

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN	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

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

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (7) of section 215.5602, Florida
 8 Statutes, is amended to read:

9 215.5602 James and Esther King Biomedical Research
 10 Program.—

11 (7) (a) The council and the peer review panel shall
 12 establish and follow rigorous guidelines for ethical conduct and
 13 adhere to a strict policy with regard to conflict of interest. A
 14 member of the council or panel may not participate in any
 15 council or panel discussion or decision with respect to a
 16 research proposal by any firm, entity, or agency with which the
 17 member is associated as a member of the governing body or as an
 18 employee, or with which the member has entered into a
 19 contractual arrangement. ~~Meetings of the council and the peer~~

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~~review panels shall be subject to the provisions of chapter 119,
s. 286.011, and s. 24, Art. I of the State Constitution.~~

(b) Meetings of the peer review panel are exempt from s.
286.011 and s. 24(b), Art. I of the State Constitution.

(c) Any records generated during a meeting of the peer
review panel which is closed to the public under (b) are
confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
of the State Constitution.

(d) Research applications held by the peer review panel
are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
I of the State Constitution.

(e) Paragraphs (b), (c), and (d) are subject to the Open
Government Sunset Review Act in accordance with s. 119.15 and
shall stand repealed on October 2, 2017, unless reviewed and
saved from repeal through reenactment by the Legislature.

Section 2. Subsection (3) of section 381.922, Florida
Statutes, is amended to read:

381.922 William G. "Bill" Bankhead, Jr., and David Coley
Cancer Research Program.—

(3)

(c) The council and the peer review panel shall establish
and follow rigorous guidelines for ethical conduct and adhere to
a strict policy with regard to conflicts of interest. A member
of the council or panel may not participate in any council or
panel discussion or decision with respect to a research proposal
by any firm, entity, or agency with which the member is
associated as a member of the governing body or as an employee
or with which the member has entered into a contractual

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48 ~~arrangement. Meetings of the council and the peer review panels~~
49 ~~are subject to chapter 119, s. 286.011, and s. 24, Art. I of the~~
50 ~~State Constitution.~~

51 (d) Meetings of the peer review panel are exempt from s.
52 286.011 and s. 24(b), Art. I of the State Constitution.

53 (e) Any records generated during a meeting of the peer
54 review panel which is closed to the public under (b) are
55 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
56 of the State Constitution.

57 (f) Research applications held by the peer review panel
58 are confidential and exempt from s. 119.07(1) and s. 24(a), Art.
59 I of the State Constitution.

60 (g) Paragraphs (d), (e), and (f) are subject to the Open
61 Government Sunset Review Act in accordance with s. 119.15 and
62 shall stand repealed on October 2, 2017, unless reviewed and
63 saved from repeal through reenactment by the Legislature.

64 Section 3. It is the finding of the Legislature that it is
65 a public necessity that information discussed by a peer review
66 panel regarding the funding of a biomedical grant proposal under
67 the James and Esther King Biomedical Research Program and under
68 the William G. "Bill" Bankhead, Jr., and David Coley Cancer
69 Research Program be made exempt from the requirements of s.
70 286.011, Florida Statutes, and s. 24(b), Art. I of the State
71 Constitution. It is also the finding of the Legislature that it
72 is a public necessity that any records generated during a
73 meeting of the peer review panel under the James and Esther King
74 Biomedical Research Program, and under the William G. "Bill"
75 Bankhead, Jr., and David Coley Cancer Research Program, which is

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76 closed to the public be made confidential and exempt from the
77 requirements of s. 119.07(1), Florida Statutes, and s. 24(a),
78 Art. I of the State Constitution. It is also the finding of the
79 Legislature that it is a public necessity that research
80 applications provided to, and reviewed by, the peer review panel
81 under the James and Esther King Biomedical Research Program and
82 under the William G. "Bill" Bankhead, Jr., and David Coley
83 Cancer Research Program, be made confidential and exempt from
84 the requirements of s. 119.07(1), Florida Statutes, and s.
85 24(a), Art. I of the State Constitution. The Legislature finds
86 that maintaining confidentiality is a hallmark of scientific
87 peer review when awarding grants, is practiced by the National
88 Science Foundation and the National Institutes of Health, and
89 allows for candid exchanges between reviewers critiquing
90 proposals submitted for funding. Consequently, the Legislature
91 finds that research applications provided to, and reviewed by,
92 such peer review panels must be held confidential and exempt
93 from public records requirements. The Legislature further finds
94 that closing access to meetings of scientific peer review panels
95 serves a public good by ensuring that decisions are based upon
96 merit without bias or undue influence. Further, the Legislature
97 finds that records generated during meetings of the peer review
98 panels which are closed to the public must be protected for the
99 same reasons that justify the closing of such meetings.

100 Section 4. This act shall take effect on the same date
101 that HB 655 or similar legislation takes effect, if such
102 legislation is adopted in the same legislative session or an
103 extension thereof and becomes law.

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T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

An act relating to public meetings and public records;
amending s. 215.5602, F.S.; providing an exemption from
public meeting requirements for meetings of a peer review
panel under the James and Esther King Biomedical Research
Program; providing an exemption from public records
requirements for records generated during such meeting;
providing an exemption from public records requirements for
research applications provided to, and reviewed by, the
peer review panel; providing for legislative review and
repeal of the exemptions; amending s. 381.922, F.S.;
providing an exemption from public meeting requirements for
meetings of a peer review panel under the William G. "Bill"
Bankhead, Jr., and David Coley Cancer Research Program;
providing an exemption from public records requirements for
records generated during such meeting; providing an
exemption from public records requirements for research
applications provided to, and reviewed by, the peer review
panel; providing for legislative review and repeal of the
exemptions; providing a statement of public necessity;
providing a contingent effective date.