

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1451 Public Records  
**SPONSOR(S):** Gannon  
**TIED BILLS:** HB 1449 **IDEN./SIM. BILLS:** SB 2564

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Health Care General Committee		Ciccione	Brown-Barrios
2) Governmental Operations Committee			
3) Health & Families Council			
4) _____			
5) _____			

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**SUMMARY ANALYSIS**

HB 1451 creates a public records exemption for personal identifying information contained in records of the Florida Center for Brain Tumor Research. It provides for future review and repeal of the exemption, provides a statement of public necessity, and provides a contingent effective date.

This bill does not grant rule-making authority to any administrative agency.

This bill requires a two-thirds vote of the members present and voting for passage.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill decreases access to public records.

#### B. EFFECT OF PROPOSED CHANGES:

This bill creates a public records exemption for an individual's medical record on the basis that an individual's expectation of and right to privacy in all matters regarding his or her personal health necessitates this exemption.

The bill provides for future review and repeal of the exemption on October 2, 2011. It also provides a statement of public necessity and a contingent effective date.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 381.8531, F.S., to create a public records exemption for an individual's medical record.

Section 2. Provides a public necessity statement.

Section 3. Provides a July 1, 2006 effective date that is contingent upon the passage of HB 1449 or similar legislation.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

This bill does not create, modify, amend or eliminate a state revenue source.

##### 2. Expenditures:

See "FISCAL COMMENTS"

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

This bill does not create, modify, amend, or eliminate a local revenue source.

##### 2. Expenditures:

See "FISCAL COMMENTS"

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

#### D. FISCAL COMMENTS:

This bill could create a fiscal impact on state and local governments, because staff responsible for complying with public records requests will require training related to the newly created public records exemption.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

##### 2. Other:

###### Voter Requirement

Article I, s. 24(c) of the Florida Constitution, requires a two-thirds vote of the members present and voting for passage of a newly created public records or public meetings exemption. The bill creates a public records exemption. Thus, it requires a two-thirds vote for passage.

###### Public Necessity Statement

Article I, s. 24 (c) of the Florida Constitution, requires a statement of public necessity (public necessity statement) for a newly created public records or public meetings exemption. The bill creates a public records exemption. Thus, it includes a public necessity statement.

#### B. RULE-MAKING AUTHORITY:

None

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES