

By Senator Ring

32-1933-07

1 A bill to be entitled

2 An act relating to public records and meetings;

3 creating s. 288.9630, F.S.; creating an

4 exemption from public-records requirements for

5 proprietary confidential business information

6 derived from state-supported research projects

7 held by the SURE Venture Capital Fund or the

8 Institute for the Commercialization of Public

9 Research; providing an exemption from

10 public-meetings requirements for portions of

11 meetings of the board of directors of the SURE

12 Venture Capital Fund at which confidential

13 information is presented or discussed;

14 providing for future legislative review and

15 repeal; providing a statement of public

16 necessity; providing a contingent effective

17 date.

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

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21 Section 1. Section 288.9630, Florida Statutes, is

22 created to read:

23 288.9630 Exemptions from public-records and

24 public-meetings requirements; SURE Venture Capital Fund and

25 the Institute for the Commercialization of Public Research.--

26 (1) The following information held by the SURE Venture

27 Capital Fund or the Institute for the Commercialization of

28 Public Research is confidential and exempt from s. 24, Art. I

29 of the State Constitution and s. 119.07(1):

30 (a) Materials that relate to methods of manufacture or

31 production, potential trade secrets, patentable material,

1 actual trade secrets as defined in s. 688.002, or proprietary
2 information received, generated, ascertained, or discovered by
3 or through research projects conducted by universities and
4 other publicly supported organizations in this state and held
5 by the SURE Venture Capital Fund or the Institute for the
6 Commercialization of Public Research.

7 (b) Agreements and proposals to receive grants or
8 funding, including funding and grant applications; however,
9 those portions of such agreements and proposals, including
10 grant applications, which do not contain information made
11 exempt by paragraph (a) are not confidential and exempt upon
12 issuance of the report that is made after the conclusion of
13 the project for which funding was provided.

14 (c) Materials that relate to the identity of other
15 investors or potential investors in projects reviewed by the
16 fund.

17 (d) Any information received from a person or another
18 state or nation or the federal government which is otherwise
19 confidential or exempt under that state's or nation's laws or
20 under federal law.

21 (2) That portion of a meeting of the board of
22 directors of SURE Venture Capital Fund, or a meeting of the
23 Institute for the Commercialization of Public Research at
24 which information is presented or discussed which is
25 confidential and exempt under subsection (1) is closed to the
26 public and exempt from s. 24(b), Art. I of the State
27 Constitution and s. 286.011.

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

3 (4) Public employees may inspect and copy records or
4 information that is made exempt and confidential under this
5 section exclusively for the performance of their public
6 duties. Public employees receiving this exempt and
7 confidential information must maintain the confidentiality of
8 the information. Any public employee receiving confidential
9 information who violates this subsection commits a misdemeanor
10 of the first degree, punishable as provided in s. 775.082 or
11 s. 775.083.

12 (5) At the time that any record or information made
13 confidential and exempt by this section, or portion thereof,
14 is legally available or subject to public disclosure for any
15 other reason, that record or information, or portion thereof,
16 shall no longer be confidential and exempt and shall be made
17 available for inspection and copying.

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

22 Section 2. The Legislature finds that it is a public
23 necessity that proprietary and confidential business
24 information held by the SURE Venture Capital Fund or the
25 Institute for the Commercialization of Public Research
26 regarding certain funding and coinvestment proposals and
27 proprietary business information of public universities or
28 other state-supported entities be held confidential and exempt
29 from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I of
30 the State Constitution. Disclosing proprietary and
31 confidential business information derived from university or

1 other research projects, including trade secrets as defined in
2 s. 688.002, Florida Statutes, would negatively affect the
3 ability of universities and certain other entities in this
4 state which conduct publicly funded research to use the
5 information gained from the research to generate investment
6 returns on viable products, and competitor partnerships could
7 gain an unfair competitive advantage if provided access to
8 such product information. The release of proprietary and
9 confidential business information, including trade secrets,
10 could result in inadequate returns and ultimately frustrate
11 attainment of the investment objective of the SURE Venture
12 Capital Fund and the Institute for the Commercialization of
13 Public Research. In finding that the public-records exemption
14 created by this act is a public necessity, the Legislature
15 finds that the public and private harm in disclosing
16 proprietary and confidential business information relating to
17 the state-supported research projects significantly outweighs
18 any public benefit derived from disclosure; that the exemption
19 created by this act will enhance the ability of the SURE
20 Venture Capital Fund and the Institute for the
21 Commercialization of Public Research to fulfill their duty to
22 support the commercialization of publicly funded research
23 products; and that the public's ability to be informed
24 regarding the university research projects funded by the grant
25 program is preserved by the disclosure of information excepted
26 from the created exemption.

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

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SENATE SUMMARY

Creates an exemption from public-records requirements for proprietary and confidential business information derived from state-supported research and development projects held by the SURE Venture Capital Fund or the Institute for the Commercialization of Public Research. Creates an exemption from open-meetings requirements for meetings at which confidential and proprietary business information is discussed. Provides for future review and repeal. Provides a statement of public necessity.