

1 A bill to be entitled
 2 An act relating to public records and meetings; creating
 3 s. 288.9566, F.S.; creating an exemption from public
 4 records requirements for proprietary confidential business
 5 information relating to state university research projects
 6 which is held by Sure Ventures Commercialization, Inc.;
 7 providing for future legislative review and repeal;
 8 providing a statement of public necessity; providing a
 9 contingent effective date.

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

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13 Section 1. Section 288.9566, Florida Statutes, is created
 14 to read:

15 288.9566 Exemptions from public records and public
 16 meetings requirements; Sure Ventures Commercialization, Inc.--

17 (1) The following information held by Sure Ventures
 18 Commercialization, Inc., is confidential and exempt from s.
 19 24(a), Art. I of the State Constitution and s. 119.07(1):

20 (a) Materials that relate to methods of manufacture or
 21 production, potential trade secrets, patentable material, actual
 22 trade secrets as defined in s. 688.002, or proprietary
 23 information received, generated, ascertained, or discovered by
 24 or through the state universities' research projects submitted
 25 for funding under the Sure Ventures Commercialization Grant
 26 Program.

27 (b) Agreements and proposals to receive funding, including
 28 grant applications; however, those portions of such agreements

29 and proposals, including grant applications, which do not
30 contain information made exempt by paragraph (a), are not
31 confidential and exempt upon issuance of the report that is made
32 after the conclusion of the project for which funding was
33 provided.

34 (c) Materials that relate to the identity of other
35 investors or potential investors in projects reviewed by the
36 corporation.

37 (d) Any information received from a person or another
38 state or nation or the Federal Government which is otherwise
39 confidential or exempt under that state's or nation's laws or
40 under federal law.

41 (2) That portion of a meeting of the board of directors of
42 Sure Ventures Commercialization, Inc., at which information is
43 presented or discussed which is confidential and exempt under
44 subsection (1) is closed to the public and exempt from s. 24(b),
45 Art. I of the State Constitution and s. 286.011.

46 (3) Any records generated during those portions of the
47 board meetings which are closed to the public under subsection
48 (2), such as minutes, tape recordings, videotapes,
49 transcriptions, or notes, are confidential and exempt from s.
50 24(a), Art. I of the State Constitution and s. 119.07(1).

51 (4) Public employees may inspect and copy records or
52 information that is made exempt and confidential under this
53 section exclusively for the performance of their public duties.
54 Public employees receiving this exempt and confidential
55 information must maintain the confidentiality of the
56 information. Any public employee receiving confidential

57 information who violates this subsection commits a misdemeanor
58 of the first degree, punishable as provided in s. 775.082 or s.
59 775.083.

60 (5) At the time that any record or information made
61 confidential and exempt by this section, or portion thereof, is
62 legally available or subject to public disclosure for any other
63 reason, that record or information, or portion thereof, is no
64 longer confidential and exempt and shall be made available for
65 inspection and copying.

66 (6) This section is subject to the Open Government Sunset
67 Review Act in accordance with s. 119.15 and shall stand repealed
68 on October 2, 2012, unless reviewed and saved from repeal
69 through reenactment by the Legislature.

70 Section 2. The Legislature finds that it is a public
71 necessity that proprietary, confidential business information
72 held by Sure Ventures Commercialization, Inc., regarding certain
73 funding proposals and proprietary business information of public
74 universities be held confidential and exempt from s. 119.07(1),
75 Florida Statutes, and Section 24(a), Article I of the State
76 Constitution. Disclosing proprietary confidential business
77 information derived from university research projects, including
78 trade secrets as defined in s. 688.002, Florida Statutes, would
79 negatively affect the ability of public universities that rely
80 heavily on the information gained from publicly funded research
81 products to generate investment returns, and competitor
82 partnerships could gain an unfair competitive advantage if
83 provided access to such information. The release of university-
84 based proprietary confidential business information, including

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85 trade secrets, could result in inadequate returns and ultimately
86 frustrate attainment of the investment objective of the Sure
87 Ventures Commercialization Grant Program. In finding that the
88 public records exemption created by this act is a public
89 necessity, the Legislature finds that the public and private
90 harm in disclosing proprietary confidential business information
91 relating to university research projects significantly outweighs
92 any public benefit derived from disclosure; that the exemption
93 created by this act will enhance the ability of the Sure
94 Ventures Commercialization Grant Program to fulfill its duty to
95 support the commercialization of publicly funded research
96 products; and that the public's ability to be informed regarding
97 the university's research projects funded by the grant program
98 is preserved by the disclosure of information excepted from the
99 created exemption.

100 Section 3. This act shall take effect July 1, 2007, if
101 House Bill 1521 or similar legislation is adopted in the same
102 legislative session or an extension thereof and becomes law.