

By the Committee on Education

581-1641-06

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A bill to be entitled
An act relating to a review under the Open
Government Sunset Review Act; amending s.
1004.445, F.S.; revising a public-records
exemption for certain records relating to
patients of the Johnnie B. Byrd, Sr.
Alzheimer's Center and Research Institute;
limiting the scope of the exemption; deleting
provisions that provide for repeal of the
exemption under the Open Government Sunset
Review Act; providing an effective date.

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

Section 1. Subsection (9) of section 1004.445, Florida
Statutes, is amended to read:

1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and
Research Institute.--

(9) The following information is confidential and
exempt from the provisions of s. 119.07(1) and s. 24, Art. I
of the State Constitution:

(a) Personal identifying information relating to
clients of programs created or funded through the Johnnie B.
Byrd, Sr., Alzheimer's Center and Research Institute which is
held by the institute, University of South Florida, or State
Board of Education or by persons who provide services to
clients of programs created or funded through contracts with
the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
Institute;

1 (b) Personal identifying information contained in any
2 medical or health records relating to patients which may be
3 created or received by the institute;

4 (c) Materials that relate to methods of manufacture or
5 production, potential trade secrets, potentially patentable
6 material, actual trade secrets as defined in s. 688.002, or
7 proprietary information received, generated, ascertained, or
8 discovered during the course of research conducted by or
9 through the institute and business transactions resulting from
10 such research;

11 (d) The identity of a donor or prospective donor to
12 the Johnnie B. Byrd, Sr., Alzheimer's Center and Research
13 Institute who wishes to remain anonymous, and all information
14 identifying such donor or prospective donor;

15 (e) Any information received by the institute in the
16 performance of its duties and responsibilities which is
17 otherwise confidential and exempt by law; and

18 (f) Any information received by the institute from a
19 person from another state or nation or the Federal Government
20 which is otherwise confidential or exempt pursuant to that
21 state's or nation's laws or pursuant to federal law.

22
23 Any governmental entity that demonstrates a need to access
24 such confidential and exempt information in order to perform
25 its duties and responsibilities shall have access to such
26 information and shall otherwise keep such information
27 confidential and exempt. ~~This section is subject to the Open
28 Government Sunset Review Act of 1995 in accordance with s.
29 119.15 and shall stand repealed on October 2, 2006, unless
30 reviewed and saved from repeal through reenactment by the
31 Legislature.~~

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Section 2. This act shall take effect October 1, 2006.

SENATE SUMMARY

Revises the exemption from public-records requirements provided for information contained in medical or health records of patients of the Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute. Removes the repeal of the exemption scheduled to occur on October 2, 2006, under the Open Government Sunset Review Act.