

20121856e1

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:

19
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.

20121856e1

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), (3), and (4) are subject to the
41 Open 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42 Florida Statutes, and shall stand repealed on October 2, 2017,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

20121856e1

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.