

1                                   A bill to be entitled  
 2           An act relating to public records; creating s. 381.8531,  
 3           F.S.; providing an exemption from public records  
 4           requirements for personal identifying information  
 5           contained in records of the Florida Center for Brain Tumor  
 6           Research; providing for future review and repeal;  
 7           providing a finding of public necessity; providing a  
 8           contingent effective date.

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

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 12           Section 1.   Section 381.8531, Florida Statutes, is created  
 13   to read:

14           381.8531 Florida Center for Brain Tumor Research; public  
 15   records exemption.--

16           (1) The following information held by the Florida Center  
 17   for Brain Tumor Research is confidential and exempt from s.  
 18   119.07(1) and s. 24, Art. I of the State Constitution:

19           (a) An individual's medical record.

20           (b) Any information received from an individual from  
 21   another state or nation or the Federal Government that is  
 22   otherwise confidential or exempt pursuant to the laws of that  
 23   state or nation or pursuant to federal law.

24           (2) This section is subject to the Open Government Sunset  
 25   Review Act in accordance with s. 119.15 and shall stand repealed  
 26   on October 2, 2011, unless reviewed and saved from repeal  
 27   through reenactment by the Legislature.

HB 1451

2006

28           Section 2. The Legislature finds that it is a public  
29 necessity that an individual's medical record held by the brain  
30 tumor registry developed pursuant to s. 381.853(3), Florida  
31 Statutes, be made confidential and exempt from public records  
32 requirements. Matters of personal health are traditionally  
33 private and confidential concerns between the patient and the  
34 health care provider. The private and confidential nature of  
35 personal health matters pervades both the public and private  
36 health care sectors. For these reasons, the individual's  
37 expectation of and right to privacy in all matters regarding his  
38 or her personal health necessitates this exemption. The  
39 Legislature further finds that it is a public necessity to  
40 protect a patient's medical record because the release of such  
41 record could be defamatory to the patient or could cause  
42 unwarranted damage to the name or reputation of that patient.  
43 Finally, the Legislature finds that it is a public necessity to  
44 protect information received by the brain tumor registry from an  
45 individual from another state or nation or the Federal  
46 Government that is otherwise exempt or confidential pursuant to  
47 the laws of that state or nation or pursuant to federal law.  
48 Without this protection, another state or nation or the Federal  
49 Government might be less likely to provide information to the  
50 registry in the furtherance of its duties and responsibilities.

51           Section 3. This act shall take effect July 1, 2006, if  
52 House Bill 1449 or similar legislation is adopted in the same  
53 legislative session or an extension thereof and becomes law.