Florida Senate - 2006

CS for SB 2066

 $\ensuremath{\textbf{By}}$ the Committees on Governmental Oversight and Productivity; and Education

585-2339-06

1	A bill to be entitled
2	An act relating to a review under the Open
3	Government Sunset Review Act regarding the
4	Johnnie B. Byrd, Sr., Alzheimer's Center and
5	Research Institute; amending s. 1004.445, F.S.,
6	which provides an exemption from public-records
7	requirements for personal identifying
8	information relating to clients of programs
9	created or funded through the Johnnie B. Byrd,
10	Sr., Alzheimer's Center and Research Institute
11	and held by the institute, the University of
12	South Florida, or the State Board of Education,
13	medical or health records relating to patients
14	held by the institute, materials that relate to
15	methods of manufacture or production, potential
16	trade secrets, potentially patentable material,
17	actual trade secrets, or proprietary
18	information received, generated, ascertained,
19	or discovered during the course of research
20	conducted by or through the institute and
21	business transactions resulting from such
22	research, personal identifying information of a
23	donor or prospective donor to the institute who
24	wishes to remain anonymous, and any information
25	received by the institute from a person from
26	another state or nation or the Federal
27	Government which is otherwise confidential or
28	exempt pursuant to the laws of that state or
29	nation or pursuant to federal law; narrowing
30	the exemption; making editorial changes;
31	removing superfluous provisions; removing the

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1 scheduled repeal of the exemption; providing an 2 effective date. 3 Be It Enacted by the Legislature of the State of Florida: 4 5 6 Section 1. Subsection (9) of section 1004.445, Florida 7 Statutes, is amended to read: 8 1004.445 Johnnie B. Byrd, Sr., Alzheimer's Center and Research Institute.--9 10 (9) The following information is confidential and exempt from the provisions of s. 119.07(1) and s. 24, Art. I 11 12 of the State Constitution: 13 (a) Personal identifying information relating to clients of programs created or funded through the Johnnie B. 14 Byrd, Sr., Alzheimer's Center and Research Institute that 15 which is held by the institute, the University of South 16 17 Florida, or the State Board of Education or by persons who 18 provide services to clients of programs created or funded through contracts with the Johnnie B. Byrd, Sr., Alzheimer's 19 Center and Research Institute; 20 21 (b) Any Medical or health records relating to patients 22 held which may be created or received by the institute; 23 (c) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable 2.4 material, actual trade secrets as defined in s. 688.002, or 25 26 proprietary information received, generated, ascertained, or 27 discovered during the course of research conducted by or 2.8 through the institute and business transactions resulting from such research; 29 30 (d) The <u>personal identifying information</u> identity of a donor or prospective donor to the Johnnie B. Byrd, Sr., 31 2

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1 Alzheimer's Center and Research institute who wishes to remain 2 anonymous, and all information identifying such donor or 3 prospective donor; and 4 (e) Any information received by the institute in the performance of its duties and responsibilities which is 5 6 otherwise confidential and exempt by law; and 7 (f) Any information received by the institute from a 8 person from another state or nation or the Federal Government 9 that which is otherwise confidential or exempt pursuant to the laws of that state state's or nation nation's laws or pursuant 10 to federal law. 11 12 13 Any governmental entity that demonstrates a need to access such confidential and exempt information in order to perform 14 its duties and responsibilities shall have access to such 15 information and shall otherwise keep such information 16 17 confidential and exempt. This section is subject to the Open 18 Government Sunset Review Act of 1995 in accordance with s. 119.15 and shall stand repealed on October 2, 2006, unless 19 2.0 reviewed and saved from repeal through reenactment by the 21 Legislature. 22 Section 2. This act shall take effect October 1, 2006. 23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN 2.4 COMMITTEE SUBSTITUTE FOR 25 Senate Bill 2066 26 Clarifies and standardizes the exemption. 27 2.8 Removes language regarding custodial requirements as those statements unnecessarily repeat the general standard for maintaining records that are confidential and exempt. 29 30 31

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