

By the Committee on Governmental Oversight and Productivity;  
and Senator Lee

302-2414-02

1                                   A bill to be entitled  
2           An act relating to public records; providing  
3           for the confidentiality of certain information  
4           held by the Florida Alzheimer's Center and  
5           Research Institute and others; creating an  
6           exemption from the public-records provisions of  
7           the State Constitution and Florida law for  
8           certain information relating to clients,  
9           patients, and donors, as well as medical and  
10          health records and certain proprietary and  
11          trade-secret information; providing a statement  
12          of public necessity for such exemptions;  
13          providing for future repeal; providing a  
14          contingent effective date.

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

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

21           (1) Personal identifying information relating to  
22 clients of programs created or funded through the Florida  
23 Alzheimer's Center and Research Institute which is held by the  
24 institute, University of South Florida, or State Board of  
25 Education or by persons who provide services to clients of  
26 programs created or funded through contracts with the Florida  
27 Alzheimer's Center and Research Institute;

28           (2) Any medical or health records relating to patients  
29 which may be created or received by the institute;

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

1 material, actual trade secrets as defined in section 688.002,  
2 Florida Statutes, or proprietary information received,  
3 generated, ascertained, or discovered during the course of  
4 research conducted by or through the institute and business  
5 transactions resulting from such research;

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 held by the Florida  
30 Alzheimer's Center and Research Institute, the University of  
31 South Florida, or the State Board of Education or by persons

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

1 state's laws which is otherwise confidential or exempt must  
2 also not be disclosed, because to do otherwise would  
3 discourage others from sharing needed information with the  
4 institute and would impede the effective and efficient  
5 performance of the institute.

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
11 COMMITTEE SUBSTITUTE FOR  
12 Senate Bill 78-E

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13 Corrects a statutory reference.

14 Clarifies the type of business transactions that are made  
15 exempt.

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16 Corrects the statement of public necessity by adding the  
17 entities that are named in the exemption to the statement.

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