

1                                   A bill to be entitled  
 2           An act relating to public records and meetings; creating  
 3           s. 288.9629, F.S.; creating an exemption from public  
 4           records requirements for proprietary confidential business  
 5           information derived from state-supported research projects  
 6           held by the SURE Venture Capital Fund or the Institute for  
 7           the Commercialization of Public Research; providing an  
 8           exemption from public meetings requirements for portions  
 9           of meetings of the board of directors of the SURE Venture  
 10          Capital Fund at which confidential information is  
 11          presented or discussed; providing for future legislative  
 12          review and repeal; providing a statement of public  
 13          necessity; providing a contingent effective date.

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

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 17           Section 1.   Section 288.9629, Florida Statutes, is created  
 18   to read:

19           288.9629 Exemptions from public records and public  
 20   meetings requirements; SURE Venture Capital Fund and the  
 21   Institute for the Commercialization of Public Research.--

22           (1) The following information held by the SURE Venture  
 23   Capital Fund or the Institute for the Commercialization of  
 24   Public Research is confidential and exempt from s. 24(a), Art. I  
 25   of the State Constitution and s. 119.07(1):

26           (a) Materials that relate to methods of manufacture or  
 27   production, potential trade secrets, patentable material, actual  
 28   trade secrets as defined in s. 688.002, or proprietary

29 information received, generated, ascertained, or discovered by  
30 or through research projects conducted by universities and other  
31 publicly supported organizations in this state and held by the  
32 SURE Venture Capital Fund or the Institute for the  
33 Commercialization of Public Research.

34 (b) Agreements and proposals to receive grants or funding,  
35 including funding and grant applications; however, those  
36 portions of such agreements and proposals, including grant  
37 applications, which do not contain information made exempt by  
38 paragraph (a) are not confidential and exempt upon issuance of  
39 the report that is made after the conclusion of the project for  
40 which funding was provided.

41 (c) Materials that relate to the identity of other  
42 investors or potential investors in projects reviewed by the  
43 fund.

44 (d) Any information received from a person or another  
45 state or nation or the Federal Government which is otherwise  
46 confidential or exempt under that state's or nation's laws or  
47 under federal law.

48 (2) That portion of a meeting of the board of directors of  
49 SURE Venture Capital Fund or a meeting of the Institute for the  
50 Commercialization of Public Research at which information is  
51 presented or discussed which is confidential and exempt under  
52 subsection (1) is closed to the public and exempt from s. 24(b),  
53 Art. I of the State Constitution and s. 286.011.

54 (3) Any records generated during those portions of the  
55 board meetings which are closed to the public under subsection  
56 (2), such as minutes, tape recordings, videotapes,

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57 transcriptions, or notes, are confidential and exempt from s.  
58 24(a), Art. I of the State Constitution and s. 119.07(1).

59 (4) Public employees may inspect and copy records or  
60 information that is made exempt and confidential under this  
61 section exclusively for the performance of their public duties.  
62 Public employees receiving this exempt and confidential  
63 information must maintain the confidentiality of the  
64 information. Any public employee receiving confidential  
65 information who violates this subsection commits a misdemeanor  
66 of the first degree, punishable as provided in s. 775.082 or s.  
67 775.083.

68 (5) At the time that any record or information made  
69 confidential and exempt by this section, or portion thereof, is  
70 legally available or subject to public disclosure for any other  
71 reason, that record or information, or portion thereof, shall no  
72 longer be confidential and exempt and shall be made available  
73 for inspection and copying.

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

78 Section 2. The Legislature finds that it is a public  
79 necessity that proprietary and confidential business information  
80 held by the SURE Venture Capital Fund or the Institute for the  
81 Commercialization of Public Research regarding certain funding  
82 and coinvestment proposals and proprietary business information  
83 of public universities or other state-supported entities be held  
84 confidential and exempt from s. 119.07(1), Florida Statutes, and

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85 s. 24(a), Art. I of the State Constitution. Disclosing  
86 proprietary and confidential business information derived from  
87 university or other research projects, including trade secrets  
88 as defined in s. 688.002, Florida Statutes, would negatively  
89 affect the ability of universities and certain other entities in  
90 this state which conduct publicly funded research to use the  
91 information gained from the research to generate investment  
92 returns on viable products, and competitor partnerships could  
93 gain an unfair competitive advantage if provided access to such  
94 product information. The release of proprietary and confidential  
95 business information, including trade secrets, could result in  
96 inadequate returns and ultimately frustrate attainment of the  
97 investment objective of the SURE Venture Capital Fund and the  
98 Institute for the Commercialization of Public Research. In  
99 finding that the public records exemption created by this act is  
100 a public necessity, the Legislature finds that the public and  
101 private harm in disclosing proprietary and confidential business  
102 information relating to the state-supported research projects  
103 significantly outweighs any public benefit derived from  
104 disclosure; that the exemption created by this act will enhance  
105 the ability of the SURE Venture Capital Fund and the Institute  
106 for the Commercialization of Public Research to fulfill their  
107 duty to support the commercialization of publicly funded  
108 research products; and that the public's ability to be informed  
109 regarding the state-supported research projects is preserved by  
110 the disclosure of information excepted from the created  
111 exemption.

112 Section 3. This act shall take effect July 1, 2007, if

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113 | House Bill 1521 or similar legislation is adopted in the same  
114 | legislative session or an extension thereof and becomes law.