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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2012	.	
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The Committee on Health Regulation (Garcia) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Exemptions from public records and public meetings requirements; peer review panels.-

(1) That portion of a meeting of a peer review panel in which applications for biomedical research grants under s. 215.5602, Florida Statutes, or s. 381.922, Florida Statutes, are discussed is exempt from s. 286.011, Florida Statutes, and s. 24(b), Art. I of the State Constitution.

(2) Any records generated by the peer review panel relating



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13 to review of applications for biomedical research grants, except
14 final recommendations, are confidential and exempt from s.
15 119.07(1), Florida Statutes, and s. 24(a), Art. I of the State
16 Constitution.

17 (3) Research grant applications provided to the peer review
18 panel are confidential and exempt from s. 119.07(1), Florida
19 Statutes, and s. 24(a), Art. I of the State Constitution.

20 (4) Information which is held confidential and exempt under
21 this section may be disclosed with the express written consent
22 of the individual to whom the information pertains or the
23 individual's legally authorized representative, or by court
24 order upon showing good cause.

25 (5) Subsections (1), (2), and (3) are subject to the Open
26 Government Sunset Review Act in accordance with s. 119.15,
27 Florida Statutes, and shall stand repealed on October 2, 2017,
28 unless reviewed and saved from repeal through reenactment by the
29 Legislature.

30 Section 2. The Legislature finds that it is a public
31 necessity that meetings of peer review panels under the James
32 and Esther King Biomedical Research Program and the William G.
33 "Bill" Bankhead, Jr., and David Coley Cancer Research Program,
34 in which applications for the biomedical research grants are
35 discussed, certain records generated by the peer review panel
36 related to the review of applications for biomedical research
37 grants, and research grant applications provided to such peer
38 review panels be held confidential and exempt from disclosure.
39 The research grant applications contain information of a
40 confidential nature, including ideas and processes, the
41 disclosure of which could injure the affected researcher.



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42 Maintaining confidentiality is a hallmark of scientific peer
43 review when awarding grants, is practiced by the National
44 Science Foundation and the National Institutes of Health, and
45 allows for candid exchanges between reviewers critiquing
46 proposals. The Legislature further finds that closing access to
47 meetings of scientific peer review panels in which biomedical
48 research applications are discussed serves a public good by
49 ensuring that decisions are based upon merit without bias or
50 undue influence. Further, the Legislature finds that records
51 generated during meetings of the peer review panels related to
52 the review of applications for biomedical research grants must
53 be protected for the same reasons that justify the closing of
54 such meetings.

55 Section 3. This act shall take effect on the same date that
56 SB 616 or similar legislation takes effect, if such legislation
57 is adopted in the same legislative session or an extension
58 thereof and becomes law.

59
60
61 ===== T I T L E A M E N D M E N T =====

62 And the title is amended as follows:

63 Delete everything before the enacting clause
64 and insert:

65 A bill to be entitled

66 An act relating to public meetings and public records;
67 providing an exemption from public meeting requirements for
68 certain meetings of a peer review panel under the James and
69 Esther King Biomedical Research Program and the William G.
70 "Bill" Bankhead, Jr., and David Coley Cancer Research Program;



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71 providing an exemption from public records requirements for
72 certain records related to biomedical research grant
73 applications; providing an exemption from public records
74 requirements for research grant applications provided to, and
75 reviewed by, the peer review panel; providing exceptions to the
76 exemption; providing for legislative review and repeal of the
77 exemptions; providing a statement of public necessity; providing
78 a contingent effective date.