

1 A bill to be entitled
 2 An act relating to public meetings and public records;
 3 providing an exemption from public meeting
 4 requirements for meetings of a peer review panel under
 5 the James and Esther King Biomedical Research Program
 6 and the William G. "Bill" Bankhead, Jr., and David
 7 Coley Cancer Research Program; providing an exemption
 8 from public records requirements for records generated
 9 during such meeting; providing an exemption from
 10 public records requirements for research grant
 11 applications provided to, and reviewed by, the peer
 12 review panel; providing for legislative review and
 13 repeal of the exemptions; providing a statement of
 14 public necessity; providing a contingent effective
 15 date.

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

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 19 Section 1. Exemptions from public records and public
 20 meetings requirements; peer review panels.-

21 (1) That portion of a meeting of a peer review panel in
 22 which applications for biomedical research grants under s.
 23 215.5602, Florida Statutes, or s. 381.922, Florida Statutes, are
 24 discussed is exempt from s. 286.011, Florida Statutes, and s.
 25 24(b), Art. I of the State Constitution.

26 (2) Any records generated by the peer review panel
 27 relating to review of applications for biomedical research
 28 grants, except final recommendations, are confidential and

29 exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Art. I
30 of the State Constitution.

31 (3) Research applications held by the peer review panel
32 are confidential and exempt from s. 119.07(1), Florida Statutes,
33 and s. 24(a), Art. I of the State Constitution.

34 (4) Information that is held confidential and exempt under
35 this section may be disclosed with the express written consent
36 of the individual to whom the information pertains or the
37 individual's legally authorized representative, or by court
38 order upon showing good cause.

39 (5) This section is subject to the Open Government Sunset
40 Review Act in accordance with s. 119.15, Florida Statutes, and
41 shall stand repealed on October 2, 2017, unless reviewed and
42 saved from repeal through reenactment by the Legislature.

43 Section 2. The Legislature finds that it is a public
44 necessity that meetings of peer review panels under the James
45 and Esther King Biomedical Research Program and the William G.
46 "Bill" Bankhead, Jr., and David Coley Cancer Research Program,
47 any records generated thereby, and any research grant
48 applications held by such peer review panels be held
49 confidential and exempt from disclosure. The research grant
50 applications contain information of a confidential nature,
51 including ideas and processes the disclosure of which could
52 injure the affected researcher. Maintaining confidentiality is a
53 hallmark of scientific peer review when awarding grants, is
54 practiced by the National Science Foundation and the National
55 Institutes of Health, and allows for candid exchanges between
56 reviewers critiquing proposals. The Legislature further finds

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57 that closing access to meetings of scientific peer review panels
58 serves a public good by ensuring that decisions are based upon
59 merit without bias or undue influence. Further, the Legislature
60 finds that records generated during meetings of the peer review
61 panels which are closed to the public must be protected for the
62 same reasons that justify the closing of such meetings.

63 Section 3. This act shall take effect on the same date
64 that HB 655 or similar legislation takes effect, if such
65 legislation is adopted in the same legislative session or an
66 extension thereof and becomes law.