

Bill No. SB 1076

Barcode 620936

605-2024A-07

Proposed Committee Substitute by the Committee on Higher Education Appropriations

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A bill to be entitled
An act relating to public records and meetings;
creating s. 288.9625, F.S.; providing an
exemption from the public-records law for
information held by the State University
Research Commercialization Funding Corporation
which relates to methods of production, trade
secrets, other proprietary information, and
projects submitted for funding and receiving
funding under the State University Research
Commercialization Program; providing for
information concerning investors or potential
investors in projects and information received
from a person or other state or nation which is
confidential to remain exempt from disclosure;
providing an exemption from the public-meetings
law for meetings and portions of meetings of
the board of directors of the State University
Research Commercialization Funding Corporation
at which confidential information is discussed;
providing for the disclosure of information at
such time as the information is no longer
confidential; providing for future legislative
review and repeal of the exemptions under the
Open Government Sunset Review Act; providing a
statement of public necessity; providing a
contingent effective date.

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

Section 1. Section 288.9625, Florida Statutes, is

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1 created to read:

2 288.9625 Exemptions from public-records and
3 public-meetings requirements; State University Research
4 Commercialization Funding Corporation.--

5 (1) The following information held by the State
6 University Research Commercialization Funding Corporation
7 established in s. 288.9622 is confidential and exempt from s.
8 24, Art. I of the State Constitution and s. 119.07(1):

9 (a) Materials that relate to methods of manufacture or
10 production, potential trade secrets, patentable material,
11 actual trade secrets as defined in s. 688.002, or proprietary
12 information received, generated, ascertained, or discovered by
13 or through state universities relating to projects submitted
14 for funding under the State University Research
15 Commercialization Program.

16 (b) Agreements and proposals to receive funding,
17 including grant applications; however, those portions of such
18 agreements and proposals, including grant applications, which
19 do not contain information made exempt by paragraph (a) are
20 not confidential and exempt upon issuance of the annual report
21 that is made pursuant to s. 288.9622(8).

22 (c) Materials that relate to the identity of other
23 investors or potential investors in projects reviewed by the
24 corporation.

25 (d) Any information received from a person or another
26 state or nation or the Federal Government which is otherwise
27 confidential or exempt pursuant to that state's or nation's
28 laws or pursuant to federal law.

29 (2) That portion of a meeting of the board of
30 directors of the State University Research Commercialization
31 Funding Corporation at which information is presented or

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1 discussed which is confidential and exempt under subsection
2 (1) is closed to the public and exempt from s. 24(b), Art. I
3 of the State Constitution and s. 286.011.

4 (3) Any records generated during those portions of the
5 board meetings which are closed to the public under subsection
6 (2), such as minutes, tape recordings, videotapes,
7 transcriptions, or notes, are confidential and exempt from s.
8 24, Art. I of the State Constitution and s. 119.07(1).

9 (4) Public employees shall be permitted to inspect and
10 copy records or information that is made exempt and
11 confidential under this section exclusively for the
12 performance of their public duties. Public employees receiving
13 this exempt and confidential information must maintain the
14 confidentiality of the information. Any such public employee
15 receiving confidential information who violates this
16 subsection commits a misdemeanor of the first degree,
17 punishable as provided by s. 775.082 or s. 775.083.

18 (5) At the time that any record or information made
19 confidential and exempt by this section, or portion thereof,
20 is legally available or subject to public disclosure for any
21 other reason, that record or information, or portion thereof,
22 shall no longer be confidential and exempt and shall be made
23 available for inspection and copying.

24 (6) This section is subject to the Open Government
25 Sunset Review Act in accordance with s. 119.15 and shall stand
26 repealed on October 2, 2012, unless reviewed and saved from
27 repeal through reenactment by the Legislature.

28 Section 2. (1) The Legislature finds that it is a
29 public necessity that certain information held by the State
30 University Research Commercialization Funding Corporation or
31 the State Board of Administration which contains methods of

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1 manufacture or production, potential trade secrets, patentable
2 material, actual trade secrets, or proprietary information
3 received, generated, ascertained, or discovered by or through
4 state universities be made confidential and exempt from public
5 disclosure. The Legislature finds that the economic
6 development of the state is greatly enhanced by the
7 diversification of the industries that are located in the
8 state. In an effort that will greatly benefit the state
9 through economic stimulation, the diversification of
10 industries in the state, and job creation, the Legislature has
11 created the State University Research Commercialization
12 Program to promote the commercialization of university
13 research products and enhance the state's economy and public
14 universities.

15 (2) The Legislature also finds that it is a public
16 necessity to make exempt and confidential agreements and
17 proposals to receive funding, including grant applications,
18 until after the conclusion of the project and the issuance of
19 a report. If this information were not protected during the
20 application process and during the time work on the project is
21 ongoing, the grantee would be at a competitive disadvantage in
22 competing for those funds.

23 (3) The Legislature also finds that it is a public
24 necessity to protect the identity of investors and potential
25 investors because some investors wish to remain anonymous and
26 if their identity is not protected they would not make
27 investments. Such investments provide additional funding for
28 research and may provide additional reinvestment funds to the
29 state.

30 (4) The Legislature also finds that it is a public
31 necessity to make confidential and exempt from public

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1 disclosure any information received from a person, another
2 state, the Federal Government, or another nation which is
3 confidential or exempt from disclosure pursuant to the laws of
4 that state, nation, or the Federal Government. Failure to
5 protect such information would inhibit the work of the State
6 University Research Commercialization Program because other
7 persons, states, the Federal Government, or nations could be
8 unwilling to share information and research if it could be
9 released. Without protecting such information, state
10 universities that apply for funding would be on an unequal
11 footing in the marketing and sale of products resulting from
12 university research as compared with research competitors that
13 are not required to disclose confidential and exempt
14 information, and this would operate to the economic detriment
15 of the state.

16 (5) Similarly, the Legislature finds that the ability
17 of state universities to conduct meaningful work under the
18 State University Research Commercialization Program would be
19 impaired significantly if meetings are not closed during
20 discussion of records and information made confidential and
21 exempt from public disclosure by this act. Failure to protect
22 that portion of meetings during which such protected records
23 and information are discussed would defeat the exemption
24 created by this act. In addition, the Legislature finds that
25 records generated during those portions of meetings which are
26 closed, and the minutes, tape recordings, videotapes,
27 transcriptions, or notes, must be protected for the same
28 reasons that those portions of the meetings are closed.

29 Section 3. This act shall take effect on the same date
30 that Senate Bill 1074, or similar legislation relating to the
31 State University Research Commercialization Program takes

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1 effect, if such legislation is enacted in the same legislative
2 session, or an extension thereof, and becomes law.

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