

By the Committee on Governmental Operations; and Senator Ring

585-2550-07

1   A bill to be entitled

2            An act relating to public records and meetings;

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

4            exemption from public-records requirements for

5            certain information held by the Florida

6            Technology, Research, and Scholarship Board;

7            creating an exemption from public-meetings

8            requirements for portions of meetings of the

9            board of directors of the Florida Technology,

10           Research, and Scholarship Board at which

11           confidential and exempt records are discussed;

12           providing exceptions to the exemption;

13           providing penalties; providing for future

14           legislative review and repeal; providing a

15           statement of public necessity; providing a

16           contingent effective date.

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

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20           Section 1. Subsection (8) of section 1004.226, Florida

21 Statutes, as created by SB 2420, 2007 Regular Session, is

22 renumbered as subsection (9) and a new subsection (8) is added

23 to that section, to read:

24           1004.226 The 21st Century Technology, Research, and

25 Scholarship Enhancement Act.--

26           (8) EXEMPTIONS FROM PUBLIC-RECORDS AND PUBLIC-MEETINGS

27 REQUIREMENTS; STATE UNIVERSITY RESEARCH COMMERCIALIZATION

28 ASSISTANCE GRANT PROGRAM.--

29           (a) The following information held by the Florida

30 Technology, Research, and Scholarship Board, is confidential

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1 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
2 Constitution:

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

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

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

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

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

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

29 2. Any public officer or employee who willfully and  
30 knowingly releases such confidential and exempt information in  
31 violation of this subsection commits a misdemeanor of the

1 first degree, punishable as provided in s. 775.082 or s.  
2 775.083.

3 (d) This subsection is subject to the Open Government  
4 Sunset Review Act in accordance with s. 119.15 and shall stand  
5 repealed on October 2, 2012, unless reviewed and saved from  
6 repeal through reenactment by the Legislature.

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

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

28       Section 3. This act shall take effect July 1, 2007, if  
29 Senate Bill 2420 or similar legislation is adopted in the same  
30 legislative session or an extension thereof and becomes law.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
Senate Bill 2416

Creates a public records and meeting exemption for information held by the Florida Technology, Research, and Scholarship Board.

Protects materials that relate to methods of manufacture or production; potential and actual trade secrets; proprietary information connected with state universities' research projects submitted for funding under the State University Research Commercialization Assistance Grant Program; information that would identify an investor or potential investor; and information that is protected under the laws of another state, nation or the Federal Government.

The bill also protects that portion of meetings at which such information is discussed.