

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 an individual's medical record or
 5 information received from an individual from another state
 6 or nation or the Federal Government that is otherwise
 7 confidential or exempt that is held by the Florida Center
 8 for Brain Tumor Research; providing for future review and
 9 repeal; providing a finding of public necessity; providing
 10 a contingent effective date.

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

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 14 Section 1. Section 381.8531, Florida Statutes, is created
 15 to read:

16 381.8531 Florida Center for Brain Tumor Research; public
 17 records exemption.--

18 (1) The following information held by the Florida Center
 19 for Brain Tumor Research is confidential and exempt from s.
 20 119.07(1) and s. 24, Art. I of the State Constitution:

21 (a) An individual's medical record.

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

26 (2) This section is subject to the Open Government Sunset
 27 Review Act in accordance with s. 119.15 and shall stand repealed

28 | on October 2, 2011, unless reviewed and saved from repeal
29 | through reenactment by the Legislature.

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

HB 1451, Engrossed 1

2006

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