

HB 711

2014

1 A bill to be entitled

2 An act relating to public meetings and public records;
3 amending s. 381.82, F.S.; providing an exemption from
4 public records requirements for research grant
5 applications provided 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 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; providing a statement of
16 public necessity; providing a contingent effective
17 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 HB 709, 2014
23 Regular Session, to read:

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

26 (3) There is created within the Department of Health the

27 Alzheimer's Disease Research Grant Advisory Board.

28 (d)1. Applications provided to the board for Alzheimer's
29 disease research grants under this section, and any records
30 generated by the board relating to review of such applications,
31 except final recommendations, are confidential and exempt from
32 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

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

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43 Review Act in accordance with s. 119.15 and shall stand repealed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

46 Section 2. The Legislature finds that it is a public
47 necessity that applications for Alzheimer's disease research
48 grants provided to the Alzheimer's Disease Research Grant
49 Advisory Board and records generated by the board related to
50 review of the applications be held confidential and exempt from
51 s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the
52 State Constitution and that those portions of meetings of the

HB 711

2014

53 board during which the applications are discussed be held
54 confidential and exempt from s. 286.011, Florida Statutes, and
55 s. 24(b), Article I of the State Constitution. The research
56 grant applications, and the records generated by the board
57 related to review of the applications, contain information of a
58 confidential nature, including ideas and processes, the
59 disclosure of which could injure the affected researchers.
60 Maintaining confidentiality is a hallmark of scientific peer
61 review when awarding grants, is practiced by the National
62 Science Foundation and the National Institutes of Health, and
63 allows for candid exchanges among reviewers critiquing
64 proposals. The Legislature further finds that closing access to
65 those portions of meetings of the board during which the
66 Alzheimer's disease research grant applications are discussed
67 serves a public good by ensuring that decisions are based upon
68 merit without bias or undue influence.

69 Section 3. This act shall take effect on the same date
70 that HB 709 or similar legislation takes effect, if such
71 legislation is adopted in the same legislative session or an
72 extension thereof and becomes law.