

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: Higher Education &
2 Workforce Subcommittee
3 Representative Pigman offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:
Section 1. Subsection (5) of section 1004.28, Florida
Statutes, is amended to read:

1004.28 Direct-support organizations; use of property;
board of directors; activities; audit; facilities.—

(5) ANNUAL AUDIT; PUBLIC RECORDS EXEMPTION; PUBLIC
MEETINGS EXEMPTION.—

(a) Each direct-support organization shall provide for an
annual financial audit of its accounts and records to be
conducted by an independent certified public accountant in
accordance with rules adopted by the Auditor General pursuant to
s. 11.45(8) and by the university board of trustees. The annual
audit report shall be submitted, within 9 months after the end
of the fiscal year, to the Auditor General and the Board of

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20 Governors for review. The Board of Governors, the university
21 board of trustees, the Auditor General, and the Office of
22 Program Policy Analysis and Government Accountability shall have
23 the authority to require and receive from the organization or
24 from its independent auditor any records relative to the
25 operation of the organization. The identity of donors who desire
26 to remain anonymous shall be protected, and that anonymity shall
27 be maintained in the auditor's report.

28 (b) All records of the organization other than the
29 auditor's report, management letter, and any supplemental data
30 requested by the Board of Governors, the university board of
31 trustees, the Auditor General, and the Office of Program Policy
32 Analysis and Government Accountability shall be confidential and
33 exempt from ~~the provisions of~~ s. 119.07(1).

34 (c) Any portion of a meeting of the board of directors of
35 the organization, or of the executive committee or other
36 committees of such board, at which the identity of a donor or
37 prospective donor, any proposal seeking research funding from the
38 organization, or a plan or program for either initiating or
39 supporting research is discussed is exempt from s. 286.011 and s.
40 24(b), Art. I of the State Constitution. This paragraph is subject
41 to the Open Government Sunset Review Act in accordance with s.
42 119.15 and shall stand repealed on October 2, 2018, unless
43 reviewed and saved from repeal through reenactment by the
44 Legislature.

45 Section 2. The Legislature finds that it is a public
46 necessity that meetings of the board of directors of a direct-
47 support organization established under s. 1004.28, or of the

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48 executive committee or other committees of such board, at which
49 the identity of a donor or prospective donor, any proposal
50 seeking research funding from the organization, or a plan or
51 program for either initiating or supporting research is discussed
52 should be held exempt from s. 286.011, Florida Statutes, and s.
53 24(b), Art. I of the State Constitution. For the benefit of our
54 state universities, and ultimately all the people of Florida,
55 direct-support organizations serve a vital role in raising
56 donations from private sources. This undertaking demands great
57 sensitivity and discretion, as donors frequently seek anonymity
58 and are concerned about the potential release of sensitive
59 financial information. If direct-support organizations cannot
60 honor those requests and protect such information from public
61 disclosure, potential donors may decline to contribute, thus
62 hampering the ability of the direct-support organization to carry
63 out its activities. The state has recognized these realities by
64 making most of the records of direct-support organizations
65 confidential and exempt from the state's public records
66 requirements, including the identity of donors and prospective
67 donors. However, without the exemption from public meeting
68 requirements, release of the identity of donors or prospective
69 donors via a public meeting would defeat the purpose of the
70 public records exemption. It is therefore the finding of the
71 Legislature that the exemption from public meeting requirements
72 is a public necessity. Additionally, the resources raised by
73 direct-support organizations are frequently used to initiate,
74 develop, and fund plans and programs for research that routinely
75 contain sensitive proprietary information, including university-

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76 connected research projects, which provide valuable
77 opportunities for faculty and students and may lead to future
78 commercial applications. This activity requires the direct-
79 support organization to develop research strategies and evaluate
80 proposals for research grants that routinely contain sensitive
81 or proprietary information, including specific research
82 approaches and targets of investigation, the disclosure of which
83 could injure those conducting the research. Maintaining the
84 confidentiality of research strategies, plans, and proposals is
85 a hallmark of a responsible funding process, is practiced by the
86 National Science Foundation and the National Institutes of
87 Health, and allows for candid exchanges among reviewers. The
88 state has recognized these realities by expressly making most of
89 the records of direct-support organizations confidential and
90 exempt from the state's public records requirements, including
91 proposals seeking research funding. Failure to close meetings in
92 which these activities are discussed would significantly
93 undermine the confidentiality of the strategies, plans, and
94 proposals themselves. Without the exemption from public meeting
95 requirements, the release during a public meeting of a proposal
96 seeking research funding from the direct-support organization or
97 a plan or program for either initiating or supporting research
98 would defeat the purpose of the public records exemption. It is
99 therefore the finding of the Legislature that the exemption from
100 public meeting requirements is a public necessity.

101 Section 3. This act shall take effect October 1, 2013.
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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to public meetings; amending s.
1004.28, F.S.; providing an exemption from public
meeting requirements for any portion of a meeting of
the board of directors of a university direct-support
organization, 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; providing for review and repeal of the
exemption; providing a statement of public necessity;
providing an effective date.