

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 portions  
 9           of meetings of the board of directors of the corporation  
 10          at which confidential and exempt information is discussed;  
 11          removing the Office of Tourism, Trade, and Economic  
 12          Development from the public records and public meetings  
 13          exemptions; reorganizing and conforming provisions; making  
 14          editorial changes; removing superfluous language;  
 15          providing a penalty; removing the scheduled repeal of the  
 16          exemption; providing for future repeal of the exemption;  
 17          providing an effective date.

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

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 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

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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 that do not contain information made confidential and exempt by  
54 paragraph (a) of this subsection, shall not be confidential and  
55 exempt upon issuance of the report that is made after the  
56 conclusion of the project for which funding was provided. The

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

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

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

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

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

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

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

80 (b) ~~(4)~~ Any records generated during any portion of an  
81 exempt meeting ~~those portions of the board meetings which are~~  
82 ~~closed to the public under subsection (3), such as minutes, tape~~  
83 ~~recordings, videotapes, transcriptions, or notes are~~

84 confidential and exempt from s. 119.07(1) and s. 24(a) ~~s. 24,~~  
 85 Art. I of the State Constitution and ~~s. 119.07(1)~~.

86 ~~(4)(5)~~ Public employees shall be permitted to inspect and  
 87 copy ~~records or~~ information that is made confidential and exempt  
 88 ~~and confidential~~ under this section exclusively for the  
 89 performance of their public duties. ~~Public employees receiving~~  
 90 ~~this exempt and confidential information must maintain the~~  
 91 ~~confidentiality of the information. Any such public employee~~  
 92 ~~receiving confidential information who violates this subsection~~  
 93 ~~commits a misdemeanor of the first degree, punishable as~~  
 94 ~~provided by s. 775.082 or s. 775.083.~~

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

98 (6) This section shall stand repealed October 2, 2024. ~~The~~  
 99 ~~Scripps Research Institute or grantee as defined in s. 288.955,~~  
 100 ~~is a private, not-for-profit entity and as such is not subject~~  
 101 ~~to chapter 119 or s. 286.011. If a court nonetheless determines~~  
 102 ~~that The Scripps Research Institute or grantee is acting on~~  
 103 ~~behalf of an agency, by virtue of its contract under s. 288.955,~~  
 104 ~~or otherwise, such that it is subject to s. 24, Art. I of the~~  
 105 ~~State Constitution and ss. 119.07(1) and 286.011, the exemptions~~  
 106 ~~from the public records and meetings requirements provided by~~  
 107 ~~this section shall apply equally to the same records and~~  
 108 ~~meetings when held by The Scripps Research Institute or grantee.~~

109 ~~(7) At the time that any record or information made~~  
 110 ~~confidential and exempt by this section, or portion thereof, is~~  
 111 ~~legally available or subject to public disclosure for any other~~

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112 ~~reason, that record or information, or portion thereof, shall no~~  
113 ~~longer be confidential and exempt and shall be made available~~  
114 ~~for inspection and copying.~~

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

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