

By Senator Lee

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A bill to be entitled

An act relating to public records; providing for the confidentiality of certain information held by the Florida Alzheimer's Center and Research Institute and others; creating an exemption from the public-records provisions of the State Constitution and Florida law for certain information relating to clients, patients, and donors, as well as medical and health records and certain proprietary and trade-secret information; providing a statement of public necessity for such exemptions; providing for future repeal; providing a contingent effective date.

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

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

(1) Identifying information relating to 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, or 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 relating to patients which may be created or received by the institute;

(3) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable

1 material, actual trade secrets as defined in section 688.02,
2 Florida Statutes, business transactions, or proprietary
3 information received, generated, ascertained, or discovered
4 during the course of research conducted by or through the
5 institute;

6 (4) The identity of a donor or prospective donor to
7 the Florida Alzheimer's Center and Research Institute who
8 wishes to remain anonymous, and all information identifying
9 such donor or prospective donor;

10 (5) Any information received by the institute in the
11 performance of its duties and responsibilities which is
12 otherwise confidential and exempt by law; and

13 (6) Any information received by the institute from a
14 person from another state or nation or the Federal Government
15 which is otherwise confidential or exempt pursuant to that
16 state's or nation's laws or pursuant to federal law.

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

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

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

1 institute and would impede the effective and efficient
2 performance of the institute.

3 Section 3. This act shall take effect July 1, 2002, if
4 Senate Bill 20-E or similar legislation is adopted in the same
5 legislative session or an extension thereof and becomes a law.

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8 SENATE SUMMARY

9 Provides an exemption from public-records requirements
10 for information that identifies clients of programs
11 created or funded through the Florida Alzheimer's Center
12 and Research Institute. Provides an exception for a
13 governmental entity that demonstrates a need to access
14 the information. Provides for future legislative review
15 and repeal under the Open Government Sunset Review Act of
16 1995.
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