

Council Substitute for House Bill No. 7043

An act relating to a review under the Open Government Sunset Review Act regarding Scripps Florida Funding Corporation; amending s. 288.955, F.S.; clarifying the definition of “grantee”; amending s. 288.9551, F.S.; narrowing the public records exemption for specified information held by the Scripps Florida Funding Corporation and the public meetings exemption for portions of meetings of the board of directors of the corporation at which confidential and exempt information is discussed; removing the Office of Tourism, Trade, and Economic Development from the public records and public meetings exemptions; reorganizing and conforming provisions; making editorial changes; removing superfluous language; providing a penalty; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section 288.955, Florida Statutes, is amended to read:

288.955 Scripps Florida Funding Corporation.—

(1) DEFINITIONS.—As used in this section, the term:

(c) “Grantee” means The Scripps Research Institute, a not-for-profit public benefit corporation, or a division, subsidiary, affiliate, or entity formed by The Scripps Research Institute to establish a state-of-the-art biomedical research institution and campus in this state. The grantee is neither an agency nor an entity acting on behalf of an agency for purposes of chapter 119 and s. 286.011.

Section 2. Section 288.9551, Florida Statutes, is amended to read:

288.9551 Exemptions from public records and meetings requirements; Scripps Florida Funding Corporation, ~~The Scripps Research Institute or grantee, and the Office of Tourism, Trade, and Economic Development.~~—

(1) As used in this section, the term “grantee” has the same meaning ascribed in s. 288.955.

(2) The following information held by the Scripps Florida Funding Corporation ~~or the Office of Tourism, Trade, and Economic Development~~ under s. 288.955 is confidential and exempt from s. 119.07(1) and s. 24(a) s. 24, Art. I of the State Constitution and s. 119.07(1):

(a) Materials that relate 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 by or through the grantee ~~or The Scripps Research Institute.~~

(b) Agreements and proposals to receive funding, including grant applications; however, those portions of such agreements and proposals to receive funding, including grant applications, that do not contain information made confidential and exempt by paragraph (a) of this subsection, shall not be confidential and exempt upon issuance of the report that is made after the conclusion of the project for which funding was provided. The exemption created in this paragraph specifically excludes any agreement by the Scripps Florida Funding Corporation to release funds to the ~~Scripps Research Institute~~ or grantee.

(c) Materials that relate to the recruitment of scientists and researchers; ~~and~~

(d) The identity of donors or potential donors to the grantee who wish to remain anonymous.

~~(e)(d) Any Information received from a person from or another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to the laws of that state state's or nation nation's laws or pursuant to federal law.~~

(f)(e) Personal identifying information of individuals who participate in human trials or experiments.

~~(g)(f) Any Medical or health records relating to participants in clinical trials.~~

~~(3)(a) That portion of a meeting of the board of directors of the Scripps Florida Funding Corporation or the Office of Tourism, Trade, and Economic Development at which information is presented or discussed that which is confidential and exempt under subsection (2) is closed to the public and exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution and s. 286.011.~~

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

~~(4)(5) Public employees shall be permitted to inspect and copy records or information that is made confidential and exempt and confidential under this section exclusively for the performance of their public duties. Public employees receiving this exempt and confidential information must maintain the confidentiality of the information. Any such public employee receiving confidential information who violates this subsection commits a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.~~

(5) Any person who willfully and knowingly violates the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

~~(6) The Scripps Research Institute or grantee as defined in s. 288.955, is a private, not for profit entity and as such is not subject to chapter 119 or s. 286.011. If a court nonetheless determines that The Scripps Research Institute or grantee is acting on behalf of an agency, by virtue of its contract under s. 288.955, or otherwise, such that it is subject to s. 24, Art. I of the State Constitution and ss. 119.07(1) and 286.011, the exemptions from the public records and meetings requirements provided by this section shall apply equally to the same records and meetings when held by The Scripps Research Institute or grantee.~~

~~(7) At the time that any record or information made confidential and exempt by this section, or portion thereof, is legally available or subject to public disclosure for any other reason, that record or information, or portion thereof, shall no longer be confidential and exempt and shall be made available for inspection and copying.~~

(8) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2014 ~~2009~~, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. This act shall take effect October 1, 2009.

Approved by the Governor June 24, 2009.

Filed in Office Secretary of State June 24, 2009.