or a subsidiary from a person from another state or nation or the Federal Government which is otherwise confidential or exempt, information received by the corporation or a subsidiary in the performance of its duties and responsibilities which is otherwise confidential and exempt, and identifying information of a donor or prospective donor to the corporation or a subsidiary;



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29 providing for specified access to certain information by  
30 governmental entities; creating an exemption from public  
31 meetings requirements for portions of meetings of the  
32 corporation or a subsidiary at which confidential or  
33 exempt information is presented or discussed; providing  
34 for future review and repeal; providing a statement of  
35 public necessity; providing a contingent effective date.  
36

37 Be It Enacted by the Legislature of the State of Florida:  
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39 Section 1. Florida Institute for Human and Machine  
40 Cognition, Inc.; public records exemption; public meetings  
41 exemption.--

42 (1) The following information held by the Florida Institute  
43 for Human and Machine Cognition, Inc., or an authorized and  
44 approved subsidiary of the corporation, is confidential and  
45 exempt from the provisions of s. 24(a), Art. I of the State  
46 Constitution and s. 119.07(1), Florida Statutes:

47 (a) Materials that relate to methods of manufacture or  
48 production, potential trade secrets, patentable material, actual  
49 trade secrets as defined in s. 688.002, Florida Statutes, or  
50 proprietary information received, generated, ascertained, or  
51 discovered during the course of research conducted by or through  
52 the Florida Institute for Human and Machine Cognition, Inc., and  
53 its subsidiaries, and business transactions resulting from such  
54 research.



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55 (b) Any information received by the corporation or a  
56 subsidiary from a person from another state or nation or the  
57 Federal Government which is otherwise confidential or  
58 exempt pursuant to the laws of that state or nation or pursuant  
59 to federal law.

60 (c) Any information received by the corporation or a  
61 subsidiary in the performance of its duties and responsibilities  
62 which is otherwise confidential and exempt by law.

63 (d) All identifying information of a donor or prospective  
64 donor to the corporation or a subsidiary who wishes to remain  
65 anonymous.

66 (2) The corporation or its subsidiary shall permit any  
67 governmental entity to inspect or copy confidential or exempt  
68 information held by the corporation or its subsidiary that is  
69 necessary for that governmental entity to perform its duties and  
70 responsibilities. Any governmental entity that is permitted to  
71 inspect or copy confidential and exempt information held by the  
72 corporation or a subsidiary shall maintain the confidential and  
73 exempt status of that information.

74 (3) That portion of a meeting of the corporation, and that  
75 portion of a meeting of a subsidiary, at which information is  
76 presented or discussed that is confidential and exempt pursuant  
77 to subsection (1) of this section is exempt from s. 24(b), Art.  
78 I of the State Constitution and s. 286.011, Florida Statutes.

79 (4) This section is subject to the Open Government Sunset  
80 Review Act of 1995 in accordance with s. 119.15, Florida  
81 Statutes, and shall stand repealed on October 2, 2008, unless



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82 reviewed and saved from repeal through reenactment by the  
83 Legislature.

84 Section 2. The Legislature finds that it is a public  
85 necessity that certain records of the Institute for Human and  
86 Machine Cognition, a not-for-profit corporation, or a  
87 subsidiary of that corporation, which records contain  
88 proprietary confidential business information be made  
89 confidential and exempt. Materials that relate to methods of  
90 manufacture or production, actual or potential trade secrets,  
91 patentable materials, business transactions, or proprietary  
92 information received, generated, ascertained, or discovered  
93 during the course of research conducted by the corporation or a  
94 subsidiary, and business transactions resulting from such  
95 research must be made be confidential and exempt because the  
96 disclosure of such information would create an unfair  
97 competitive advantage for the persons receiving such  
98 information, which would adversely impact the corporation or its  
99 subsidiaries. If such confidential and exempt information  
100 regarding research in progress were released pursuant to a  
101 public records request, others would be allowed to take the  
102 benefit of the research without compensation or reimbursement to  
103 the institute. The Legislature further finds that information  
104 received by the not-for-profit corporation or its subsidiaries  
105 from a person in another state or nation or the Federal  
106 Government which is otherwise confidential or exempt pursuant to  
107 the laws of that state or nation or pursuant to federal law  
108 should remain confidential or exempt because the highly  
109 confidential nature of research necessitates that the not-for-



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110 profit corporation or its subsidiaries be authorized to maintain  
111 the status of confidential or exempt information it receives  
112 from the sponsors of research. Without the exemptions provided  
113 for in this act, the disclosure of confidential and exempt  
114 information would place the not-for-profit corporation in an  
115 unequal footing in the marketplace as compared with its private  
116 research competitors that are not required to disclose  
117 confidential and exempt information. The Legislature finds that  
118 the disclosure of confidential and exempt information would  
119 adversely impact the corporation or a subsidiary from fulfilling  
120 the mission of research and education. It is further a public  
121 necessity that the institute and its subsidiaries have the same  
122 confidential protections for other information received in the  
123 performance of its duties and obligations which is confidential  
124 and exempt by law in order to put the institute on an equal  
125 footing with other public research institutes and to insure that  
126 the institute has similar opportunities for success as its  
127 private research competitors. In addition, the Legislature  
128 further finds that the identity of a donor or prospective donor  
129 who wishes to remain anonymous be confidential and exempt from  
130 public disclosure in the same manner provided to the direct  
131 support organizations at the state universities in section  
132 1004.28(5), Florida Statutes. This exemption is necessary,  
133 because the disclosure of such information may adversely impact  
134 the institute's ability to receive donations from individuals  
135 who request anonymity. Additionally, the Legislature further  
136 finds that it is a public necessity that portions of such  
137 meetings at which proprietary confidential business information,



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138 | including materials that relate to methods of manufacture or  
139 | production, actual or potential trade secrets, patentable  
140 | materials, business transactions, proprietary information  
141 | received, generated, ascertained, or discovered during the  
142 | course of research, or business transactions resulting from such  
143 | research, is being discussed are exempt under public open  
144 | meeting laws in order to allow the not-for-profit corporation  
145 | and its subsidiaries to maintain the confidentiality of this  
146 | information and to prevent an unfair competitive advantage for  
147 | the persons receiving this information.

148 |       Section 3. This act shall take effect July 1, 2003, if HB  
149 | 315 or similar legislation is adopted in the same legislative  
150 | session or an extension thereof and becomes law.