

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Hays offered the following:

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3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 765.51551, Florida Statutes, is created
6 to read:

7 765.51551 Organ and tissue donor registry; public records
8 exemption.--

9 (1) Information held in the organ and tissue donor
10 registry which identifies a donor is confidential and exempt
11 from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution.

13 (2) Such information may be disclosed to the following:

14 (a) Organ, tissue, and eye procurement organizations that
15 have been certified by the Agency for Health Care Administration

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16 for the purpose of ascertaining or effectuating the existence of
17 a gift under s. 765.522.

18 (b) Persons engaged in bona fide research if the person
19 agrees to:

20 1. Submit a research plan to the agency that specifies the
21 exact nature of the information requested and the intended use
22 of the information;

23 2. Maintain the confidentiality of the records or
24 information if personal identifying information is made
25 available to the researcher;

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

28 4. Not directly or indirectly contact, for any purpose,
29 any donor or donee.

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31 Review Act in accordance with s. 119.15 and shall stand repealed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

34 Section 2. The Legislature finds that it is a public
35 necessity to make confidential and exempt from disclosure
36 information held in the organ and tissue donor registry which
37 would identify a donor. Such personal identifying information,
38 if publicly available, could be used to invade the personal
39 privacy of the donor identified in the registry. The decision to
40 make or revoke an anatomical gift is a private matter of
41 personal choice. Furthermore, the disclosure of such information
42 could hinder the effective and efficient administration of the
43 organ and tissue donation program. Access to such information

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44 could reduce donations and the availability of potentially life-
45 saving organs, tissues, or other body parts. Finally, access to
46 such information could be used to solicit, harass, stalk, or
47 intimidate organ and tissue donors. Thus, the Legislature finds
48 that information held in the organ and tissue donor registry
49 which would identify a donor should be confidential and exempt
50 from public records requirements.

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

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59 **T I T L E A M E N D M E N T**

60 Remove the entire title and insert:

61 A bill to be entitled
62 An act relating to public records; creating s. 765.51551,
63 F.S.; providing an exemption from public records
64 requirements for information in the organ and tissue donor
65 registry which would identify a donor; providing
66 exceptions; providing for future legislative review and
67 repeal of the exemption under the Open Government Sunset
68 Review Act; providing a statement of public necessity;
69 providing a contingent effective date.