

By Senator Atwater

25-1772-06

See HB

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A bill to be entitled

An act relating to public records; creating s.
381.8531, F.S.; providing an exemption from
public-records requirements for personal
identifying information contained in records of
the Florida Center for Brain Tumor Research;
providing for future review and repeal;
providing a finding of public necessity;
providing a contingent effective date.

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

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

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

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

(a) An individual's medical record.

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

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repealed on October 2, 2011, unless reviewed and saved from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

Section 2. The Legislature finds that it is a public
necessity that an individual's medical record held by the
brain tumor registry developed pursuant to s. 381.853(3),

1 Florida Statutes, be made confidential and exempt from public
2 records requirements. Matters of personal health are
3 traditionally private and confidential concerns between the
4 patient and the health care provider. The private and
5 confidential nature of personal health matters pervades both
6 the public and private health care sectors. For these reasons,
7 the individual's expectation of and right to privacy in all
8 matters regarding his or her personal health necessitates this
9 exemption. The Legislature further finds that it is a public
10 necessity to protect a patient's medical record because the
11 release of such record could be defamatory to the patient or
12 could cause unwarranted damage to the name or reputation of
13 that patient. Finally, the Legislature finds that it is a
14 public necessity to protect information received by the brain
15 tumor registry from an individual from another state or nation
16 or the Federal Government which is otherwise exempt or
17 confidential pursuant to the laws of that state or nation or
18 pursuant to federal law. Without this protection, another
19 state or nation or the Federal Government might be less likely
20 to provide information to the registry in the furtherance of
21 its duties and responsibilities.

22 Section 3. This act shall take effect July 1, 2006, if
23 Senate Bill ___ or similar legislation is adopted in the same
24 legislative session or an extension thereof and becomes law.

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