Florida Senate - 2007

By Senator Ring

32-1878-07 1 A bill to be entitled 2 An act relating to public records and meetings; 3 creating s. 288.9566, F.S.; creating an 4 exemption from public-records requirements for 5 proprietary confidential business information б relating to state university research projects 7 which is held by Sure Ventures Commercialization, Inc.; providing for future 8 9 legislative review and repeal; providing a 10 statement of public necessity; providing a contingent effective date. 11 12 13 Be It Enacted by the Legislature of the State of Florida: 14 Section 1. Section 288.9566, Florida Statutes, is 15 created to read: 16 17 288.9566 Exemptions from public-records and 18 public-meetings requirements; Sure Ventures Commercialization, 19 Inc.--20 (1) The following information held by Sure Ventures 21 Commercialization, Inc., is confidential and exempt from s. 22 24, Art. I of the State Constitution and s. 119.07(1): 23 (a) Materials that relate to methods of manufacture or production, potential trade secrets, patentable material, 2.4 actual trade secrets as defined in s. 688.002, or proprietary 25 information received, generated, ascertained, or discovered by 26 27 or through the state universities' research projects submitted 2.8 for funding under the Sure Ventures Commercialization Grant 29 Program. 30 (b) Agreements and proposals to receive funding, including grant applications; however, those portions of such 31

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1	agreements and proposals, including grant applications, which
2	do not contain information made exempt by paragraph (a), are
3	not confidential and exempt upon issuance of the report that
4	is made after the conclusion of the project for which funding
5	was provided.
б	(c) Materials that relate to the identity of other
7	investors or potential investors in projects reviewed by the
8	corporation.
9	(d) Any information received from a person or another
10	state or nation or the federal government which is otherwise
11	confidential or exempt under that state's or nation's laws or
12	under federal law.
13	(2) That portion of a meeting of the board of
14	directors of Sure Ventures Commercialization, Inc., at which
15	information is presented or discussed which is confidential
16	and exempt under subsection (1) is closed to the public and
17	exempt from s. 24(b), Art. I of the State Constitution and s.
18	286.011.
19	(3) Any records generated during those portions of the
20	board meetings which are closed to the public under subsection
21	(2), such as minutes, tape recordings, videotapes,
22	transcriptions, or notes, are confidential and exempt from s.
23	24, Art. I of the State Constitution and s. 119.07(1).
24	(4) Public employees may inspect and copy records or
25	information that is made exempt and confidential under this
26	section exclusively for the performance of their public
27	duties. Public employees receiving this exempt and
28	confidential information must maintain the confidentiality of
29	the information. Any public employee receiving confidential
30	information who violates this subsection commits a misdemeanor
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1 of the first degree, punishable as provided by s. 775.082 or 2 775.083. s. (5) At the time that any record or information made 3 confidential and exempt by this section, or portion thereof, 4 5 is legally available or subject to public disclosure for any 6 other reason, that record or information, or portion thereof, 7 is no longer confidential and exempt and shall be made 8 available for inspection and copying. 9 (6) This section is subject to the Open Government 10 Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2012, unless reviewed and saved from 11 12 repeal through reenactment by the Legislature. 13 Section 2. The Legislature finds that it is a public necessity that proprietary, confidential business information 14 held by Sure Ventures Commercialization, Inc., regarding 15 certain funding proposals and proprietary business information 16 17 of public universities be held confidential and exempt from s. 18 119.07(1), Florida Statutes, and Section 24(a), Article I of the State Constitution. Disclosing proprietary confidential 19 business information derived from university research 2.0 21 projects, including trade secrets as defined in s. 688.002, 2.2 Florida Statutes, would negatively affect the ability of 23 public universities that rely heavily on the information gained from publicly funded research products to generate 2.4 investment returns, and competitor partnerships could gain an 25 unfair competitive advantage if provided access to such 26 27 information. The release of university-based proprietary 2.8 confidential business information, including trade secrets, could result in inadequate returns and ultimately frustrate 29 attainment of the investment objective of the Sure Ventures 30 Commercialization Grant Program. In finding that the 31

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1	public-records exemption created by this act is a public
2	necessity, the Legislature finds that the public and private
3	harm in disclosing proprietary confidential business
4	information relating to university research projects
5	significantly outweighs any public benefit derived from
6	disclosure; that the exemption created by this act will
7	enhance the ability of the Sure Ventures Commercialization
8	<u>Grant Program to fulfill its duty to support the</u>
9	commercialization of publicly funded research products; and
10	that the public's ability to be informed regarding the
11	university's research projects funded by the grant program is
12	preserved by the disclosure of information excepted from the
13	created exemption.
14	Section 3. This act shall take effect July 1, 2007, if
15	Senate Bill or similar legislation is adopted in the same
16	legislative session or an extension thereof and becomes law.
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19	SENATE SUMMARY
20	Creates an exemption from public-records requirements for proprietary confidential business information developed
21	by state university research and development projects and held by Sure Ventures Commercialization, Inc. Creates an
22	exemption from open-meetings requirements for meetings at which confidential proprietary business information is
23	discussed. Provides for future review and repeal. Provides a statement of public necessity.
24	Provides a statement of public necessity.
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