

House Bill No. 951

An act relating to exemptions from public records and public meetings requirements for the Florida Institute for Human and Machine Cognition, Inc.; creating s. 1004.4472, F.S.; creating an exemption from public records requirements for specified materials, actual and potential trade secrets, patentable material, proprietary information received, generated, ascertained, or discovered during the course of research, business transactions resulting from such research, information received by the corporation or a subsidiary from a person from another state or nation or the Federal Government which is otherwise exempt or confidential, information received by the corporation or a subsidiary which is otherwise confidential and exempt, and identifying information of a donor or prospective donor to the corporation or a subsidiary; providing for specified access to certain information by governmental entities; creating an exemption from public meetings requirements for portions of meetings of the corporation or a subsidiary at which confidential and exempt records are discussed; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

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

Section 1. Section 1004.4472, Florida Statutes, is created to read:

1004.4472 Florida Institute for Human and Machine Cognition, Inc.; public records exemption; public meetings exemption.—

(1) The following information held by the Florida Institute for Human and Machine Cognition, Inc., or an authorized subsidiary of the corporation, is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Material relating to methods of manufacture or production, potential trade secrets, patentable material, actual trade secrets as defined in s. 688.002 or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the Florida Institute for Human and Machine Cognition, Inc., and its subsidiaries, and business transactions resulting from such research.

(b) Any information received by the corporation or a subsidiary from a person from another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of that state or nation or pursuant to federal law.

(c) Any information received by the corporation or a subsidiary in the performance of its duties and responsibilities which is otherwise confidential and exempt by law.

(d) All identifying information of a donor or prospective donor to the corporation or a subsidiary who wishes to remain anonymous.

(2) The corporation or its subsidiary shall permit any governmental entity to inspect or copy confidential and exempt information held by the corporation or its subsidiary which is necessary for that governmental entity to perform its duties and responsibilities. Any governmental entity that is permitted to inspect or copy confidential and exempt information held by the corporation or a subsidiary shall maintain the confidential and exempt status of that information.

(3) That portion of a meeting of the corporation or a subsidiary at which information is presented or discussed which is confidential and exempt pursuant to subsection (1) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(4) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2009, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that certain records of the Florida Institute for Human and Machine Cognition, Inc., or a subsidiary of the corporation, that contain proprietary confidential business information be made confidential and exempt. Material relating to methods of manufacture or production, actual or potential trade secrets, patentable materials, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the corporation or a subsidiary, and business transactions resulting from such research, must be confidential and exempt because the disclosure of such information would create an unfair competitive advantage for persons receiving such information, which would adversely impact the corporation or its subsidiaries. If such confidential and exempt information regarding research in progress were released pursuant to a public records request, others would be allowed to take the benefit of the research without compensation or reimbursement to the corporation. The Legislature further finds that information received by the corporation or its subsidiaries from a person from another state or nation or the Federal Government which is otherwise exempt or confidential pursuant to the laws of that state or nation or pursuant to federal law should remain exempt or confidential because the highly confidential nature of research necessitates that the corporation or its subsidiaries be authorized to maintain the status of exempt or confidential information it receives from the sponsors of research. Without the exemptions provided for in this act, the disclosure of confidential and exempt information would place the corporation in an unequal footing in the marketplace as compared with its private research competitors that are not required to disclose confidential and exempt information. The Legislature finds that the disclosure of such confidential and exempt information would adversely impact the corporation's or subsidiary's ability to fulfill the mission of research and education. It is further a public necessity that the corporation and its subsidiaries have the same confidential protections for other information received in the performance of its duties and obligations which is confidential and exempt by law in order to put the institute on an equal footing with other public research institutes and to ensure that the

institute has similar opportunities for success as its private research competitors. In addition, the Legislature further finds that the identity of a donor or prospective donor who wishes to remain anonymous should be confidential and exempt from public disclosure in the same manner provided to the direct-support organizations at the state universities in s. 1004.28(5), Florida Statutes. This exemption is necessary because the disclosure of such confidential and exempt information may adversely impact the institute's ability to receive donations from individuals who request anonymity. The Legislature further finds that it is a public necessity that portions of meetings of the corporation or a subsidiary at which proprietary confidential business information, including material relating to methods of manufacture or production, actual or potential trade secrets, patentable materials, proprietary information received, generated, ascertained, or discovered during the course of research, or business transactions resulting from research, is discussed are exempt from public meetings requirements in order to allow the corporation and its subsidiaries to maintain the confidential and exempt status of this information and to prevent an unfair competitive advantage for persons receiving this information.

Section 3. This act shall take effect July 1, 2004.

Approved by the Governor June 23, 2004.

Filed in Office Secretary of State June 23, 2004.