

By the Committee on Children, Families, and Elder Affairs

586-02131-16

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1 A bill to be entitled

2 An act relating to a review under the Open Government  
3 Sunset Review Act; amending s. 1004.55, F.S., which  
4 provides an exemption from public records requirements  
5 for information relating to client records and donor  
6 information collected by regional autism centers;  
7 removing the scheduled repeal of the exemption;  
8 providing an effective date.  
9

10 Be It Enacted by the Legislature of the State of Florida:  
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12 Section 1. Subsection (6) of section 1004.55, Florida  
13 Statutes, is amended to read:

14 1004.55 Regional autism centers; public record exemptions.—

15 (6) (a) *Client records.*—

16 1. All records that relate to a client of a regional autism  
17 center who receives the services of a center or participates in  
18 center activities, and all records that relate to the client's  
19 family, are confidential and exempt from s. 119.07(1) and s.  
20 24(a), Art. I of the State Constitution.

21 2. A client who receives the services of a center, if  
22 competent, or the client's parent or legal guardian if the  
23 client is incompetent, shall be provided with a copy of the  
24 client's individual record upon request.

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

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

31 b. In response to a subpoena or to persons authorized by  
32 order of court.

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33 c. To the State Board of Education or the Board of  
34 Governors of the State University System when the director of  
35 the center deems it necessary for the treatment of the client,  
36 maintenance of adequate records, compilation of treatment data,  
37 or evaluation of programs.

38 4. Provided that personal identifying information of a  
39 client or the client's family has been removed, a regional  
40 autism center may release information contained in the  
41 confidential and exempt records ~~as follows:~~

42 ~~a.~~ to a person engaged in bona fide research if that person  
43 agrees to sign a confidentiality agreement with the regional  
44 autism center, agrees to maintain the confidentiality of the  
45 information received, and, to the extent permitted by law and  
46 after the research has concluded, destroy any confidential  
47 information obtained.

48 ~~5.b.~~ The director of the center or his or her designee may  
49 release information for statistical and research purposes ~~by the~~  
50 ~~director of the center or designee~~, provided that any  
51 confidential and exempt information is removed in the reporting  
52 of such statistical or research data.

53 (b) *Donor information.*—Personal identifying information of  
54 a donor or prospective donor to a regional autism center who  
55 desires to remain anonymous is confidential and exempt from s.  
56 119.07(1) and s. 24(a), Art. I of the State Constitution.

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

61 Section 2. This act shall take effect July 1, 2016.