

By the Committee on Governmental Oversight and Accountability;
and Senators Rich and Flores

585-04606-11

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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.

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

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

2. A client who receives the services of a center, if

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30 competent, or the client's parent or legal guardian if the
31 client is incompetent, shall be provided with a copy of the
32 client's individual record upon request.

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

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

39 b. In response to a subpoena or to persons authorized by
40 order of court.

41 c. To the State Board of Education or the Board of
42 Governors of the State University System when the director of
43 the center deems it necessary for the treatment of the client,
44 maintenance of adequate records, compilation of treatment data,
45 or evaluation of programs.

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

50 a. To a person engaged in bona fide research if that person
51 agrees to sign a confidentiality agreement with the regional
52 autism center, agrees to maintain the confidentiality of the
53 information received, and, to the extent permitted by law and
54 after the research has concluded, destroy any confidential
55 information obtained.

56 b. For statistical and research purposes by the director of
57 the center or designee, if any confidential and exempt
58 information is removed in the reporting of such statistical or

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59 research data.

60 (b) *Financial donor information.*—Personal identifying
61 information of a donor or prospective donor to a regional autism
62 center who desires to remain anonymous is confidential and
63 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
64 Constitution.

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

69 Section 2. (1) The Legislature finds that it is a public
70 necessity that all records that relate to a client of a regional
71 autism center who receives the services of a center or
72 participates in center activities, and all records that relate
73 to the client's family, be made confidential and exempt from
74 public-records requirements. Matters of personal health are
75 traditionally private and confidential concerns between the
76 patient and the health care provider. The private and
77 confidential nature of personal health matters pervades both the
78 public and private health care sectors. For these reasons, the
79 individual's expectation of and right to privacy in all matters
80 regarding his or her personal health necessitates this
81 exemption. The Legislature further finds that it is a public
82 necessity to protect records regarding clients of a regional
83 autism center or the client's family, because the release of
84 such records could be defamatory to the client or could cause
85 unwarranted damage to the name or reputation of that client or
86 the client's family. Information contained in records and
87 communications of a regional autism center relating to the

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88 condition of autism or related disorders contain sensitive
89 personal information that, if released, could cause harm to a
90 client of the center or his or her family. Protecting such
91 records ensures an environment in which the discussion of the
92 condition of autism or related disorders can be conducted in a
93 free and open manner, thus enabling individuals with autism and
94 their families to receive appropriate diagnostic and treatment
95 information and cope more effectively with the enormous
96 challenges posed by neurodevelopmental disorders and sensory
97 impairments.

98 (2) The Legislature also finds that it is a public
99 necessity that personal identifying information of a donor or
100 prospective donor to a regional autism center be made
101 confidential and exempt from public-records requirements if such
102 donor or prospective donor desires to remain anonymous. If the
103 identity of a prospective or actual donor who desires to remain
104 anonymous is subject to disclosure, there is a chilling effect
105 on donations because donors are concerned about disclosure of
106 personal information leading to theft and, in particular,
107 identity theft, including personal safety and security.
108 Therefore, the Legislature finds that it is a public necessity
109 to make confidential and exempt from public-records requirements
110 information that would identify a donor or prospective donor to
111 a regional autism center if such donor or prospective donor
112 wishes to remain anonymous.

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