

By the Committee on Health Policy; and Senator Richter

588-02825-14

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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; requiring the recording of
13 closed portions of meetings; authorizing disclosure of
14 such confidential information under certain
15 circumstances; providing for legislative review and
16 repeal of the exemptions under the Open Government
17 Sunset Review Act; providing a statement of public
18 necessity; providing a contingent effective date.

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

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22 Section 1. Paragraph (d) is added to subsection (3) of
23 section 381.82, Florida Statutes, as created by SB 872, 2014
24 Regular Session, to read:

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

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

29 (d)1. Applications submitted to the board for Alzheimer's

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

35 2. Portions of a meeting of the board at which applications
36 for Alzheimer's disease research grants under this section are
37 discussed are exempt from s. 286.011 and s. 24(b), Art. I of the
38 State Constitution. The closed portion of a meeting must be
39 recorded. The recording shall be maintained by the board and
40 shall be subject to disclosure in accordance with subparagraph
41 3.

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

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48 Review Act in accordance with s. 119.15 and shall stand repealed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

51 Section 2. (1) The Legislature finds that it is a public
52 necessity that applications for Alzheimer's disease research
53 grants submitted to the Alzheimer's Disease Research Grant
54 Advisory Board and records generated by the board relating to
55 the review of such applications are confidential and exempt from
56 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
57 State Constitution. The research grant applications and the
58 records generated by the board relating to the review of such

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59 applications contain information of a confidential nature,
60 including ideas and processes, which could injure the affected
61 researchers and stifle scientific innovation if publicly
62 disclosed. Maintaining confidentiality is a hallmark of
63 scientific peer review when awarding grants and is practiced by
64 the National Science Foundation and the National Institutes of
65 Health. The Legislature further finds that any public benefit
66 derived from the disclosure of such information is significantly
67 outweighed by the public and private harm which could result
68 from the disclosure of such applications and records.

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

83 Section 3. This act shall take effect on the same date that
84 SB 872 or similar legislation takes effect, if such legislation
85 is adopted in the same legislative session or an extension
86 thereof and becomes law.