

HB 1451

2006
CS

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public records; creating s. 381.8531,
7 F.S.; providing an exemption from public records
8 requirements for an individual's medical record or
9 information received from an individual from another state
10 or nation or the Federal Government that is otherwise
11 confidential or exempt that is held by the Florida Center
12 for Brain Tumor Research; providing for future review and
13 repeal; providing a finding of public necessity; providing
14 a contingent effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 381.8531, Florida Statutes, is created
19 to read:

20 381.8531 Florida Center for Brain Tumor Research; public
21 records exemption.--

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

25 (a) An individual's medical record.

26 (b) Any information received from an individual from
27 another state or nation or the Federal Government that is
28 otherwise confidential or exempt pursuant to the laws of that
29 state or nation or pursuant to federal law.

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31 Review Act in accordance with s. 119.15 and shall stand repealed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

34 Section 2. The Legislature finds that it is a public
35 necessity that an individual's medical record held by the brain
36 tumor registry developed pursuant to s. 381.853(3), Florida
37 Statutes, be made confidential and exempt from public records
38 requirements. Matters of personal health are traditionally
39 private and confidential concerns between the patient and the
40 health care provider. The private and confidential nature of
41 personal health matters pervades both the public and private
42 health care sectors. For these reasons, the individual's
43 expectation of and right to privacy in all matters regarding his
44 or her personal health necessitates this exemption. The
45 Legislature further finds that it is a public necessity to
46 protect a patient's medical record because the release of such
47 record could be defamatory to the patient or could cause
48 unwarranted damage to the name or reputation of that patient.
49 Finally, the Legislature finds that it is a public necessity to

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50 protect information received by the brain tumor registry from an
51 individual from another state or nation or the Federal
52 Government that is otherwise exempt or confidential pursuant to
53 the laws of that state or nation or pursuant to federal law.
54 Without this protection, another state or nation or the Federal
55 Government might be less likely to provide information to the
56 registry in the furtherance of its duties and responsibilities.

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