

1 A bill to be entitled
 2 An act relating to public records; creating s. 765.51551,
 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
 6 exceptions; 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 765.51551, Florida Statutes, is created
 14 to read:

15 765.51551 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 the following:

22 (a) Organ, tissue, and eye procurement organizations that
 23 have been certified by the Agency for Health Care Administration
 24 for the purpose of ascertaining or effectuating the existence of
 25 a gift under s. 765.522.

26 (b) Persons engaged in bona fide research if the person
 27 agrees to:

28 1. Submit a research plan to the agency that specifies the

29 exact nature of the information requested and the intended use
30 of the information;

31 2. Maintain the confidentiality of the records or
32 information if personal identifying information is made
33 available to the researcher;

34 3. Destroy any confidential records or information
35 obtained after the research is concluded; and

36 4. Not directly or indirectly contact, for any purpose,
37 any donor or donee.

38 (3) This section is subject to the Open Government Sunset
39 Review Act in accordance with s. 119.15 and shall stand repealed
40 on October 2, 2013, unless reviewed and saved from repeal
41 through reenactment by the Legislature.

42 Section 2. The Legislature finds that it is a public
43 necessity to make confidential and exempt from disclosure
44 information held in the organ and tissue donor registry which
45 would identify a donor. Such personal identifying information,
46 if publicly available, could be used to invade the personal
47 privacy of the donor identified in the registry. The decision to
48 make or revoke an anatomical gift is a private matter of
49 personal choice. Furthermore, the disclosure of such information
50 could hinder the effective and efficient administration of the
51 organ and tissue donation program. Access to such information
52 could reduce donations and the availability of potentially life-
53 saving organs, tissues, or other body parts. Finally, access to
54 such information could be used to solicit, harass, stalk, or
55 intimidate organ and tissue donors. Thus, the Legislature finds
56 that information held in the organ and tissue donor registry

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57 which would identify a donor should be confidential and exempt
58 from public records requirements.

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