

Bill No. SB 2416

Barcode 910292

CHAMBER ACTION

Senate

House

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The Committee on Governmental Operations (Oelrich) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (8) of section 1004.226, Florida Statutes, as created by SB 2420, 2007 Regular Session, is renumbered as subsection (9) and a new subsection (8) is added to that section, to read:

1004.226 The 21st Century Technology, Research, and Scholarship Enhancement Act.--

(8) EXEMPTIONS FROM PUBLIC-RECORDS AND PUBLIC-MEETINGS REQUIREMENTS; STATE UNIVERSITY RESEARCH COMMERCIALIZATION ASSISTANCE GRANT PROGRAM.--

(a) The following information held by the Florida Technology, Research, and Scholarship Board, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Materials that relate to methods of manufacture or

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1 production, potential trade secrets, patentable material,
 2 actual trade secrets as defined in s. 688.002, or proprietary
 3 information received, generated, ascertained, or discovered by
 4 or through the state universities' research projects submitted
 5 for funding under the State University Research
 6 Commercialization Assistance Grant Program.

7 2. Information that would identify an investor or
 8 potential investor in projects reviewed by the Florida
 9 Technology, Research, and Scholarship Board who desires to
 10 remain anonymous.

11 3. Any information received from a person or another
 12 state or nation or the federal government which is otherwise
 13 confidential or exempt under the laws of that state or nation
 14 or under federal law.

15 (b)1. That portion of a meeting of the Florida
 16 Technology, Research, and Scholarship Board at which
 17 information is discussed which is confidential and exempt
 18 under paragraph (a) is exempt from s. 286.011 and s. 24(b),
 19 Art. I of the State Constitution.

20 2. Any records generated during that portion of an
 21 exempt meeting are confidential and exempt from s. 119.07(1)
 22 and s. 24(a), Art. I of the State Constitution.

23 (c)1. Information made confidential and exempt
 24 pursuant to this subsection may be released to a governmental
 25 entity in the furtherance of its duties and responsibilities.

26 2. Any public officer or employee who willfully and
 27 knowingly releases such confidential and exempt information in
 28 violation of this subsection commits a misdemeanor of the
 29 first degree, punishable as provided in s. 775.082 or s.
 30 775.083.

31 (d) This subsection is subject to the Open Government

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1 Sunset Review Act in accordance with s. 119.15 and shall stand
2 repealed on October 2, 2012, unless reviewed and saved from
3 repeal through reenactment by the Legislature.

4 Section 2. The Legislature finds that it is a public
5 necessity that certain records held by the Florida Technology,
6 Research, and Scholarship Board be made confidential and
7 exempt under s. 119.07(1), Florida Statutes, and section
8 24(a), Article I of the State Constitution. Materials that
9 relate to methods of manufacture or production, actual or
10 potential trade secrets, patentable materials, or proprietary
11 information received, generated, ascertained, or discovered by
12 or through the state universities' research projects submitted
13 for funding under the State University Research
14 Commercialization Assistance Grant Program must be
15 confidential and exempt because the disclosure of such
16 information would create an unfair competitive advantage for
17 persons receiving such information. Disclosing proprietary
18 confidential business information derived from university
19 research projects, including trade secrets as defined in s.
20 688.002, Florida Statutes, would negatively affect the ability
21 of state universities that rely heavily on the information
22 gained from publicly funded research products to generate
23 investment returns, and competitor partnerships could gain an
24 unfair competitive advantage if provided access to such
25 information. The release of university-based proprietary
26 confidential business information could result in inadequate
27 returns and ultimately frustrate attainment of the investment
28 objective of the State University Research Commercialization
29 Assistance Grant Program. If such confidential and exempt
30 information regarding research in progress were released
31 pursuant to a public-records request, others would be allowed

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1 to take the benefit of the research without compensation or
2 reimbursement. The Legislature further finds that information
3 received by the Florida Technology, Research, and Scholarship
4 Board from a person from another state or nation or the
5 Federal Government which is otherwise exempt or confidential
6 pursuant to the laws of that state or nation or pursuant to
7 federal law should remain exempt or confidential because the
8 highly confidential nature of research necessitates that it be
9 protected. Without the exemptions provided by this act, the
10 disclosure of confidential and exempt information would
11 jeopardize the effective and efficient administration of this
12 program. In addition, the Legislature further finds that the
13 identity of an investor or prospective investor who wishes to
14 remain anonymous should be confidential and exempt from public
15 disclosure. This exemption is necessary because the disclosure
16 of investor identities may adversely impact the ability of
17 state universities to attract investors who desire anonymity.
18 The Legislature further finds that it is a public necessity
19 that portions of meetings of the Florida Technology, Research,
20 and Scholarship Board at which information made confidential
21 and exempt by this act is discussed be made exempt from
22 public-meetings requirements in order to allow the Florida
23 Technology, Research, and Scholarship Board to maintain the
24 confidential and exempt status of this information.

25 Section 3. This act shall take effect July 1, 2007, if
26 Senate Bill 2420 or similar legislation is adopted in the same
27 legislative session or an extension thereof and becomes law.

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

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1 Delete everything before the enacting clause

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3 and insert:

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A bill to be entitled

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An act relating to public records and meetings;

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amending s. 1004.226, F.S.; creating an

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exemption from public-records requirements for

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certain information held by the Florida

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Technology, Research, and Scholarship Board;

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creating an exemption from public-meetings

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requirements for portions of meetings of the

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board of directors of the Florida Technology,

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Research, and Scholarship Board at which

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confidential and exempt records are discussed;

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providing exceptions to the exemption;

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providing penalties; providing for future

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legislative review and repeal; providing a

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statement of public necessity; providing a

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contingent effective date.

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