

CHAPTER 2014-164

Committee Substitute for Committee Substitute for House Bill No. 711

An act relating to public meetings and public records; amending s. 381.82, F.S.; providing an exemption from public records requirements for research grant applications provided to the Alzheimer's Disease Research Grant Advisory Board under the Ed and Ethel Moore Alzheimer's Disease Research Program and records generated by the board relating to review of the applications; providing an exemption from public meetings requirements for those portions of meetings of the board during which the research grant applications are discussed; requiring the recording of closed portions of meetings; authorizing disclosure of such confidential information under certain circumstances; 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. Paragraph (d) is added to subsection (3) of section 381.82, Florida Statutes, as created by HB 709, 2014 Regular Session, to read:

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

(3) There is created within the Department of Health the Alzheimer's Disease Research Grant Advisory Board.

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

2. Those portions of a meeting of the board during which applications for Alzheimer's disease research grants under this section are discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution. The closed portion of a meeting must be recorded. The recording shall be maintained by the board and shall be subject to disclosure in accordance with subparagraph 3.

3. Information that is held confidential and exempt under this paragraph 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 a showing of good cause.

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 This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that applications for Alzheimer's disease research grants provided to the Alzheimer's Disease Research Grant Advisory Board and records generated by the board related to review of the applications be held confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution and that those portions of meetings of the board during which the applications are discussed be held exempt from s. 286.011, Florida Statutes, and s. 24(b), Article I of the State Constitution. The research grant applications, and the records generated by the board related to review of the applications, contain information of a confidential nature, including ideas and processes, the disclosure of which could injure the affected researchers. Maintaining confidentiality is practiced by the National Science Foundation and the National Institutes of Health and allows for candid exchanges among reviewers critiquing proposals. The Legislature further finds that closing access to those portions of meetings of the board during which the Alzheimer's disease research grant applications are discussed serves a public good by ensuring that decisions are based upon merit without bias or undue influence.

Section 3. This act shall take effect on the same date that HB 709 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 June 18, 2014.

Filed in Office Secretary of State June 18, 2014.