

1 A bill to be entitled

2 An act relating to public meetings and public records;  
3 amending s. 381.82, F.S.; providing an exemption from  
4 public records requirements for research grant  
5 applications provided to the Alzheimer's Disease  
6 Research Grant Advisory Board under the Ed and Ethel  
7 Moore Alzheimer's Disease Research Program and records  
8 generated by the board relating to review of the  
9 applications; providing an exemption from public  
10 meetings requirements for those portions of meetings  
11 of the board during which the research grant  
12 applications are discussed; requiring the recording of  
13 closed portions of meetings; authorizing disclosure of  
14 such confidential information under certain  
15 circumstances; providing for legislative review and  
16 repeal of the exemptions; providing a statement of  
17 public necessity; providing a contingent effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Paragraph (d) is added to subsection (3) of  
23 section 381.82, Florida Statutes, as created by HB 709, 2014  
24 Regular Session, to read:

25 381.82 Ed and Ethel Moore Alzheimer's Disease Research  
26 Program.—

27 (3) There is created within the Department of Health the  
28 Alzheimer's Disease Research Grant Advisory Board.

29 (d)1. Applications provided to the board for Alzheimer's  
30 disease research grants under this section, and any records  
31 generated by the board relating to review of such applications,  
32 except final recommendations, are confidential and exempt from  
33 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

34 2. Those portions of a meeting of the board during which  
35 applications for Alzheimer's disease research grants under this  
36 section are discussed are exempt from s. 286.011 and s. 24(b),  
37 Art. I of the State Constitution. The closed portion of a  
38 meeting must be recorded. The recording shall be maintained by  
39 the board and shall be subject to disclosure in accordance with  
40 subparagraph 3.

41 3. Information that is held confidential and exempt under  
42 this paragraph may be disclosed with the express written consent  
43 of the individual to whom the information pertains or the  
44 individual's legally authorized representative, or by court  
45 order upon a showing of good cause.

46 4. This paragraph is subject to the Open Government Sunset  
47 Review Act in accordance with s. 119.15 and shall stand repealed  
48 on October 2, 2019, unless reviewed and saved from repeal  
49 through reenactment by the Legislature.

50 Section 2. The Legislature finds that it is a public  
51 necessity that applications for Alzheimer's disease research  
52 grants provided to the Alzheimer's Disease Research Grant

53 Advisory Board and records generated by the board related to  
54 review of the applications be held confidential and exempt from  
55 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
56 State Constitution and that those portions of meetings of the  
57 board during which the applications are discussed be held exempt  
58 from s. 286.011, Florida Statutes, and s. 24(b), Article I of  
59 the State Constitution. The research grant applications, and the  
60 records generated by the board related to review of the  
61 applications, contain information of a confidential nature,  
62 including ideas and processes, the disclosure of which could  
63 injure the affected researchers. Maintaining confidentiality is  
64 a hallmark of scientific peer review when awarding grants, is  
65 practiced by the National Science Foundation and the National  
66 Institutes of Health, and allows for candid exchanges among  
67 reviewers critiquing proposals. The Legislature further finds  
68 that closing access to those portions of meetings of the board  
69 during which the Alzheimer's disease research grant applications  
70 are discussed serves a public good by ensuring that decisions  
71 are based upon merit without bias or undue influence.

72 Section 3. This act shall take effect on the same date  
73 that HB 709 or similar legislation takes effect, if such  
74 legislation is adopted in the same legislative session or an  
75 extension thereof and becomes law.