

By Senator Soto

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1 A bill to be entitled
 2 An act relating to public records; creating s.
 3 1004.097, F.S.; creating a public records exemption
 4 for data, records, or information developed,
 5 collected, or received by or on behalf of faculty,
 6 staff, or students of a state university or Florida
 7 College System institution for the development and
 8 publication of academic research; providing for
 9 retroactive application; providing for future
 10 legislative review and repeal; providing a statement
 11 of public necessity; providing an effective date.

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

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 15 Section 1. Section 1004.097, Florida Statutes, is created
 16 to read:

17 1004.097 Public records exemption; academic research.—

18 (1) Data, records, or information developed, collected, or
 19 received by or on behalf of faculty, staff, or students of a
 20 state university or Florida College System institution as a
 21 result of the development and publication of scholarly works and
 22 research for professional journals, professional societies,
 23 funding agencies, or peer review panels are exempt from s.
 24 119.07(1) and s. 24(a), Art. I of the State Constitution. Exempt
 25 information includes, but is not limited to, documents that
 26 contain personal identifying information of peer reviewers,
 27 research notes and data, methodologies, information provided by
 28 participants in research, and creative works. Such information
 29 is exempt until published, patented, or otherwise publicly

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30 disseminated.

31 (2) This section applies to information made exempt before,
32 on, or after the effective date of the exemption.

33 (3) This section is subject to the Open Government Sunset
34 Review Act in accordance with s. 119.15 and shall stand repealed
35 on October 2, 2020, unless reviewed and saved from repeal
36 through reenactment by the Legislature.

37 Section 2. The Legislature finds that it is a public
38 necessity that data, records, or information developed,
39 collected, or received by or on behalf of faculty, staff, or
40 students of a state university or Florida College System
41 institution as a result of the development and publication of
42 scholarly works and research for professional journals,
43 professional societies, funding agencies, or peer review panels
44 be exempt from public records requirements. Faculty, staff, and
45 students of the state's public postsecondary institutions are
46 vulnerable to potential abuse and harassment with respect to
47 their research and speech. As a result, the lack of an exemption
48 from public records requirements could result in a chilling
49 effect on the amount and breadth of academic research occurring
50 at the state's public postsecondary institutions. The
51 Legislature further finds that independent peer review of
52 research is most effective when peer reviewers can offer
53 unbiased and honest feedback without fear of retribution from
54 those who disagree with their assessments. Revealing the
55 identity of faculty, staff, and students acting as peer
56 reviewers or participating in any academic activity requiring
57 confidentiality of peer reviewer information would result in
58 detrimental effects on academic research and the ability to

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59 retain quality faculty at the state's public postsecondary
60 institutions. The Legislature finds that this exemption serves
61 the public interest by providing greater protection for academic
62 freedom for the faculty, staff, and students of state
63 universities and Florida College System institutions and
64 promoting the role of such institutions as dedicated
65 environments for creativity, education, and research.

66 Section 3. This act shall take effect upon becoming a law.