

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative Coley offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

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

9 (1) That portion of a meeting of the peer review panel in
10 which applications for biomedical research grants under s.
11 215.5602, Florida Statutes, or s. 381.922, Florida Statutes, are
12 discussed are exempt from s. 286.011, Florida Statutes, and s.
13 24(b), Art. I of the State Constitution.

14 (2) Any records generated by the peer review panel
15 relating to review of applications for biomedical research
16 grants, except final recommendations, are confidential and
17 exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I
18 of the State Constitution.

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19 (3) Research applications held by the peer review panel
20 are confidential and exempt from s. 119.07(1), Florida Statutes,
21 and s. 24(a), Art. I of the State Constitution.

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

27 (5) Subsections (1), (2), (3), and (4) are subject to the
28 Open Government Sunset Review Act in accordance with s. 119.15,
29 Florida Statutes, and shall stand repealed on October 2, 2017,
30 unless reviewed and saved from repeal through reenactment by the
31 Legislature.

32 Section 2. The Legislature finds that it is a public
33 necessity that meetings of peer review panels under the James
34 and Esther King Biomedical Research Program and the William G.
35 "Bill" Bankhead, Jr., and David Coley Cancer Research Program,
36 any records generated thereby, and any research grant
37 applications held by such peer review panels be held
38 confidential and exempt from disclosure. The research grant
39 applications contain information of a confidential nature,
40 including ideas and processes the disclosure of which could
41 injure the affected researcher. Maintaining confidentiality is a
42 hallmark of scientific peer review when awarding grants, is
43 practiced by the National Science Foundation and the National
44 Institutes of Health, and allows for candid exchanges between
45 reviewers critiquing proposals. The Legislature further finds
46 that closing access to meetings of scientific peer review panels

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47 serves a public good by ensuring that decisions are based upon
48 merit without bias or undue influence. Further, the Legislature
49 finds that records generated during meetings of the peer review
50 panels which are closed to the public must be protected for the
51 same reasons that justify the closing of such meetings.

52 Section 3. This act shall take effect on the same date
53 that HB 655 or similar legislation takes effect, if such
54 legislation is adopted in the same legislative session or an
55 extension thereof and becomes law.

56
57
58 -----
59 **T I T L E A M E N D M E N T**

60 Remove the entire title and insert:

61 A bill to be entitled
62 An act relating to public meetings and public records;
63 providing an exemption from public meeting
64 requirements for meetings of a peer review panel under
65 the James and Esther King Biomedical Research Program
66 and the William G. "Bill" Bankhead, Jr., and David
67 Coley Cancer Research Program; providing an exemption
68 from public records requirements for records generated
69 during such meeting; providing an exemption from
70 public records requirements for research grant
71 applications provided to, and reviewed by, the peer
72 review panel; providing for legislative review and
73 repeal of the exemptions; providing a statement of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 657 (2012)

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74 public necessity; providing a contingent effective
75 date.