

By Senator Rich

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1 A bill to be entitled
2 An act relating to public records; amending s.
3 1004.55, F.S.; providing an exemption from public-
4 records requirements for all records that relate to a
5 client of a regional autism center, the client's
6 family, or a teacher or other professional who
7 receives the services of a center or participates in
8 center activities; providing for release of specified
9 confidential and exempt information by a center under
10 certain circumstances; providing for review and repeal
11 of the exemption; providing a statement of public
12 necessity; providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Subsection (6) is added to section 1004.55,
17 Florida Statutes, to read:

18 1004.55 Regional autism centers; public-records exemption.-

19 (6) (a) 1. All records that relate to a client of a regional
20 autism center, the client's family, or a teacher or other
21 professional who receives the services of a center or
22 participates in center activities are confidential and exempt
23 from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution.

25 2. A client who receives the services of a center, if
26 competent, or the client's parent or legal guardian if the
27 client is incompetent shall be provided with a copy of the
28 client's individual records upon request.

29 (b) A regional autism center may release records or

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30 information contained in records made confidential and exempt
31 under paragraph (a) as follows:

32 1. Records may be released to physicians, attorneys, and
33 governmental entities having need of the record to aid a client,
34 as authorized by the client, if competent, or the client's
35 parent or legal guardian if the client is incompetent.

36 2. Records shall be produced in response to a subpoena or
37 released to persons authorized by order of court.

38 3. A record or any part thereof that is abstracted in such
39 a way as to remove any personally identifiable information may
40 be disclosed to a qualified researcher, the State Board of
41 Education, or the Florida Board of Governors when the director
42 of the center deems it necessary for the treatment of the
43 client, maintenance of adequate records, compilation of
44 treatment data, or evaluation of programs.

45 4. Information from the records may be used for statistical
46 and research purposes by the director of the center or designee;
47 provided, however, that any personally identifiable information
48 is removed in the reporting of such statistical or research
49 data.

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

54 Section 2. The Legislature finds that it is a public
55 necessity that all records that relate to a client of a regional
56 autism center, the client's family, or a teacher or other
57 professional who receives the services of a center or
58 participates in center activities be held confidential and

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59 exempt from public-records requirements. Matters of personal
60 health are traditionally private and confidential concerns
61 between the patient and the health care provider. The private
62 and confidential nature of personal health matters pervades both
63 the public and private health care sectors. For these reasons,
64 the individual's expectation of and right to privacy in all
65 matters regarding his or her personal health necessitates this
66 exemption. The Legislature further finds that it is a public
67 necessity to protect records regarding clients of a regional
68 autism center, the client's family, or a teacher or other
69 professional who receives the services of a center or
70 participates in center activities because the release of such
71 records could be defamatory to the client or could cause
72 unwarranted damage to the name or reputation of that client or
73 the client's family. Information contained in records and
74 communications of a regional autism center relating to the
75 condition of autism or related disorders contains sensitive
76 personal information that, if released, could cause harm to a
77 client of the center or his or her family. Protecting such
78 records and the identity of a teacher or professional who
79 receives the services of a center or participates in center
80 activities ensures an environment in which the discussion of the
81 condition of autism or related disorders can be conducted in a
82 free and open manner, thus enabling individuals with autism and
83 their families to receive appropriate diagnostic and treatment
84 information and cope more effectively with the enormous
85 challenges posed by neurodevelopmental disorders and sensory
86 impairments.

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