

HB 0951

2004

A bill to be entitled

An act relating to exemptions from public records and public meetings requirements for the Florida Institute for Human and Machine Cognition, Inc.; creating s. 1004.4472, F.S.; 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, 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 exempt or confidential, information received by the corporation or a subsidiary which is otherwise confidential and exempt, and identifying information of a donor or prospective donor to the corporation or a subsidiary; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt records are discussed; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

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

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30 1004.4472 Florida Institute for Human and Machine
 31 Cognition, Inc.; public records exemption; public meetings
 32 exemption.--

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

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

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

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

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

57 (2) The corporation or its subsidiary shall permit any
 58 governmental entity to inspect or copy confidential and exempt

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59 information held by the corporation or its subsidiary which is
 60 necessary for that governmental entity to perform its duties and
 61 responsibilities. Any governmental entity that is permitted to
 62 inspect or copy confidential and exempt information held by the
 63 corporation or a subsidiary shall maintain the confidential and
 64 exempt status of that information.

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

69 (4) This section is subject to the Open Government Sunset
 70 Review Act of 1995 in accordance with s. 119.15 and shall stand
 71 repealed on October 2, 2009, unless reviewed and saved from
 72 repeal through reenactment by the Legislature.

73 Section 2. The Legislature finds that it is a public
 74 necessity that certain records of the Florida Institute for
 75 Human and Machine Cognition, Inc., or a subsidiary of the
 76 corporation, that contain proprietary confidential business
 77 information be made confidential and exempt. Material relating
 78 to methods of manufacture or production, actual or potential
 79 trade secrets, patentable materials, or proprietary information
 80 received, generated, ascertained, or discovered during the
 81 course of research conducted by or through the corporation or a
 82 subsidiary, and business transactions resulting from such
 83 research, must be confidential and exempt because the disclosure
 84 of such information would create an unfair competitive advantage
 85 for persons receiving such information, which would adversely
 86 impact the corporation or its subsidiaries. If such confidential
 87 and exempt information regarding research in progress were

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88 released pursuant to a public records request, others would be
 89 allowed to take the benefit of the research without compensation
 90 or reimbursement to the corporation. The Legislature further
 91 finds that information received by the corporation or its
 92 subsidiaries from a person from another state or nation or the
 93 Federal Government which is otherwise exempt or confidential
 94 pursuant to the laws of that state or nation or pursuant to
 95 federal law should remain exempt or confidential because the
 96 highly confidential nature of research necessitates that the
 97 corporation or its subsidiaries be authorized to maintain the
 98 status of exempt or confidential information it receives from
 99 the sponsors of research. Without the exemptions provided for in
 100 this act, the disclosure of confidential and exempt information
 101 would place the corporation in an unequal footing in the
 102 marketplace as compared with its private research competitors
 103 that are not required to disclose confidential and exempt
 104 information. The Legislature finds that the disclosure of such
 105 confidential and exempt information would adversely impact the
 106 corporation's or subsidiary's ability to fulfill the mission of
 107 research and education. It is further a public necessity that
 108 the corporation and its subsidiaries have the same confidential
 109 protections for other information received in the performance of
 110 its duties and obligations which is confidential and exempt by
 111 law in order to put the institute on an equal footing with other
 112 public research institutes and to ensure that the institute has
 113 similar opportunities for success as its private research
 114 competitors. In addition, the Legislature further finds that the
 115 identity of a donor or prospective donor who wishes to remain
 116 anonymous should be confidential and exempt from public

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117 disclosure in the same manner provided to the direct-support
118 organizations at the state universities in s. 1004.28(5),
119 Florida Statutes. This exemption is necessary because the
120 disclosure of such confidential and exempt information may
121 adversely impact the institute's ability to receive donations
122 from individuals who request anonymity. The Legislature further
123 finds that it is a public necessity that portions of meetings of
124 the corporation or a subsidiary at which proprietary
125 confidential business information, including material relating
126 to methods of manufacture or production, actual or potential
127 trade secrets, patentable materials, proprietary information
128 received, generated, ascertained, or discovered during the
129 course of research, or business transactions resulting from
130 research, is discussed are exempt from public meetings
131 requirements in order to allow the corporation and its
132 subsidiaries to maintain the confidential and exempt status of
133 this information and to prevent an unfair competitive advantage
134 for persons receiving this information.

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