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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 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 the following:

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

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

27 1. Submit a research plan to the agency that specifies the  
28 exact nature of the information requested and the intended use of  
29 the information;

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

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

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

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38 Review Act in accordance with s. 119.15 and shall stand repealed  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

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

58 Section 3. This act shall take effect on the same date that

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59 House Bill 1485, or similar legislation takes effect, if such  
60 legislation is adopted in the same legislative session or an  
61 extension thereof and becomes law.