

By the Committee on Health Regulation; and Senator Flores

588-02727-12

20121856c1

1                   A bill to be entitled  
2           An act relating to public meetings and public records;  
3           providing an exemption from public meeting  
4           requirements for certain meetings of a peer review  
5           panel under the James and Esther King Biomedical  
6           Research Program and the William G. "Bill" Bankhead,  
7           Jr., and David Coley Cancer Research Program;  
8           providing an exemption from public records  
9           requirements for certain records related to biomedical  
10          research grant applications; providing an exemption  
11          from public records requirements for research grant  
12          applications provided to, and reviewed by, the peer  
13          review panel; providing exceptions to the exemption;  
14          providing for legislative review and repeal of the  
15          exemptions; providing a statement of public necessity;  
16          providing a contingent effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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

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

27           (2) Any records generated by the peer review panel relating  
28 to review of applications for biomedical research grants, except  
29 final recommendations, are confidential and exempt from s.

588-02727-12

20121856c1

30 119.07(1), Florida Statutes, and s. 24(a), Article I of the  
31 State Constitution.

32 (3) Research grant applications provided to the peer review  
33 panel are confidential and exempt from s. 119.07(1), Florida  
34 Statutes, and s. 24(a), Article I of the State Constitution.

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

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

45 Section 2. The Legislature finds that it is a public  
46 necessity that meetings of peer review panels under the James  
47 and Esther King Biomedical Research Program and the William G.  
48 "Bill" Bankhead, Jr., and David Coley Cancer Research Program,  
49 in which applications for the biomedical research grants are  
50 discussed, certain records generated by the peer review panel  
51 related to the review of applications for biomedical research  
52 grants, and research grant applications provided to such peer  
53 review panels be held confidential and exempt from disclosure.  
54 The research grant applications contain information of a  
55 confidential nature, including ideas and processes, the  
56 disclosure of which could injure the affected researcher.  
57 Maintaining confidentiality is a hallmark of scientific peer  
58 review when awarding grants, is practiced by the National

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59 Science Foundation and the National Institutes of Health, and  
60 allows for candid exchanges between reviewers critiquing  
61 proposals. The Legislature further finds that closing access to  
62 meetings of scientific peer review panels in which biomedical  
63 research applications are discussed serves a public good by  
64 ensuring that decisions are based upon merit without bias or  
65 undue influence. Further, the Legislature finds that records  
66 generated during meetings of the peer review panels related to  
67 the review of applications for biomedical research grants must  
68 be protected for the same reasons that justify the closing of  
69 such meetings.

70 Section 3. This act shall take effect on the same date that  
71 CS for SB 616 or similar legislation takes effect, if such  
72 legislation is adopted in the same legislative session or an  
73 extension thereof and becomes law.