

House Bill No. 1451

An act relating to public records; creating s. 381.8531, F.S.; providing an exemption from public records requirements for an individual's medical record or information received from an individual from another state or nation or the Federal Government that is otherwise confidential or exempt that is held by the Florida Center for Brain Tumor Research; providing for future review and repeal; providing a finding of public necessity; providing a contingent effective date.

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

Section 1. Section 381.8531, Florida Statutes, is created to read:

381.8531 Florida Center for Brain Tumor Research; public records exemption.—

(1) The following information held by the Florida Center for Brain Tumor Research is confidential and exempt from s. 119.07(1) and s. 24, Art. I of the State Constitution:

(a) An individual's medical record.

(b) Any information received from an individual from another state or nation or the Federal Government that is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law.

(2) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that an individual's medical record held by the brain tumor registry developed pursuant to s. 381.853(3), Florida Statutes, be made confidential and exempt from public records requirements. Matters of personal health are traditionally private and confidential concerns between the patient and the health care provider. The private and confidential nature of personal health matters pervades both the public and private health care sectors. For these reasons, the individual's expectation of and right to privacy in all matters regarding his or her personal health necessitates this exemption. The Legislature further finds that it is a public necessity to protect a patient's medical record because the release of such record could be defamatory to the patient or could cause unwarranted damage to the name or reputation of that patient. Finally, the Legislature finds that it is a public necessity to protect information received by the brain tumor registry from an individual from another state or nation or the Federal Government that is otherwise exempt or confidential pursuant to the laws of that state or nation or pursuant to federal law. Without this protection, another state or nation or the Federal Government might be less likely to provide information to the registry in the furtherance of its duties and responsibilities.

Section 3. This act shall take effect July 1, 2006, if House Bill 1449 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 20, 2006.

Filed in Office Secretary of State June 20, 2006.