

CHAPTER 2012-15

Committee Substitute for Senate Bill No. 1856

An act relating to public meetings and public records; providing an exemption from public meeting requirements for certain meetings of a peer review panel under the James and Esther King Biomedical Research Program and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; providing an exemption from public records requirements for certain records related to biomedical research grant applications; providing an exemption from public records requirements for research grant applications provided to, and reviewed by, the peer review panel; providing exceptions to the exemption; providing for legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Exemptions from public records and public meetings requirements; peer review panels.—

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

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

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

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

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are subject to the Open Government Sunset Review Act in accordance with s. 119.15, Florida Statutes, and shall stand repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that meetings of peer review panels under the James and Esther King Biomedical Research Program and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program, in which applications for the biomedical research grants are discussed, certain records generated by the peer review panel related to

the review of applications for biomedical research grants, and research grant applications provided to such peer review panels be held confidential and exempt from disclosure. The research grant applications contain information of a confidential nature, including ideas and processes, the disclosure of which could injure the affected researcher. Maintaining confidentiality is a hallmark of scientific peer review when awarding grants, is practiced by the National Science Foundation and the National Institutes of Health, and allows for candid exchanges between reviewers critiquing proposals. The Legislature further finds that closing access to meetings of scientific peer review panels in which biomedical research applications are discussed serves a public good by ensuring that decisions are based upon merit without bias or undue influence. Further, the Legislature finds that records generated during meetings of the peer review panels related to the review of applications for biomedical research grants must be protected for the same reasons that justify the closing of such meetings.

Section 3. This act shall take effect on the same date that CS for SB 616 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor March 23, 2012.

Filed in Office Secretary of State March 23, 2012.