

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Byrd offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

Section 1. The following information is confidential and exempt from the provisions of s. 119.07(1), Florida Statutes, and s. 24, Article I, of the State Constitution:

1. Identifying information regarding clients of programs created or funded through the Florida Alzheimer's Center and Research Institute which is held by the Institute, University of South Florida, State Board of Education or by persons who provide services to clients of programs created or funded through contracts with the Florida Alzheimer's Center and Research Institute;

2. Any medical or health records regarding patients that may be created or received by the Institute;

3. Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets as defined in s. 688.02,

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1 Florida Statutes, business transactions, or proprietary  
2 information received, generated, ascertained, or discovered  
3 during the course of research conducted by or through the  
4 Institute;

5 4. The identity of a donor or prospective donor to the  
6 Florida Alzheimer's Center and Research Institute who desires  
7 to remain anonymous and all information identifying such donor  
8 or prospective donor;

9 5. Any information received by the Institute in the  
10 performance of its duties and responsibilities which is  
11 otherwise confidential and exempt by law; and

12 6. Any information received by the Institute from a  
13 person from another state or nation or the federal government  
14 which is otherwise confidential or exempt pursuant to that  
15 state's or nation's laws or pursuant to federal law.

16  
17 Any governmental entity that demonstrates a need to access  
18 such confidential and exempt information in order to perform  
19 its duties and responsibilities shall have access to such  
20 information and shall otherwise keep such information  
21 confidential and exempt. This section is subject to the Open  
22 Government Sunset Review Act of 1995 in accordance with  
23 section 119.15, Florida Statutes, and shall stand repealed on  
24 October 2, 2006, unless reviewed and saved from repeal through  
25 reenactment by the Legislature.

26 Section 2. The Legislature finds that is a public  
27 necessity that personal, medical, or health information about  
28 clients or patients that is created or received by the Florida  
29 Alzheimer's Center and Research Institute be made confidential  
30 and exempt from public disclosure because access to such  
31 personal, medical, or health information about clients or

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1 patients of the Florida Alzheimer's Center and Research  
2 Institute would be an unwarranted invasion of a client's or  
3 patient's right to privacy and that the misuse of such  
4 sensitive personal, medical, or health information could be  
5 detrimental to the health, safety, or welfare of the client or  
6 patient. The Legislature finds that it is a public necessity  
7 that information regarding materials that relate to methods of  
8 manufacture or production, potential trade secrets, potential  
9 patentable material, actual trade secrets, business  
10 transactions, or proprietary information received, generated,  
11 ascertained, or discovered during the course of research  
12 conducted through the Florida Alzheimer's Center and Research  
13 Institute be made confidential and exempt from public  
14 disclosure because the disclosure of such information would  
15 impede the effective and efficient operation of the Florida  
16 Alzheimer's Center and Research Institute and would create an  
17 unfair competitive advantage for persons or entities receiving  
18 such information. The Legislature further finds that it is a  
19 public necessity that information regarding donors or  
20 prospective donors to the Florida Alzheimer's Center and  
21 Research Institute who wish to remain anonymous remain  
22 confidential and exempt from public disclosure because the  
23 disclosure of such information would have a chilling effect on  
24 the efforts of the Florida Alzheimer's Center and Research  
25 Institute to solicit such donations as the donors or  
26 prospective donors would be publicly identified against their  
27 wishes. Any information shared with the Institute by others  
28 not subject to this state's laws which is otherwise  
29 confidential or exempt must also not be disclosed because to  
30 do otherwise would discourage others from sharing needed  
31 information with the Institute which would impede the

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1 effective and efficient performance of the Institute.

2 Section 3. Section This act shall take effect July 1,  
3 2002, if HB 37-E or similar legislation is adopted in the same  
4 legislative session or an extension thereof and becomes law.

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7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 1, lines 3 through 16,  
10 remove: all of said lines

11

12 and insert:

13 certain information held by the Florida  
14 Alzheimer's Center and Research Institute and  
15 others, creating an exemption from the public  
16 records provisions of the Florida Constitution  
17 and Florida law for certain information  
18 relating to clients and patients and donors as  
19 well as medical and health records, and certain  
20 proprietary and trade secret information;  
21 providing a statement of public necessity for  
22 such exemptions; providing for future repeal;  
23 providing a contingent effective date.

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