

Committee Substitute for Senate Bill No. 2610

An act relating to public records; creating s. 765.51551, F.S.; providing an exemption from public records requirements for information in the organ and tissue donor registry which would identify a donor; providing exceptions; providing for future legislative review and repeal of the exemption under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

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

Section 1. Section 765.51551, Florida Statutes, is created to read:

765.51551 Organ and tissue donor registry; public records exemption.—

(1) Information held in the organ and tissue donor registry which identifies a donor is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2) Such information may be disclosed to the following:

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

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

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

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

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

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

(3) This section is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2013, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity to make confidential and exempt from disclosure information held in the organ and tissue donor registry which would identify a donor. Such personal identifying information, if publicly available, could be used to invade the personal privacy of the donor identified in the registry. The decision to make or revoke an anatomical gift is a private matter of personal choice. Furthermore, the disclosure of such information could hinder the effective and efficient administration of the organ and tissue donation program. Access to such informa-

tion could reduce donations and the availability of potentially life-saving organs, tissues, or other body parts. Finally, access to such information could be used to solicit, harass, stalk, or intimidate organ and tissue donors. Thus, the Legislature finds that information held in the organ and tissue donor registry which would identify a donor should be confidential and exempt from public records requirements.

Section 3. This act shall take effect on the same date that House Bill 1485, or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes law.

Approved by the Governor June 23, 2008.

Filed in Office Secretary of State June 23, 2008.