

ENROLLED
CS/HB 7043

2009 Legislature

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; providing for future legislative
16 review and repeal of the exemption under the Open
17 Government Sunset Review Act; 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

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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) The Scripps Research Institute or grantee as defined~~
99 ~~in s. 288.955, is a private, not-for-profit entity and as such~~
100 ~~is not subject to chapter 119 or s. 286.011. If a court~~
101 ~~nonetheless determines that The Scripps Research Institute or~~
102 ~~grantee is acting on behalf of an agency, by virtue of its~~
103 ~~contract under s. 288.955, or otherwise, such that it is subject~~
104 ~~to s. 24, Art. I of the State Constitution and ss. 119.07(1) and~~
105 ~~286.011, the exemptions from the public records and meetings~~
106 ~~requirements provided by this section shall apply equally to the~~
107 ~~same records and meetings when held by The Scripps Research~~
108 ~~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, 2014 ~~2009~~, unless reviewed and saved from repeal
118 through reenactment by the Legislature.

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