

FOR CONSIDERATION By the Committee on Children, Families, and Elder Affairs

586-01821-16

20167048pb

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.

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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

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32 order of court.

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 b. For statistical and research purposes by the director of
49 the center or designee, provided that any confidential and
50 exempt information is removed in the reporting of such
51 statistical or research data.

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

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58 ~~and shall stand repealed on October 2, 2016, unless reviewed and~~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

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