

1 A bill to be entitled
2 An act relating to the confidentiality of
3 certain information held by the Florida
4 Alzheimer's Center and Research Institute and
5 others, creating an exemption from the public
6 records provisions of the Florida Constitution
7 and Florida law for certain information
8 relating to clients and patients and donors as
9 well as medical and health records, and certain
10 proprietary and trade secret information;
11 providing a statement of public necessity for
12 such exemptions; providing for future repeal;
13 providing a contingent effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. The following information is confidential
18 and exempt from the provisions of s. 119.07(1), Florida
19 Statutes, and s. 24, Article I, of the State Constitution:

20 1. Identifying information regarding clients of
21 programs created or funded through the Florida Alzheimer's
22 Center and Research Institute which is held by the Institute,
23 University of South Florida, State Board of Education or by
24 persons who provide services to clients of programs created or
25 funded through contracts with the Florida Alzheimer's Center
26 and Research Institute;

27 2. Any medical or health records regarding patients
28 that may be created or received by the Institute;

29 3. Materials that relate to methods of manufacture or
30 production, potential trade secrets, potentially patentable
31 material, actual trade secrets as defined in s. 688.02,

1 Florida Statutes, business transactions, or proprietary
2 information received, generated, ascertained, or discovered
3 during the course of research conducted by or through the
4 Institute;

5 4. The identity of a donor or prospective donor to the
6 Florida Alzheimer's Center and Research Institute who desires
7 to remain anonymous and all information identifying such donor
8 or prospective donor;

9 5. Any information received by the Institute in the
10 performance of its duties and responsibilities which is
11 otherwise confidential and exempt by law; and

12 6. Any information received by the Institute from a
13 person from another state or nation or the federal government
14 which is otherwise confidential or exempt pursuant to that
15 state's or nation's laws or pursuant to federal law.

16
17 Any governmental entity that demonstrates a need to access
18 such confidential and exempt information in order to perform
19 its duties and responsibilities shall have access to such
20 information and shall otherwise keep such information
21 confidential and exempt. This section is subject to the Open
22 Government Sunset Review Act of 1995 in accordance with
23 section 119.15, Florida Statutes, and shall stand repealed on
24 October 2, 2006, unless reviewed and saved from repeal through
25 reenactment by the Legislature.

26 Section 2. The Legislature finds that is a public
27 necessity that personal, medical, or health information about
28 clients or patients that is created or received by the Florida
29 Alzheimer's Center and Research Institute be made confidential
30 and exempt from public disclosure because access to such
31 personal, medical, or health information about clients or

1 patients of the Florida Alzheimer's Center and Research
 2 Institute would be an unwarranted invasion of a client's or
 3 patient's right to privacy and that the misuse of such
 4 sensitive personal, medical, or health information could be
 5 detrimental to the health, safety, or welfare of the client or
 6 patient. The Legislature finds that it is a public necessity
 7 that information regarding materials that relate to methods of
 8 manufacture or production, potential trade secrets, potential
 9 patentable material, actual trade secrets, business
 10 transactions, or proprietary information received, generated,
 11 ascertained, or discovered during the course of research
 12 conducted through the Florida Alzheimer's Center and Research
 13 Institute be made confidential and exempt from public
 14 disclosure because the disclosure of such information would
 15 impede the effective and efficient operation of the Florida
 16 Alzheimer's Center and Research Institute and would create an
 17 unfair competitive advantage for persons or entities receiving
 18 such information. The Legislature further finds that it is a
 19 public necessity that information regarding donors or
 20 prospective donors to the Florida Alzheimer's Center and
 21 Research Institute who wish to remain anonymous remain
 22 confidential and exempt from public disclosure because the
 23 disclosure of such information would have a chilling effect on
 24 the efforts of the Florida Alzheimer's Center and Research
 25 Institute to solicit such donations as the donors or
 26 prospective donors would be publicly identified against their
 27 wishes. Any information shared with the Institute by others
 28 not subject to this state's laws which is otherwise
 29 confidential or exempt must also not be disclosed because to
 30 do otherwise would discourage others from sharing needed
 31

1 information with the Institute which would impede the
2 effective and efficient performance of the Institute.

3 Section 3. This act shall take effect July 1, 2002, if
4 HB 37-E or similar legislation is adopted in the same
5 legislative session or an extension thereof and becomes law.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31