



793024

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/13/2014	.	
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The Committee on Governmental Oversight and Accountability
(Bean) recommended the following:

Senate Amendment (with title amendment)

Delete 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.—



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11 (a) Each direct-support organization shall provide for an
12 annual financial audit of its accounts and records to be
13 conducted by an independent certified public accountant in
14 accordance with rules adopted by the Auditor General pursuant to
15 s. 11.45(8) and by the university board of trustees. The annual
16 audit report shall be submitted, within 9 months after the end
17 of the fiscal year, to the Auditor General and the Board of
18 Governors for review. The Board of Governors, the university
19 board of trustees, the Auditor General, and the Office of
20 Program Policy Analysis and Government Accountability shall have
21 the authority to require and receive from the organization or
22 from its independent auditor any records relative to the
23 operation of the organization. The identity of donors who desire
24 to remain anonymous shall be protected, and that anonymity shall
25 be maintained in the auditor's report.

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

32 (c) Any portion of a meeting of the board of directors of
33 the organization, or of the executive committee or other
34 committees of such board, at which any proposal seeking research
35 funding from the organization or a plan or program for either
36 initiating or supporting research is discussed is exempt from s.
37 286.011 and s. 24(b), Art. I of the State Constitution. This
38 paragraph is subject to the Open Government Sunset Review Act in
39 accordance with s. 119.15 and shall stand repealed on October 2,



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40 2019, unless reviewed and saved from repeal through reenactment
41 by the Legislature.

42 Section 2. The Legislature finds that it is a public
43 necessity that any portion of a meeting of the board of
44 directors of a direct-support organization established under s.
45 1004.28, Florida Statutes, or of the executive committee or
46 other committees of such board, at which any proposal seeking
47 research funding from the organization or a plan or program for
48 either initiating or supporting research is discussed should be
49 held exempt from s. 286.011, Florida Statutes, and s. 24(b),
50 Article I of the State Constitution. The resources raised by
51 direct-support organizations are frequently used to initiate,
52 develop, and fund plans and programs for research that routinely
53 contain sensitive proprietary information, including university-
54 connected research projects, which provide valuable
55 opportunities for faculty and students and may lead to future
56 commercial applications. This activity requires the direct-
57 support organization to develop research strategies and evaluate
58 proposals for research grants that routinely contain sensitive
59 or proprietary information, including specific research
60 approaches and targets of investigation, the disclosure of which
61 could injure those conducting the research. Maintaining the
62 confidentiality of research strategies, plans, and proposals is
63 a hallmark of a responsible funding process, is practiced by the
64 National Science Foundation and the National Institutes of
65 Health, and allows for candid exchanges among reviewers. The
66 state has recognized these realities by expressly making most of
67 the records of direct-support organizations confidential and
68 exempt from the state's public records requirements, including



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69 proposals seeking research funding. Failure to close meetings in
70 which these activities are discussed would significantly
71 undermine the confidentiality of the strategies, plans, and
72 proposals themselves. Without the exemption from public meeting
73 requirements, the release during a public meeting of a proposal
74 seeking research funding from the direct-support organization or
75 a plan or program for either initiating or supporting research
76 would defeat the purpose of the public records exemption. It is
77 therefore the finding of the Legislature that the exemption from
78 public meeting requirements is a public necessity.

79 Section 3. This act shall take effect October 1, 2014.

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81 ===== T I T L E A M E N D M E N T =====

82 And the title is amended as follows:

83 Delete everything before the enacting clause

84 and insert:

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A bill to be entitled

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An act relating to public meetings; amending s.

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1004.28, F.S.; providing an exemption from public

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meeting requirements for any portion of a meeting of

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the board of directors of a university direct-support

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organization, or of the executive committee or other

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committees of such board, at which any proposal

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seeking research funding from the organization or a

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plan or program for either initiating or supporting

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research is discussed; providing for review and repeal

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of the exemption; providing a statement of public

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necessity; providing an effective date.