

## House Bill No. 43-E

An act relating to public records; providing for the confidentiality of certain information held by the Florida Alzheimer's Center and Research Institute and others; creating an exemption from the public-records provisions of the State Constitution and Florida law for certain information relating to clients, patients, and donors, as well as medical and health records and certain proprietary and trade-secret information; providing a statement of public necessity for such exemptions; providing for future repeal; providing a contingent effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The following information is confidential and exempt from the provisions of section 119.07(1), Florida Statutes, and Section 24, Article I of the State Constitution:

(1) Personal identifying information relating to clients of programs created or funded through the Florida Alzheimer's Center and Research Institute which is held by the institute, University of South Florida, or State Board of Education or by persons who provide services to clients of programs created or funded through contracts with the Florida Alzheimer's Center and Research Institute;

(2) Any medical or health records relating to patients which may be created or received by the institute;

(3) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets as defined in section 688.002, Florida Statutes, or proprietary information received, generated, ascertained, or discovered during the course of research conducted by or through the institute and business transactions resulting from such research;

(4) The identity of a donor or prospective donor to the Florida Alzheimer's Center and Research Institute who wishes to remain anonymous, and all information identifying such donor or prospective donor;

(5) Any information received by the institute in the performance of its duties and responsibilities which is otherwise confidential and exempt by law; and

(6) Any information received by the institute from a person from another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to that state's or nation's laws or pursuant to federal law.

Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform its duties and responsibilities shall have access to such information and shall otherwise keep such

information confidential and exempt. This section is subject to the Open Government Sunset Review Act of 1995 in accordance with section 119.15, Florida Statutes, and shall stand repealed on October 2, 2006, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that personal, medical, or health information concerning clients or patients which is held by the Florida Alzheimer's Center and Research Institute, the University of South Florida, or the State Board of Education or by persons who provide services to clients of programs created or funded through the institute be made confidential and exempt from public disclosure because access to such personal, medical, or health information concerning clients or patients of the Florida Alzheimer's Center and Research Institute would be an unwarranted invasion of a client's or patient's right to privacy and because the misuse of such sensitive personal, medical, or health information could be detrimental to the health, safety, or welfare of the client or patient. The Legislature finds that it is a public necessity that information relating to methods of manufacture or production, potential trade secrets, potential patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of research conducted through the Florida Alzheimer's Center and Research Institute be made confidential and exempt from public disclosure, because the disclosure of such information would impede the effective and efficient operation of the Florida Alzheimer's Center and Research Institute and would create an unfair competitive advantage for persons or entities receiving such information. The Legislature further finds that it is a public necessity that information relating to donors or prospective donors to the Florida Alzheimer's Center and Research Institute who wish to remain anonymous remain confidential and exempt from public disclosure, because the disclosure of such information would have a chilling effect on the efforts of the Florida Alzheimer's Center and Research Institute to solicit such donations when the donors or prospective donors would be publicly identified against their wishes. Any information shared with the institute by others not subject to this state's laws which is otherwise confidential or exempt must also not be disclosed, because to do otherwise would discourage others from sharing needed information with the institute and would impede the effective and efficient performance of the institute.

Section 3. This act shall take effect July 1, 2002, if Senate Bill 20-E or similar legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Approved by the Governor June 7, 2002.

Filed in Office Secretary of State June 7, 2002.