

By the Committees on Governmental Oversight and Accountability;  
and Commerce

585-05756-09

20092032c1

1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act regarding Scripps Florida Funding  
4           Corporation; amending s. 288.955, F.S.; clarifying the  
5           definition of "grantee"; amending s. 288.9551, F.S.;  
6           narrowing the public-records exemption for specified  
7           information held by the Scripps Florida Funding  
8           Corporation and the public-meetings exemption for  
9           portions of meetings of the board of directors of the  
10          corporation at which confidential and exempt  
11          information is discussed; removing the application of  
12          the exemptions with respect to the Office of Tourism,  
13          Trade, and Economic Development; reorganizing and  
14          conforming provisions; making editorial changes and  
15          removing superfluous provisions; providing a penalty;  
16          delaying the scheduled repeal of the exemption;  
17          providing an effective date.

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

20  
21           Section 1. Paragraph (c) of subsection (1) of section  
22           288.955, Florida Statutes, is amended to read:

23           288.955 Scripps Florida Funding Corporation.—

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

25           (c) "Grantee" means The Scripps Research Institute, a not-  
26           for-profit public benefit corporation, or a division,  
27           subsidiary, affiliate, or entity formed by The Scripps Research  
28           Institute to establish a state-of-the-art biomedical research  
29           institution and campus in this state. The grantee is neither an

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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  
57 provided. The exemption created in this paragraph specifically  
58 excludes any agreement by the Scripps Florida Funding

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

87 (4) ~~(5)~~ Public employees shall be permitted to inspect and

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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~~  
115 ~~for inspection and copying.~~

116 (6)(8) This section is subject to the Open Government

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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.