

1 A bill to be entitled
 2 An act relating to public records; creating s. 765.5155,
 3 F.S.; providing an exemption from public records
 4 requirements for information in the organ and tissue donor
 5 registry which would identify a donor; providing an
 6 exception; providing for future legislative review and
 7 repeal of the exemption under the Open Government Sunset
 8 Review Act; providing a statement of public necessity;
 9 providing a contingent effective date.

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

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13 Section 1. Section 765.5155, Florida Statutes, is created
 14 to read:

15 765.5155 Organ and tissue donor registry; public records
 16 exemption.--

17 (1) Information held in the organ and tissue donor
 18 registry which identifies a donor is confidential and exempt
 19 from s. 119.07(1) and s. 24(a), Art. I of the State
 20 Constitution.

21 (2) Such information may be disclosed to organ, tissue,
 22 and eye procurement organizations that have been certified by
 23 the Agency for Health Care Administration for the purpose of
 24 ascertaining or effectuating the existence of a gift under s.
 25 765.522.

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 27 Review Act in accordance with s. 119.15 and shall stand repealed

HB 1487

2008

28 on October 1, 2013, 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 to make confidential and exempt from disclosure
32 information held in the organ and tissue donor registry which
33 would identify a donor. Such personal identifying information,
34 if publicly available, could be used to invade the personal
35 privacy of the donor identified in the registry. The decision to
36 make or revoke an anatomical gift is a private matter of
37 personal choice. Furthermore, the disclosure of such information
38 could hinder the effective and efficient administration of the
39 organ and tissue donation program. Access to such information
40 could reduce donations and the availability of potentially life-
41 saving organs, tissues, or other body parts. Finally, access to
42 such information could be used to solicit, harass, stalk, or
43 intimidate organ and tissue donors. Thus, the Legislature finds
44 that information held in the organ and tissue donor registry
45 which would identify a donor should be confidential and exempt
46 from public records requirements.

47 Section 3. This act shall take effect on the same date
48 that House Bill 1485, or similar legislation takes effect, if
49 such legislation is adopted in the same legislative session or
50 an extension thereof and becomes law.