

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

CS/HB 657

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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.