

BILL

ORIGINAL

YEAR

1 A bill to be entitled
 2 An act relating to a review under the Open Government
 3 Sunset Review Act regarding Scripps Florida Funding
 4 Corporation; amending s. 288.955, F.S.; clarifying the
 5 definition of "grantee"; amending s. 288.9551, F.S.;
 6 narrowing the public record and public meeting exemption;
 7 removing the exemption for the Office of Tourism, Trade,
 8 and Economic Development; making conforming changes;
 9 making editorial changes; reorganizing the section;
 10 removing superfluous language; providing for repeal of the
 11 exemption; providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Subsection (1) of section 288.955, Florida
 16 Statutes, is amended to read:

17 288.955 Scripps Florida Funding Corporation.--

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

19 (a) "Contract" means the contract executed between the
 20 corporation and the grantee under this section.

21 (b) "Corporation" means the Scripps Florida Funding
 22 Corporation created under this section.

23 (c) "Grantee" means The Scripps Research Institute, a not-
 24 for-profit public benefit corporation, or a division,
 25 subsidiary, affiliate, or entity formed by The Scripps Research
 26 Institute to establish a state-of-the-art biomedical research
 27 institution and campus in this state. The grantee is not an

BILL

ORIGINAL

YEAR

28 agency nor an entity acting on behalf of an agency for purposes
 29 of chapter 119 and s. 286.011.

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

32 288.9551 Exemptions from public records and meetings
 33 requirements; Scripps Florida Funding Corporation, ~~The Scripps~~
 34 ~~Research Institute or grantee, and the Office of Tourism, Trade,~~
 35 ~~and Economic Development.--~~

36 (1) As used in this section, the term "grantee" has the
 37 same meaning ascribed in s. 288.955.

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

43 (a) Materials that relate to methods of manufacture or
 44 production, potential trade secrets, patentable material, actual
 45 trade secrets as defined in s. 688.002, or proprietary
 46 information received, generated, ascertained, or discovered by
 47 or through the grantee ~~or The Scripps Research Institute.~~

48 (b) Agreements and proposals to receive funding, including
 49 grant applications; however, those portions of such agreements
 50 and proposals to receive funding, including grant applications,
 51 that do not contain information made confidential and exempt by
 52 paragraph (a) of this subsection, shall not be confidential and
 53 exempt upon issuance of the report that is made after the
 54 conclusion of the project for which funding was provided. The
 55 exemption created in this paragraph specifically excludes any

BILL

ORIGINAL

YEAR

56 | agreement by the Scripps Florida Funding Corporation to release
 57 | funds to the ~~Scripps Research Institute~~ or grantee.

58 | (c) Materials that relate to the recruitment of scientists
 59 | and researchers. ~~and~~

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

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

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

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

71 | (3) (a) That portion of a meeting of the board of directors
 72 | of the Scripps Florida Funding Corporation ~~or the Office of~~
 73 | ~~Tourism, Trade, and Economic Development~~ at which information is
 74 | presented or discussed that ~~which~~ is confidential and exempt
 75 | under subsection (2) is ~~closed to the public and~~ exempt from s.
 76 | 286.011 and s. 24(b), Art. I of the State Constitution and s.
 77 | 286.011.

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

BILL

ORIGINAL

YEAR

84 (4)~~(5)~~ Public employees shall be permitted to inspect and
 85 copy ~~records or~~ information that is made confidential and exempt
 86 ~~and confidential~~ under this section exclusively for the
 87 performance of their public duties. ~~Public employees receiving~~
 88 ~~this exempt and confidential information must maintain the~~
 89 ~~confidentiality of the information. Any such public employee~~
 90 ~~receiving confidential information who violates this subsection~~
 91 ~~commits a misdemeanor of the first degree, punishable as~~
 92 ~~provided by s. 775.082 or s. 775.083.~~

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

96 (6) This section shall stand repealed October 2, 2024. The
 97 ~~Scripps Research Institute or grantee as defined in s. 288.955,~~
 98 ~~is a private, not-for-profit entity and as such is not subject~~
 99 ~~to chapter 119 or s. 286.011. If a court nonetheless determines~~
 100 ~~that The Scripps Research Institute or grantee is acting on~~
 101 ~~behalf of an agency, by virtue of its contract under s. 288.955,~~
 102 ~~or otherwise, such that it is subject to s. 24, Art. I of the~~
 103 ~~State Constitution and ss. 119.07(1) and 286.011, the exemptions~~
 104 ~~from the public records and meetings requirements provided by~~
 105 ~~this section shall apply equally to the same records and~~
 106 ~~meetings when held by The Scripps Research Institute or grantee.~~

107 ~~(7) At the time that any record or information made~~
 108 ~~confidential and exempt by this section, or portion thereof, is~~
 109 ~~legally available or subject to public disclosure for any other~~
 110 ~~reason, that record or information, or portion thereof, shall no~~

BILL

ORIGINAL

YEAR

111 ~~longer be confidential and exempt and shall be made available~~
112 ~~for inspection and copying.~~

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

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