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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/09/2013	.	
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The Committee on Governmental Oversight and Accountability
(Montford) recommended the following:

Senate Amendment

Delete lines 51 - 96
and insert:

Section 2. The Legislature finds that it is a public necessity that meetings of the board of directors of a direct-support organization established under s. 1004.28, Florida Statutes, or of the executive committee or other committees of such board, at which the identity of a donor or prospective donor, any proposal seeking research funding from the organization, or a plan or program for either initiating or supporting research is discussed should be held exempt from s.



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13 286.011, Florida Statutes, and s. 24(b), Art. I of the State
14 Constitution. For the benefit of our state universities, and
15 ultimately all the people of Florida, direct-support
16 organizations serve a vital role in raising donations from
17 private sources. This undertaking demands great sensitivity and
18 discretion, as donors frequently seek anonymity and are
19 concerned about the potential release of sensitive financial
20 information. If direct-support organizations cannot honor those
21 requests and protect such information from public disclosure,
22 potential donors may decline to contribute, thus hampering the
23 ability of the direct-support organization to carry out its
24 activities. The state has recognized these realities by making
25 most of the records of direct-support organizations confidential
26 and exempt from the state's public records requirements,
27 including the identity of donors and prospective donors.
28 However, without the exemption from public meeting requirements,
29 release of the identity of donors or prospective donors via a
30 public meeting would defeat the purpose of the public records
31 exemption. It is therefore the finding of the Legislature that
32 the exemption from public meeting requirements is a public
33 necessity. Additionally, the resources raised by direct-support
34 organizations are frequently used to initiate, develop, and fund
35 plans and programs for research that routinely contain sensitive
36 proprietary information, including university-connected research
37 projects, which provide valuable opportunities for faculty and
38 students and may lead to future commercial applications. This
39 activity requires the direct-support organization to develop
40 research strategies and evaluate proposals for research grants
41 that routinely contain sensitive or proprietary information,



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42 including specific research approaches and targets of
43 investigation, the disclosure of which could injure those
44 conducting the research. Maintaining the confidentiality of
45 research strategies, plans, and proposals is a hallmark of a
46 responsible funding process, is practiced by the National
47 Science Foundation and the National Institutes of Health, and
48 allows for candid exchanges among reviewers. The state has
49 recognized these realities by expressly making most of the
50 records of direct-support organizations confidential and exempt
51 from the state's public records requirements, including
52 proposals seeking research funding. Failure to close meetings in
53 which these activities are discussed would significantly
54 undermine the confidentiality of the strategies, plans, and
55 proposals themselves. Without the exemption from public meeting
56 requirements, the release during a public meeting of a proposal
57 seeking research funding from the direct-support organization or
58 a plan or program for either initiating or supporting research
59 would defeat the purpose of the public records exemption. It is
60 therefore the finding of the Legislature that the exemption from
61 public meeting requirements is a public necessity.