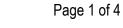
2011 Legislature

1	A bill to be entitled
2	An act relating to public records; amending s. 1004.55,
3	F.S.; providing an exemption from public records
4	requirements for all records that relate to a client of a
5	regional autism center who receives the services of a
6	center or participates in center activities and the
7	client's family; providing for release of specified
8	confidential and exempt information by a center under
9	certain circumstances; providing an exemption from public
10	records requirements for personal identifying information
11	of a donor or prospective donor to a regional autism
12	center if such donor or prospective donor wishes to remain
13	anonymous; providing for review and repeal of the
14	exemptions; providing a statement of public necessity;
15	providing an effective date.
16	
17	Be It Enacted by the Legislature of the State of Florida:
18	
19	Section 1. Subsection (6) is added to section 1004.55,
20	Florida Statutes, to read:
21	1004.55 Regional autism centers; public record
22	exemptions
23	(6) (a) CLIENT RECORDS
24	1. All records that relate to a client of a regional
25	autism center who receives the services of a center or
26	participates in center activities, and all records that relate
27	to the client's family, are confidential and exempt from s.
28	119.07(1) and s. 24(a), Art. I of the State Constitution.
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29	2. A client who receives the services of a center, if
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. Provided that personal identifying information of a
47	client or the client's family has been removed, a regional
48	autism center may release information contained in the
49	confidential and exempt records as follows:
50	a. To a person engaged in bona fide research if that
51	person agrees to sign a confidentiality agreement with the
52	regional autism center, agrees to maintain the confidentiality
53	of the information received, and, to the extent permitted by law
54	and after the research has concluded, destroy any confidential
55	information obtained.
56	b. For statistical and research purposes by the director
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57	of the center or designee, provided that any confidential and
58	exempt information is removed in the reporting of such
59	statistical or research data.
60	(b) DONOR INFORMATIONPersonal identifying information of
61	a donor or prospective donor to a regional autism center who
62	desires to remain anonymous is confidential and exempt from s.
63	119.07(1) and s. 24(a), Art. I of the State Constitution.
64	(c) REVIEW AND REPEAL This subsection is subject to the
65	Open Government Sunset Review Act in accordance with s. 119.15
66	and shall stand repealed on October 2, 2016, unless reviewed and
67	saved from repeal through reenactment by the Legislature.
68	Section 2. (1) The Legislature finds that it is a public
69	necessity that all records that relate to a client of a regional
70	autism center who receives the services of a center or
71	participates in center activities, and all records that relate
72	to the client's family, be made confidential and exempt from
73	public records requirements. Matters of personal health are
74	traditionally private and confidential concerns between the
75	patient and the health care provider. The private and
76	confidential nature of personal health matters pervades both the
77	public and private health care sectors. For these reasons, the
78	individual's expectation of and right to privacy in all matters
79	regarding his or her personal health necessitates this
80	exemption. The Legislature further finds that it is a public
81	necessity to protect records regarding clients of a regional
82	autism center or the client's family, because the release of
83	such records could be defamatory to the client or could cause
84	unwarranted damage to the name or reputation of that client or
1	

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85	the client's family. Information contained in records and
86	communications of a regional autism center relating to the
87	condition of autism or related disorders contain sensitive
88	personal information that, if released, could cause harm to a
89	client of the center or his or her family. Protecting such
90	records ensures an environment in which the discussion of the
91	condition of autism or related disorders can be conducted in a
92	free and open manner, thus enabling individuals with autism and
93	their families to receive appropriate diagnostic and treatment
94	information and cope more effectively with the enormous
95	challenges posed by neurodevelopmental disorders and sensory
96	impairments.
97	(2) The Legislature also finds that it is a public
98	necessity that personal identifying information of a donor or
99	prospective donor to a regional autism center be made
100	confidential and exempt from public records requirements if such
101	donor or prospective donor desires to remain anonymous. If the
102	identity of a prospective or actual donor who desires to remain
103	anonymous is subject to disclosure, there is a chilling effect
104	on donations because donors are concerned about disclosure of
105	personal information leading to theft and, in particular,
106	identity theft, including personal safety and security.
107	Therefore, the Legislature finds that it is a public necessity
108	to make confidential and exempt from public records requirements
109	information that would identify a donor or prospective donor to
110	a regional autism center if such donor or prospective donor
111	wishes to remain anonymous.
112	Section 3. This act shall take effect July 1, 2011.
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