

ENROLLED
CS/HB 579

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:

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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 INFORMATION.—Personal 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

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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.