

By the Committee on Governmental Operations; and Senator Oelrich

585-06621-08

20082610c1

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:

12  
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 registry  
18 which identifies a donor is confidential and exempt from s.  
19 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

25 (3) This section is subject to the Open Government Sunset  
26 Review Act in accordance with s. 119.15, and shall stand repealed  
27 on October 1, 2013, unless reviewed and saved from repeal through  
28 reenactment by the Legislature.

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29           Section 2. The Legislature finds that it is a public  
30 necessity to make confidential and exempt from disclosure  
31 information held in the organ and tissue donor registry which  
32 would identify a donor. Such personal identifying information, if  
33 publicly available, could be used to invade the personal privacy  
34 of the donor identified in the registry. The decision to make or  
35 revoke an anatomical gift is a private matter of personal choice.  
36 Furthermore, the disclosure of such information could hinder the  
37 effective and efficient administration of the organ and tissue  
38 donation program. Access to such information could reduce  
39 donations and the availability of potentially life-saving organs,  
40 tissues, or other body parts. Finally, access to such information  
41 could be used to solicit, harass, stalk, or intimidate organ and  
42 tissue donors. Thus, the Legislature finds that information held  
43 in the organ and tissue donor registry which would identify a  
44 donor should be confidential and exempt from public-records  
45 requirements.

46           Section 3. This act shall take effect on the same date that  
47 Senate Bill 2630, or similar legislation, takes effect if such  
48 legislation is adopted in the same legislative session or an  
49 extension thereof and becomes law.