



112706

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/12/2011	.	
	.	
	.	
	.	

The Committee on Health Regulation (Sobel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (6) is added to section 1004.55, Florida Statutes, to read:

1004.55 Regional autism centers; public-record exemptions.—
(6) (a) Client records.—

1. All records that relate to a client of a regional autism center who receives the services of a center or participates in center activities, and all records that relate to the client's



112706

13 family, are confidential and exempt from s. 119.07(1) and s.
14 24(a), Art. I of the State Constitution.

15 2. A client who receives the services of a center, if
16 competent, or the client's parent or legal guardian if the
17 client is incompetent, shall be provided with a copy of the
18 client's individual record upon request.

19 3. A regional autism center may release the confidential
20 and exempt records as follows:

21 a. To physicians, attorneys, or governmental entities
22 having need of the confidential and exempt information to aid a
23 client, as authorized by the client, if competent, or the
24 client's parent or legal guardian if the client is incompetent.

25 b. In response to a subpoena or to persons authorized by
26 order of court.

27 c. To the State Board of Education or the Board of
28 Governors of the State University System when the director of
29 the center deems it necessary for the treatment of the client,
30 maintenance of adequate records, compilation of treatment data,
31 or evaluation of programs.

32 4. If personal identifying information of a client or the
33 client's family has been removed, a regional autism center may
34 release information contained in the confidential and exempt
35 records as follows:

36 a. To a person engaged in bona fide research if that person
37 agrees to sign a confidentiality agreement with the regional
38 autism center, agrees to maintain the confidentiality of the
39 information received, and, to the extent permitted by law and
40 after the research has concluded, destroy any confidential
41 information obtained.



112706

42 b. For statistical and research purposes by the director of
43 the center or designee, if any confidential and exempt
44 information is removed in the reporting of such statistical or
45 research data.

46 (b) *Financial donor information.*—Personal identifying
47 information of a donor or prospective donor to a regional autism
48 center who desires to remain anonymous is confidential and
49 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
50 Constitution.

51 (c) *Review and repeal.*—This subsection is subject to the
52 Open Government Sunset Review Act in accordance with s. 119.15
53 and shall stand repealed on October 2, 2016, unless reviewed and
54 saved from repeal through reenactment by the Legislature.

55 Section 2. (1) The Legislature finds that it is a public
56 necessity that all records that relate to a client of a regional
57 autism center who receives the services of a center or
58 participates in center activities, and all records that relate
59 to the client's family, be made confidential and exempt from
60 public-records requirements. Matters of personal health are
61 traditionally private and confidential concerns between the
62 patient and the health care provider. The private and
63 confidential nature of personal health matters pervades both the
64 public and private health care sectors. For these reasons, the
65 individual's expectation of and right to privacy in all matters
66 regarding his or her personal health necessitates this
67 exemption. The Legislature further finds that it is a public
68 necessity to protect records regarding clients of a regional
69 autism center or the client's family, because the release of
70 such records could be defamatory to the client or could cause



112706

71 unwarranted damage to the name or reputation of that client or
72 the client's family. Information contained in records and
73 communications of a regional autism center relating to the
74 condition of autism or related disorders contain sensitive
75 personal information that, if released, could cause harm to a
76 client of the center or his or her family. Protecting such
77 records ensures an environment in which the discussion of the
78 condition of autism or related disorders can be conducted in a
79 free and open manner, thus enabling individuals with autism and
80 their families to receive appropriate diagnostic and treatment
81 information and cope more effectively with the enormous
82 challenges posed by neurodevelopmental disorders and sensory
83 impairments.

84 (2) The Legislature also finds that it is a public
85 necessity that personal identifying information of a donor or
86 prospective donor to a regional autism center be made
87 confidential and exempt from public-records requirements if such
88 donor or prospective donor desires to remain anonymous. If the
89 identity of a prospective or actual donor who desires to remain
90 anonymous is subject to disclosure, there is a chilling effect
91 on donations because donors are concerned about disclosure of
92 personal information leading to theft and, in particular,
93 identity theft, including personal safety and security.
94 Therefore, the Legislature finds that it is a public necessity
95 to make confidential and exempt from public-records requirements
96 information that would identify a donor or prospective donor to
97 a regional autism center if such donor or prospective donor
98 wishes to remain anonymous.

99 Section 3. This act shall take effect July 1, 2011.



112706

100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public records; amending s.
1004.55, F.S.; providing an exemption from public-
records requirements for all records that relate to a
client of a regional autism center who receives the
services of a center or participates in center
activities and the client's family; providing for the
release of specified confidential and exempt
information by a center under certain circumstances;
providing an exemption from public-records
requirements for personal identifying information of a
donor or prospective donor to a regional autism center
if the donor or prospective donor wishes to remain
anonymous; providing for review and repeal of the
exemptions; providing a statement of public necessity;
providing an effective date.