

FOR CONSIDERATION By the Committee on Fiscal Policy

594-03463A-24

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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; authorizing
16 the disclosure of such confidential and exempt
17 information under certain circumstances; providing for
18 legislative review and repeal of the exemptions;
19 providing statements of public necessity; providing a
20 contingent effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

27 381.915 Casey DeSantis Cancer Research Program.—

28 (8) The Cancer Connect Collaborative, a council as defined
29 in s. 20.03, is created within the department to advise the

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30 department and the Legislature on developing a holistic approach
31 to the state's efforts to fund cancer research, cancer
32 facilities, and treatments for cancer patients. The
33 collaborative may make recommendations on proposed legislation,
34 proposed rules, best practices, data collection and reporting,
35 issuance of grant funds, and other proposals for state policy
36 relating to cancer research or treatment.

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

39 a. Is a trade secret as defined in s. 688.002; or

40 b.(I) Is owned or controlled by the applicant;

41 (II) Is intended to be private and is treated by the
42 applicant as private because disclosure would harm the applicant
43 or the applicant's business operations;

44 (III) 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 (IV) Is not readily available or ascertainable through
48 proper means from another source in the same configuration as
49 received by the collective; and

50 (V) Affects competitive interests, and the disclosure of
51 such information would impair the competitive advantage of the
52 applicant.

53 2. Any information in an application submitted to the
54 collaborative for cancer research grant funding under this
55 section which the applicant identifies as proprietary business
56 information and, with the exception of final recommendations,
57 any information in records generated by the collaborative
58 relating to the review of such information is confidential and

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59 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
60 Constitution. Records generated by the collaborative relating to
61 the review of such information includes, but is not limited to,
62 meeting minutes, score sheets, personal notes written by
63 collaborative members, and summary documents prepared by the
64 collaborative or its staff.

65 3. Portions of a meeting of the collaborative during which
66 the collaborative discusses a grant application under this
67 section which contains proprietary business information as
68 identified by the applicant are exempt from s. 286.011 and s.
69 24(b), Art. I of the State Constitution. The closed portion of a
70 meeting must be recorded, and the recording must be maintained
71 by the collaborative and is subject to disclosure in accordance
72 with subparagraph 4.

73 4. Information that is confidential and exempt under this
74 paragraph may be disclosed with the express written consent of
75 the applicant to whom the information pertains or the
76 applicant's legally authorized representative or by court order
77 upon a showing of good cause.

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

82 Section 2. (1) The Legislature finds that it is a public
83 necessity that proprietary business information included in
84 applications for cancer research grants submitted to the Cancer
85 Connect Collaborative and in records generated by the
86 collaborative relating to the review of such applications be
87 made confidential and exempt from s. 119.07(1), Florida

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88 Statutes, and s. 24(a), Article I of the State Constitution. The
89 Legislature recognizes that the public disclosure of proprietary
90 business information, including ideas and processes, could
91 injure an applicant's business interests and research efforts
92 and stifle scientific innovation. Maintaining confidentiality is
93 a hallmark of scientific peer review when awarding research
94 grants. The Legislature further finds that any public benefit
95 derived from the disclosure of such information is significantly
96 outweighed by the public and private harm which could result
97 from the disclosure of such proprietary business information and
98 records.

99 (2) The Legislature finds that it is a public necessity
100 that the portions of meetings of the Cancer Connect
101 Collaborative during which proprietary business information
102 included in grant applications is discussed be made exempt from
103 s. 286.011, Florida Statutes, and s. 24(b), Article I of the
104 State Constitution. If such portions of meetings are not closed,
105 the public records exemptions are negated. Furthermore, closing
106 meetings during such discussions allows for candid exchanges
107 among reviewers critiquing applications. The Legislature further
108 finds that closing access to the portions of meetings of the
109 collaborative during which proprietary business information
110 contained in cancer research grant applications is discussed
111 serves a public good by ensuring that decisions are based upon
112 merit without bias or undue influence. The Legislature finds
113 that this exemption is narrowly tailored so that only those
114 portions of meetings at which proprietary business information
115 included in grant applications is discussed are exempt from
116 public meetings requirements.

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117 Section 3. This act shall take effect on the same date that
118 SB 7072 or similar legislation takes effect, if such legislation
119 is adopted in the same legislative session or an extension
120 thereof and becomes a law.