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585-05234A-09

Proposed Committee Substitute by the Committee on Governmental
Oversight and Accountability

A bill to be entitled

An act relating to a review under the Open Government
Sunset Review Act regarding Scripps Florida Funding
Corporation; amending s. 288.955, F.S.; clarifying the
definition of "grantee"; amending s. 288.9551, F.S.;
narrowing the public-records exemption for specified
information held by the Scripps Florida Funding
Corporation and the public-meetings exemption for
portions of meetings of the board of directors of the
corporation at which confidential and exempt
information is discussed; removing the application of
the exemptions with respect to the Office of Tourism,
Trade, and Economic Development; reorganizing and
conforming provisions; making editorial changes and
removing superfluous provisions; providing a penalty;
delaying the scheduled repeal of the exemption;
providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section
288.955, Florida Statutes, is amended to read:

288.955 Scripps Florida Funding Corporation.—

(1) DEFINITIONS.—As used in this section, the term:

(c) "Grantee" means The Scripps Research Institute, a not-
for-profit public benefit corporation, or a division,
subsidiary, affiliate, or entity formed by The Scripps Research



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28 Institute to establish a state-of-the-art biomedical research
29 institution and campus in this state. The grantee is neither an
30 agency nor an entity acting on behalf of an agency for purposes
31 of chapter 119 and s. 286.011.

32 Section 2. Section 288.9551, Florida Statutes, is amended
33 to read:

34 288.9551 Exemptions from public records and meetings
35 requirements; Scripps Florida Funding Corporation, ~~The Scripps~~
36 ~~Research Institute or grantee, and the Office of Tourism, Trade,~~
37 ~~and Economic Development.~~—

38 (1) As used in this section, the term "grantee" has the
39 same meaning ascribed in s. 288.955.

40 (2) The following information held by the Scripps Florida
41 Funding Corporation ~~or the Office of Tourism, Trade, and~~
42 ~~Economic Development~~ under s. 288.955 is confidential and exempt
43 from s. 119.07(1) and s. 24(a) ~~s. 24~~, Art. I of the State
44 Constitution ~~and s. 119.07(1)~~:

45 (a) Materials that relate to methods of manufacture or
46 production, potential trade secrets, patentable material, actual
47 trade secrets as defined in s. 688.002, or proprietary
48 information received, generated, ascertained, or discovered by
49 or through the grantee ~~or The Scripps Research Institute.~~

50 (b) Agreements and proposals to receive funding, including
51 grant applications; however, those portions of such agreements
52 and proposals to receive funding, including grant applications,
53 which that do not contain information made confidential and
54 exempt by paragraph (a) ~~of this subsection~~, shall not be
55 confidential and exempt upon issuance of the report that is made
56 after the conclusion of the project for which funding was



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57 provided. The exemption created in this paragraph specifically
58 excludes any agreement by the Scripps Florida Funding
59 Corporation to release funds to the ~~Scripps Research Institute~~
60 ~~or~~ grantee.

61 (c) Materials that relate to the recruitment of scientists
62 and researchers. ~~and~~

63 (d) The identity of donors or potential donors to the
64 grantee who wish to remain anonymous.

65 (e) ~~(d)~~ Any Information received from a person from ~~or~~
66 another state or nation or the Federal Government which is
67 otherwise confidential or exempt pursuant to the laws of that
68 state ~~state's~~ or nation ~~nation's laws~~ or pursuant to federal
69 law.

70 (f) ~~(e)~~ Personal identifying information of individuals who
71 participate in human trials or experiments.

72 (g) ~~(f)~~ Any Medical or health records relating to
73 participants in clinical trials.

74 (3) (a) That portion of a meeting of the board of directors
75 of the Scripps Florida Funding Corporation ~~or the Office of~~
76 ~~Tourism, Trade, and Economic Development~~ at which information is
77 presented or discussed which is confidential and exempt under
78 subsection (2) is ~~closed to the public and~~ exempt from s.
79 286.011 and s. 24(b), Art. I of the State Constitution ~~and s.~~
80 ~~286.011.~~

81 (b) ~~(4)~~ Any records generated during any portion of an
82 exempt meeting ~~those portions of the board meetings which are~~
83 ~~closed to the public under subsection (3), such as minutes, tape~~
84 ~~recordings, videotapes, transcriptions, or notes~~ are
85 confidential and exempt from s. 119.07(1) and s. 24(a) ~~s. 24,~~



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86 Art. I of the State Constitution and ~~s. 119.07(1)~~.

87 ~~(4)(5)~~ Public employees shall be permitted to inspect and
88 copy ~~records or~~ information that is made confidential and exempt
89 ~~and confidential~~ under this section exclusively for the
90 performance of their public duties. ~~Public employees receiving~~
91 ~~this exempt and confidential information must maintain the~~
92 ~~confidentiality of the information. Any such public employee~~
93 ~~receiving confidential information who violates this subsection~~
94 ~~commits a misdemeanor of the first degree, punishable as~~
95 ~~provided by s. 775.082 or s. 775.083.~~

96 (5) Any person who willfully and knowingly violates the
97 provisions of this section commits a misdemeanor of the second
98 degree, punishable as provided in s. 775.082 or s. 775.083.

99 ~~(6) The Scripps Research Institute or grantee as defined in~~
100 ~~s. 288.955, is a private, not-for-profit entity and as such is~~
101 ~~not subject to chapter 119 or s. 286.011. If a court nonetheless~~
102 ~~determines that The Scripps Research Institute or grantee is~~
103 ~~acting on behalf of an agency, by virtue of its contract under~~
104 ~~s. 288.955, or otherwise, such that it is subject to s. 24, Art.~~
105 ~~I of the State Constitution and ss. 119.07(1) and 286.011, the~~
106 ~~exemptions from the public records and meetings requirements~~
107 ~~provided by this section shall apply equally to the same records~~
108 ~~and meetings when held by The Scripps Research Institute or~~
109 ~~grantee.~~

110 ~~(7) At the time that any record or information made~~
111 ~~confidential and exempt by this section, or portion thereof, is~~
112 ~~legally available or subject to public disclosure for any other~~
113 ~~reason, that record or information, or portion thereof, shall no~~
114 ~~longer be confidential and exempt and shall be made available~~



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115 ~~for inspection and copying.~~

116 (6)~~(8)~~ This section is subject to the Open Government
117 Sunset Review Act in accordance with s. 119.15 and shall stand
118 repealed on October 2, 2014 ~~2009~~, unless reviewed and saved from
119 repeal through reenactment by the Legislature.

120 Section 3. This act shall take effect October 1, 2009.