

1                   A bill to be entitled  
2           An act relating to public meetings and public records;  
3           amending s. 215.5602, F.S.; deleting an exemption from  
4           public records and meeting requirements for meetings  
5           of the Biomedical Research Advisory Council; providing  
6           an exemption from public meeting requirements for  
7           meetings of a peer review panel under the James and  
8           Esther King Biomedical Research Program; providing an  
9           exemption from public records requirements for records  
10          generated during such meeting; providing an exemption  
11          from public records requirements for research  
12          applications provided to, and reviewed by, the peer  
13          review panel; providing for legislative review and  
14          repeal of the exemptions; amending s. 381.922, F.S.;  
15          deleting an exemption from public records and meeting  
16          requirements for meetings of the Biomedical Research  
17          Advisory Council; providing an exemption from public  
18          meeting requirements for meetings of a peer review  
19          panel under the William G. "Bill" Bankhead, Jr., and  
20          David Coley Cancer Research Program; providing an  
21          exemption from public records requirements for records  
22          generated during such meeting; providing an exemption  
23          from public records requirements for research  
24          applications provided to, and reviewed by, the peer  
25          review panel; providing for legislative review and  
26          repeal of the exemptions; providing a statement of  
27          public necessity; providing an effective date.  
28

29 Be It Enacted by the Legislature of the State of Florida:

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 31 Section 1. Subsection (7) of section 215.5602, Florida  
 32 Statutes, is amended to read:

33 215.5602 James and Esther King Biomedical Research  
 34 Program.—

35 (7) (a) The council and the peer review panel shall  
 36 establish and follow rigorous guidelines for ethical conduct and  
 37 adhere to a strict policy with regard to conflict of interest. A  
 38 member of the council or panel may not participate in any  
 39 council or panel discussion or decision with respect to a  
 40 research proposal by any firm, entity, or agency with which the  
 41 member is associated as a member of the governing body or as an  
 42 employee, or with which the member has entered into a  
 43 contractual arrangement. ~~Meetings of the council and the peer~~  
 44 ~~review panels shall be subject to the provisions of chapter 119,~~  
 45 ~~s. 286.011, and s. 24, Art. I of the State Constitution.~~

46 (b) Meetings of the peer review panel are exempt from s.  
 47 286.011 and s. 24(b), Art. I of the State Constitution.

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

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

55 (e) Paragraphs (b), (c), and (d) are subject to the Open  
 56 Government Sunset Review Act in accordance with s. 119.15 and

57 shall stand repealed on October 2, 2017, unless reviewed and  
 58 saved from repeal through reenactment by the Legislature.

59 Section 2. Paragraph (c) of subsection (3) of section  
 60 381.922, Florida Statutes, is amended, and paragraphs (d), (e),  
 61 (f), and (g) are added to that subsection, to read:

62 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 63 Cancer Research Program.—

64 (3)

65 (c) The council and the peer review panel shall establish  
 66 and follow rigorous guidelines for ethical conduct and adhere to  
 67 a strict policy with regard to conflicts of interest. A member  
 68 of the council or panel may not participate in any council or  
 69 panel discussion or decision with respect to a research proposal  
 70 by any firm, entity, or agency with which the member is  
 71 associated as a member of the governing body or as an employee  
 72 or with which the member has entered into a contractual  
 73 arrangement. ~~Meetings of the council and the peer review panels~~  
 74 ~~are subject to chapter 119, s. 286.011, and s. 24, Art. I of the~~  
 75 ~~State Constitution.~~

76 (d) Meetings of the peer review panel are exempt from s.  
 77 286.011 and s. 24(b), Art. I of the State Constitution.

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

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

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

89 Section 3. It is the finding of the Legislature that it is  
90 a public necessity that information discussed by a peer review  
91 panel regarding the funding of a biomedical grant proposal under  
92 the James and Esther King Biomedical Research Program or under  
93 the William G. "Bill" Bankhead, Jr., and David Coley Cancer  
94 Research Program be made exempt from the requirements of s.  
95 286.011, Florida Statutes, and s. 24(b), Art. I of the State  
96 Constitution. It is also the finding of the Legislature that it  
97 is a public necessity that any records generated during a  
98 meeting of the peer review panel under the James and Esther King  
99 Biomedical Research Program or under the William G. "Bill"  
100 Bankhead, Jr., and David Coley Cancer Research Program which is  
101 closed to the public be made confidential and exempt from the  
102 requirements of s. 119.07(1), Florida Statutes, and s. 24(a),  
103 Art. I of the State Constitution. It is also the finding of the  
104 Legislature that it is a public necessity that research  
105 applications provided to, and reviewed by, the peer review panel  
106 under the James and Esther King Biomedical Research Program or  
107 under the William G. "Bill" Bankhead, Jr., and David Coley  
108 Cancer Research Program be made confidential and exempt from the  
109 requirements of s. 119.07(1), Florida Statutes, and s. 24(a),  
110 Art. I of the State Constitution. The Legislature finds that  
111 maintaining confidentiality is a hallmark of scientific peer  
112 review when awarding grants, is practiced by the National

113 Science Foundation and the National Institutes of Health, and  
114 allows for candid exchanges between reviewers critiquing  
115 proposals submitted for funding. Consequently, the Legislature  
116 finds that research applications provided to, and reviewed by,  
117 such peer review panels must be held confidential and exempt  
118 from public records requirements. The Legislature further finds  
119 that closing access to meetings of scientific peer review panels  
120 serves a public good by ensuring that decisions are based upon  
121 merit without bias or undue influence. Further, the Legislature  
122 finds that records generated during meetings of the peer review  
123 panels which are closed to the public must be protected for the  
124 same reasons that justify the closing of such meetings.

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