



1 A bill to be entitled
2 An act relating to an exemption from public records
3 requirements of certain information held by the Florida
4 Institute for Human and Machine Cognition, Inc.; creating
5 an exemption from public records requirements for
6 specified materials, actual and potential trade secrets,
7 patentable material, proprietary information received,
8 generated, ascertained, or discovered during the course of
9 research conducted by or through the institute and its
10 subsidiaries, business transactions resulting from such
11 research, information received by the corporation or a
12 subsidiary from a person from another state or nation or
13 the Federal Government which is otherwise confidential or
14 exempt, information received by the corporation or a
15 subsidiary in the performance of its duties and
16 responsibilities which is otherwise confidential and
17 exempt, and identifying information of a donor or
18 prospective donor to the corporation or a subsidiary;
19 providing for specified access to certain information by
20 governmental entities; creating an exemption from public
21 meetings requirements for portions of meetings of the
22 corporation or a subsidiary at which confidential or
23 exempt information is presented or discussed; providing
24 for future review and repeal; providing a statement of
25 public necessity; providing a contingent effective date.

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27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Florida Institute for Human and Machine
30 Cognition, Inc.; public records exemption; public meetings
31 exemption.--

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

37 (a) Materials that relate to methods of manufacture or
38 production, potential trade secrets, patentable material, actual
39 trade secrets as defined in s. 688.002, Florida Statutes, or
40 proprietary information received, generated, ascertained, or
41 discovered during the course of research conducted by or through
42 the Florida Institute for Human and Machine Cognition, Inc., and
43 its subsidiaries, and business transactions resulting from such
44 research.

45 (b) Any information received by the corporation or a
46 subsidiary from a person from another state or nation or the
47 Federal Government which is otherwise confidential or
48 exempt pursuant to the laws of that state or nation or pursuant
49 to federal law.

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

53 (d) All identifying information of a donor or prospective
54 donor to the corporation or a subsidiary who wishes to remain
55 anonymous.



56 (2) The corporation or its subsidiary shall permit any
57 governmental entity to inspect or copy confidential or exempt
58 information held by the corporation or its subsidiary that is
59 necessary for that governmental entity to perform its duties and
60 responsibilities. Any governmental entity that is permitted to
61 inspect or copy confidential and exempt information held by the
62 corporation or a subsidiary shall maintain the confidential and
63 exempt status of that information.

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

69 (4) This section is subject to the Open Government Sunset
70 Review Act of 1995 in accordance with s. 119.15, Florida
71 Statutes, and shall stand repealed on October 2, 2008, unless
72 reviewed and saved from repeal through reenactment by the
73 Legislature.

74 Section 2. The Legislature finds that it is a public
75 necessity that certain records of the Institute for Human and
76 Machine Cognition, a not-for-profit corporation, or a
77 subsidiary of that corporation, which records contain
78 proprietary confidential business information be made
79 confidential and exempt. Materials that relate to methods of
80 manufacture or production, actual or potential trade secrets,
81 patentable materials, business transactions, or proprietary
82 information received, generated, ascertained, or discovered
83 during the course of research conducted by the corporation or a



84 subsidiary, and business transactions resulting from such
85 research must be made be confidential and exempt because the
86 disclosure of such information would create an unfair
87 competitive advantage for the persons receiving such
88 information, which would adversely impact the corporation or its
89 subsidiaries. If such confidential and exempt information
90 regarding research in progress were released pursuant to a
91 public records request, others would be allowed to take the
92 benefit of the research without compensation or reimbursement to
93 the institute. The Legislature further finds that information
94 received by the not-for-profit corporation or its subsidiaries
95 from a person in another state or nation or the Federal
96 Government which is otherwise confidential or exempt pursuant to
97 the laws of that state or nation or pursuant to federal law
98 should remain confidential or exempt because the highly
99 confidential nature of research necessitates that the not-for-
100 profit corporation or its subsidiaries be authorized to maintain
101 the status of confidential or exempt information it receives
102 from the sponsors of research. Without the exemptions provided
103 for in this act, the disclosure of confidential and exempt
104 information would place the not-for-profit corporation in an
105 unequal footing in the marketplace as compared with its private
106 research competitors that are not required to disclose
107 confidential and exempt information. The Legislature finds that
108 the disclosure of confidential and exempt information would
109 adversely impact the corporation or a subsidiary from fulfilling
110 the mission of research and education. It is further a public
111 necessity that the institute and its subsidiaries have the same



112 confidential protections for other information received in the
113 performance of its duties and obligations which is confidential
114 and exempt by law in order to put the institute on an equal
115 footing with other public research institutes and to insure that
116 the institute has similar opportunities for success as its
117 private research competitors. In addition, the Legislature
118 further finds that the identity of a donor or prospective donor
119 who wishes to remain anonymous be confidential and exempt from
120 public disclosure in the same manner provided to the direct
121 support organizations at the state universities in section
122 1004.28(5), Florida Statutes. This exemption is necessary,
123 because the disclosure of such information may adversely impact
124 the institute's ability to receive donations from individuals
125 who request anonymity. Additionally, the Legislature further
126 finds that it is a public necessity that portions of such
127 meetings at which proprietary confidential business information,
128 including materials that relate to methods of manufacture or
129 production, actual or potential trade secrets, patentable
130 materials, business transactions, proprietary information
131 received, generated, ascertained, or discovered during the
132 course of research, or business transactions resulting from such
133 research, is being discussed are exempt under public open
134 meeting laws in order to allow the not-for-profit corporation
135 and its subsidiaries to maintain the confidentiality of this
136 information and to prevent an unfair competitive advantage for
137 the persons receiving this information.



138 | Section 3. This act shall take effect July 1, 2003, if HB
139 | 315 or similar legislation is adopted in the same legislative
140 | session or an extension thereof and becomes law.