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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38 Review Act in accordance with s. 119.15 and shall stand repealed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.