

By Senator Richter

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1 A bill to be entitled
2 An act relating to public records and meetings;
3 amending s. 381.82, F.S.; providing an exemption from
4 public records requirements for research grant
5 applications submitted to the Alzheimer's Disease
6 Research Grant Advisory Board under the Ed and Ethel
7 Moore Alzheimer's Disease Research Program and records
8 generated by the board relating to the review of the
9 applications; providing an exemption from public
10 meetings requirements for those portions of meetings
11 of the board during which the research grant
12 applications are discussed; authorizing disclosure of
13 such confidential information under certain
14 circumstances; providing for legislative review and
15 repeal of the exemptions under the Open Government
16 Sunset Review Act; providing a statement of public
17 necessity; providing a contingent effective date.

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

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21 Section 1. Paragraph (d) is added to subsection (3) of
22 section 381.82, Florida Statutes, as created by SB ____, 2014
23 Regular Session, to read:

24 381.82 Ed and Ethel Moore Alzheimer's Disease Research
25 Program.—

26 (3) There is created the Alzheimer's Disease Research Grant
27 Advisory Board within the Department of Health.

28 (d)1. Applications submitted to the board for Alzheimer's
29 disease research grants under this section and, with the

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30 exception of final recommendations, records generated by the
31 board relating to the review of such applications are
32 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
33 of the State Constitution.

34 2. Portions of a meeting of the board at which applications
35 for Alzheimer's disease research grants under this section are
36 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the
37 State Constitution.

38 3. Information that is held confidential and exempt under
39 this paragraph may be disclosed with the express written consent
40 of the individual to whom the information pertains or the
41 individual's legally authorized representative, or by court
42 order upon showing good cause.

43 4. This paragraph is subject to the Open Government Sunset
44 Review Act in accordance with s. 119.15 and shall stand repealed
45 on October 2, 2019, unless reviewed and saved from repeal
46 through reenactment by the Legislature.

47 Section 2. (1) The Legislature finds that it is a public
48 necessity that applications for Alzheimer's disease research
49 grants submitted to the Alzheimer's Disease Research Grant
50 Advisory Board and records generated by the board relating to
51 the review of such applications are confidential and exempt from
52 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
53 State Constitution. The research grant applications and the
54 records generated by the board relating to the review of such
55 applications contain information of a confidential nature,
56 including ideas and processes, which could injure the affected
57 researchers and stifle scientific innovation if publicly
58 disclosed. Maintaining confidentiality is a hallmark of

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59 scientific peer review when awarding grants and is practiced by
60 the National Science Foundation and the National Institutes of
61 Health. The Legislature further finds that any public benefit
62 derived from the disclosure of such information is significantly
63 outweighed by the public and private harm which could result
64 from the disclosure of such applications and records.

65 (2) The Legislature finds that it is a public necessity
66 that portions of meetings of the Alzheimer's Disease Research
67 Grant Advisory Board at which the applications are discussed be
68 exempt from s. 286.011, Florida Statutes, and s. 24(b), Article
69 I of the State Constitution. Maintaining confidentiality allows
70 for candid exchanges among reviewers critiquing applications.
71 The Legislature further finds that closing access to those
72 portions of meetings of the board during which the Alzheimer's
73 disease research grant applications are discussed serves a
74 public good by ensuring that decisions are based upon merit
75 without bias or undue influence. This exemption is narrowly
76 drawn in that only those portions of meetings at which the
77 applications for research grants are discussed are exempt from
78 public meetings requirements.

79 Section 3. This act shall take effect on the same date that
80 SB ____ or similar legislation takes effect, if such legislation
81 is adopted in the same legislative session or an extension
82 thereof and becomes law.