

By the Committees on Governmental Oversight and Productivity;
Education; and Senator Clary

302-1743-04

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 s. 1004.4472, F.S.; creating an
7 exemption from public records requirements for
8 specified materials, actual and potential trade
9 secrets, and information identifying donors to
10 the institute; providing for specified access
11 to certain information by governmental
12 entities; creating an exemption from public
13 meetings requirements for meetings of the
14 not-for-profit corporation or a subsidiary at
15 which exempt records are discussed; providing
16 for future legislative review and repeal;
17 providing a statement of public necessity;
18 providing an effective date.

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

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22 Section 1. Section 1004.4472, Florida Statutes, is
23 created to read:

24 1004.4472 Florida Institute for Human and Machine
25 Cognition, Inc.; public records exemption; public meetings
26 exemption.--

27 (1) The following information held by the Florida
28 Institute for Human and Machine Cognition, Inc., or an
29 authorized subsidiary of the corporation, is confidential and
30 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
31 Constitution:

1 (a) Material relating to methods of manufacture or
2 production, potential trade secrets, patentable material,
3 actual trade secrets as defined in s. 688.002, or proprietary
4 information received, generated, ascertained, or discovered
5 during the course of research conducted by or through the
6 Florida Institute for Human and Machine Cognition, Inc., and
7 its subsidiaries, and business transactions resulting from
8 such research.

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

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

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

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

30 (3) That portion of a meeting of the corporation or a
31 subsidiary at which information is presented or discussed

1 which is confidential and exempt pursuant to subsection (1) is
2 exempt from s. 286.011 and s. 24(b), Art. I of the State
3 Constitution.

4 (4) This section is subject to the Open Government
5 Sunset Review Act of 1995 in accordance with s. 119.15, and
6 shall stand repealed on October 2, 2009, unless reviewed and
7 saved from repeal through reenactment by 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 contain proprietary confidential business
12 information be made confidential and exempt. Materials
13 relating to methods of manufacture or production, actual or
14 potential trade secrets, patentable materials, or proprietary
15 information received, generated, ascertained, or discovered
16 during the course of research conducted by or through the
17 corporation or a subsidiary, and business transactions
18 relating from such research, must be confidential and exempt
19 because the disclosure of such information would create an
20 unfair competitive advantage for persons receiving such
21 information, which would adversely impact the corporation or
22 its subsidiaries. If such confidential and exempt information
23 regarding research in progress were released pursuant to a
24 public-records request, others would be allowed to take the
25 benefit of the research without compensation or reimbursement
26 to the corporation. The Legislature further finds that
27 information received by the corporation or its subsidiaries
28 from a person in another state or nation or the Federal
29 Government which is otherwise exempt or confidential pursuant
30 to the laws of that state or nation or pursuant to federal law
31 should remain exempt or confidential because the highly

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

1 manufacture or production, actual or potential trade secrets,
2 patentable materials, proprietary information received,
3 generated, ascertained, or discovered during the course of
4 research, or business transactions resulting from research, is
5 discussed be exempt from public meetings requirements to allow
6 the corporation and its subsidiaries to maintain the
7 confidential and exempt status of this information and to
8 prevent an unfair competitive advantage for the persons
9 receiving this information.

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

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12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 CS/SB 114

15 Makes grammatical and technical changes only.
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