

By Senator Clary

4-93-04

1 A bill to be entitled
2 An act relating to an exemption from public
3 records and public meetings requirements for
4 certain information held by the Florida
5 Institute for Human and Machine Cognition,
6 Inc.; creating an exemption from public records
7 requirements for specified materials, actual
8 and potential trade secrets, and information
9 identifying donors to the institute; providing
10 for specified access to certain information by
11 governmental entities; creating an exemption
12 from public meetings requirements for meetings
13 of the not-for-profit corporation or a
14 subsidiary at which exempt records are
15 discussed; providing for future legislative
16 review and repeal; providing a statement of
17 public necessity; providing an effective date.

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

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21 Section 1. Florida Institute for Human and Machine
22 Cognition, Inc.; public records exemption; public meetings
23 exemption.--

24 (1) The following information held by the Florida
25 Institute for Human and Machine Cognition, Inc., or an
26 authorized subsidiary of the corporation, is confidential and
27 exempt from Section 24, Article I of the State Constitution
28 and section 119.07(1), Florida Statutes:

29 (a) Material relating to methods of manufacturer or
30 production, potential trade secrets, patentable material,
31 actual trade secrets as defined in section 688.002, Florida

1 Statutes, or proprietary information received, generated,
2 ascertained, or discovered during the course of research
3 conducted by or through the Florida Institute for Human and
4 Machine Cognition, Inc., and its not-for-profit corporation,
5 and subsidiaries and business transactions resulting from such
6 research.

7 (b) Any information received by the corporation or a
8 subsidiary from a person from another state or nation or the
9 Federal Government which is otherwise confidential or exempt
10 pursuant to that state's or nation's laws or pursuant to
11 federal law.

12 (c) Any information received by the corporation or a
13 subsidiary in the performance of its duties and
14 responsibilities which is otherwise confidential and exempt by
15 law.

16 (d) All identifying information of a donor or
17 prospective donor to the corporation or a subsidiary who
18 wishes to remain anonymous.

19 (2) The corporation or its subsidiary shall permit any
20 governmental entity to inspect or copy confidential or exempt
21 information held by the corporation or its subsidiary which is
22 necessary for that governmental entity to perform its duties
23 and responsibilities. Any governmental entity that is
24 permitted to inspect or copy confidential and exempt
25 information held by the corporation or a subsidiary shall
26 maintain the confidential and exempt status of that
27 information.

28 (3) That portion of a meeting of the corporation, or a
29 subsidiary at which information is presented or discussed
30 which is confidential and exempt pursuant to subsection (1) is
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1 exempt from Section 24(b), Article I of the State Constitution
2 and section 286.011, Florida Statutes.

3 (4) This section is subject to the Open Government
4 Sunset Review Act of 1995 in accordance with section 119.15,
5 Florida Statutes, and shall stand repealed on October 2, 2009,
6 unless reviewed and saved from repeal through reenactment by
7 the Legislature.

8 Section 2. The Legislature finds that it is a public
9 necessity that certain records of the Florida Institute for
10 Human and Machine Cognition, Inc., or a subsidiary of the
11 corporation, which records contain proprietary confidential
12 business information be made confidential and exempt.
13 Materials that relate to methods of manufacture or production,
14 actual or potential trade secrets, patentable materials,
15 business transactions, or proprietary information received,
16 generated, ascertained, or discovered during the course of
17 research conducted by the corporation or a subsidiary of the
18 corporation must be confidential and exempt because the
19 disclosure of such information would create an unfair
20 competitive advantage for persons receiving such information,
21 which would adversely impact the corporation or its
22 subsidiaries. If such information regarding research in
23 progress were released pursuant to a request for public
24 records, others would be allowed to take the benefit of the
25 research without compensation or reimbursement to the
26 corporation. The Legislature further finds that information
27 received by the corporation or its subsidiaries from a person
28 in another state or nation or the Federal Government which is
29 otherwise confidential or exempt pursuant to the laws of that
30 state or nation or federal law should remain confidential or
31 exempt because the highly confidential nature of research

1 necessitates that the corporation or its subsidiaries be
2 authorized to maintain the status of confidential or exempt
3 information it receives from the sponsors of research. Without
4 the exemptions, the disclosure of confidential and exempt
5 information would place the corporation in an unequal footing
6 in the marketplace as compared with its private research
7 competitors that are not required to disclose confidential and
8 exempt information. The Legislature finds that the disclosure
9 of such information would adversely impact the corporation or
10 a subsidiary from fulfilling the mission of research and
11 education. It is further a public necessity that the
12 institute, its not-for-profit corporation, and subsidiaries
13 have the same confidential protections for other information
14 received in the performance of its duties and obligations
15 which is confidential and exempt by law to put the institute
16 on an equal footing with other public research institutes and
17 ensure that the institute has similar opportunities for
18 success as its private research competitors. In addition, the
19 Legislature further finds that the identity of a donor or
20 prospective donor who wishes to remain anonymous should be
21 confidential and exempt from public disclosure in the same
22 manner provided to the direct-support organizations at the
23 state universities in section 1004.28(5), Florida Statutes.
24 This exemption is necessary because the disclosure of such
25 information may adversely impact the institute's ability to
26 receive donations from individuals who request anonymity. The
27 Legislature further finds that it is a public necessity that
28 portions of such meetings at which proprietary confidential
29 business information, including materials that relate to
30 methods of manufacture or production, actual or potential
31 trade secrets, patentable materials, business transactions, or

1 proprietary information received, generated, ascertained, or
2 discovered during the course of research, are being discussed
3 are exempt under public meetings laws to allow the
4 not-for-profit corporation and its subsidiaries to maintain
5 the confidentiality of this information and prevent an unfair
6 competitive advantage for the persons receiving this
7 information.

8 Section 3. This act shall take effect July 1, 2004.

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11 SENATE SUMMARY

12 Provides an exemption from public records and public
13 meetings requirements for certain information held by the
14 Florida Institute for Human and Machine Cognition, Inc.
15 Provides for future legislative review and repeal under
16 the Open Government Sunset Review Act of 1995. Provides a
17 statement of public necessity.
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