

By the Committee on Health Policy

588-00919-17

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1                   A bill to be entitled  
2           An act relating to a review under the Open Government  
3           Sunset Review Act; amending ss. 215.56021 and  
4           381.92201, F.S., relating to exemptions from public  
5           records and public meetings requirements for specified  
6           portions of meetings of certain peer review panels  
7           appointed by the Department of Health, for specified  
8           records generated by such peer review panels, and for  
9           research grant applications provided to such peer  
10          review panels; removing the scheduled repeal of the  
11          exemptions; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. Section 215.56021, Florida Statutes, is amended  
16 to read:

17           215.56021 Exemptions from public records and public  
18 meetings requirements; peer review panels.—

19           (1) That portion of a meeting of a peer review panel in  
20 which applications for biomedical research grants under s.  
21 215.5602 or s. 381.922 are discussed is exempt from s. 286.011  
22 and s. 24(b), Art. I of the State Constitution.

23           (2) Any records generated by the peer review panel relating  
24 to review of applications for biomedical research grants, except  
25 final recommendations, are confidential and exempt from s.  
26 119.07(1) and s. 24(a), Art. I of the State Constitution.

27           (3) Research grant applications provided to the peer review  
28 panel are confidential and exempt from s. 119.07(1) and s.  
29 24(a), Art. I of the State Constitution.

30           (4) Information that ~~which~~ is held confidential and exempt  
31 under this section may be disclosed with the express written  
32 consent of the individual to whom the information pertains or

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33 the individual's legally authorized representative, or by court  
34 order upon showing good cause.

35 ~~(5) Subsections (1), (2), (3), and (4) are subject to the~~  
36 ~~Open Government Sunset Review Act in accordance with s. 119.15~~  
37 ~~and shall stand repealed on October 2, 2017, unless reviewed and~~  
38 ~~saved from repeal through reenactment by the Legislature.~~

39 Section 2. Section 381.92201, Florida Statutes, is amended  
40 to read:

41 381.92201 Exemptions from public records and public  
42 meetings requirements; peer review panels.-

43 (1) That portion of a meeting of a peer review panel in  
44 which applications for biomedical research grants under s.  
45 215.5602 or s. 381.922 are discussed is exempt from s. 286.011  
46 and s. 24(b), Art. I of the State Constitution.

47 (2) Any records generated by the peer review panel relating  
48 to review of applications for biomedical research grants, except  
49 final recommendations, are confidential and exempt from s.  
50 119.07(1) and s. 24(a), Art. I of the State Constitution.

51 (3) Research grant applications provided to the peer review  
52 panel are confidential and exempt from s. 119.07(1) and s.  
53 24(a), Art. I of the State Constitution.

54 (4) Information that ~~which~~ is held confidential and exempt  
55 under this section may be disclosed with the express written  
56 consent of the individual to whom the information pertains or  
57 the individual's legally authorized representative, or by court  
58 order upon showing good cause.

59 ~~(5) Subsections (1), (2), (3), and (4) are subject to the~~  
60 ~~Open Government Sunset Review Act in accordance with s. 119.15~~  
61 ~~and shall stand repealed on October 2, 2017, unless reviewed and~~

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62 ~~saved from repeal through reenactment by the Legislature.~~

63 Section 3. This act shall take effect October 1, 2017.