

20247078e1

1                   A bill to be entitled  
2     An act relating to public records and meetings;  
3     amending s. 381.915, F.S.; defining the term  
4     "proprietary business information"; providing an  
5     exemption from public records requirements for  
6     proprietary business information included in cancer  
7     research grant applications submitted to the Cancer  
8     Connect Collaborative and records generated by the  
9     collaborative relating to the review of such  
10    information; providing an exemption from public  
11    meeting requirements for portions of collaborative  
12    meetings during which such proprietary business  
13    information is discussed; requiring that the closed  
14    portions of meetings be recorded; requiring the  
15    collaborative to maintain such recordings; providing  
16    an exemption from public records requirements for such  
17    recordings; authorizing the disclosure of such  
18    confidential and exempt information under certain  
19    circumstances; providing for legislative review and  
20    repeal of the exemptions; providing statements of  
21    public necessity; providing a contingent effective  
22    date.

23  
24    Be It Enacted by the Legislature of the State of Florida:

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26           Section 1. Paragraph (j) is added to subsection (8) of  
27    section 381.915, Florida Statutes, as amended by SB 7072, 2024  
28    Regular Session, to read:

29           381.915 Casey DeSantis Cancer Research Program.—

20247078e1

30 (8) The Cancer Connect Collaborative, a council as defined  
31 in s. 20.03, is created within the department to advise the  
32 department and the Legislature on developing a holistic approach  
33 to the state's efforts to fund cancer research, cancer  
34 facilities, and treatments for cancer patients. The  
35 collaborative may make recommendations on proposed legislation,  
36 proposed rules, best practices, data collection and reporting,  
37 issuance of grant funds, and other proposals for state policy  
38 relating to cancer research or treatment.

39 (j)1. As used in this paragraph, the term "proprietary  
40 business information" means information that:

41 a. Is owned or controlled by the applicant;

42 b. Is intended to be private and is treated by the  
43 applicant as private;

44 c. Has not been disclosed except as required by law or a  
45 private agreement that provides that the information will not be  
46 released to the public;

47 d. Is not readily available or ascertainable through proper  
48 means from another source in the same configuration as received  
49 by the collaborative;

50 e. Affects competitive interests, and the disclosure of  
51 such information would impair the competitive advantage of the  
52 applicant; and

53 f. Is explicitly identified or clearly marked as  
54 proprietary business information.

55 2. Proprietary business information held by the department  
56 or the collaborative is confidential and exempt from s.  
57 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
58 exemption does not apply to information contained in final

20247078e1

59 recommendations of the collaborative.

60 3. Portions of a meeting of the collaborative during which  
61 confidential and exempt proprietary business information is  
62 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the  
63 State Constitution. The closed portion of a meeting must be  
64 recorded, and the recording must be maintained by the  
65 collaborative. The recording is confidential and exempt from s.  
66 119.07(1) and s. 24(a), Art. I of the State Constitution.

67 4.a. Proprietary business information made confidential and  
68 exempt under subparagraph 2. may be disclosed with the express  
69 written consent of the applicant to whom the information  
70 pertains, or the applicant's legally authorized representative,  
71 or pursuant to a court order upon a showing of good cause.

72 b. Recordings of those portions of exempt meetings which  
73 are made confidential and exempt under subparagraph 3. may be  
74 disclosed to the department or pursuant to a court order upon a  
75 showing of good cause.

76 5. This paragraph is subject to the Open Government Sunset  
77 Review Act in accordance with s. 119.15 and shall stand repealed  
78 on October 2, 2029, unless reviewed and saved from repeal  
79 through reenactment by the Legislature.

80 Section 2. (1) The Legislature finds that it is a public  
81 necessity that proprietary business information held by the  
82 Department of Health or the Cancer Connect Collaborative be made  
83 confidential and exempt from s. 119.07(1), Florida Statutes, and  
84 s. 24(a), Article I of the State Constitution. The Legislature  
85 recognizes that the public disclosure of proprietary business  
86 information could injure an applicant's business interests and  
87 research efforts and stifle scientific innovation. Maintaining

20247078e1

88 confidentiality is a hallmark of scientific peer review when  
89 awarding research grants. The Legislature further finds that any  
90 public benefit derived from the disclosure of such information  
91 is significantly outweighed by the public and private harm that  
92 could result from the disclosure of such proprietary business  
93 information. Further, release of such information could impair  
94 the effective and efficient administration of the grant program.

95 (2) The Legislature also finds that it is a public  
96 necessity that the portions of meetings of the Cancer Connect  
97 Collaborative during which confidential and exempt proprietary  
98 business information is discussed be made exempt from s.  
99 286.011, Florida Statutes, and s. 24(b), Article I of the State  
100 Constitution. If such portions of meetings are not closed, the  
101 public records exemption is negated. Furthermore, closing  
102 meetings during such discussions allows for candid exchanges  
103 among reviewers critiquing applications. The Legislature further  
104 finds that closing access to the portions of meetings of the  
105 collaborative during which proprietary business information of  
106 grant applications is discussed serves a public good by ensuring  
107 that decisions are based upon merit without bias or undue  
108 influence. The Legislature also finds that it is a public  
109 necessity that recordings of exempt portions of meetings be made  
110 confidential and exempt from s. 119.07(1), Florida Statutes, and  
111 s. 24(a), Article I of the State Constitution, because release  
112 of such recordings circumvents the protections afforded by the  
113 public meeting exemption.

114 Section 3. This act shall take effect on the same date that  
115 SB 7072 or similar legislation takes effect, if such legislation  
116 is adopted in the same legislative session or an extension

20247078e1

117 | thereof and becomes a law.