



FIRST AMENDMENT FOUNDATION

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February 28, 2011

The Honorable Marti Coley
The Florida House of Representatives
319 The Florida Capitol
402 South Monroe Street
Tallahassee, FL 32399-1300

RE: House Bill 579 Public Records Exemption/Regional Autism Centers

Dear Representative Coley:

We are writing to you regarding House Bill 579, which creates an exemption for records of regional autism centers. While we do not oppose the exemption in concept, we are concerned about the breadth of this bill in that it makes confidential and exempt *all* records related to the client, the client's family, a teacher or other professional who receives the services of a center or participates in center activities. As all of this information is made confidential and exempt, upon becoming law the information could not be released to anyone except as provided in the bill, which provides only limited opportunities for release. As drafted, the bill does not even permit release of any information to governmental entities in the performance of their duties. We think the bill overly restricts oversight of these centers and, therefore, would negatively impact accountability. Further, it is our opinion that the exemption as drafted could be challenged as being overbroad under the constitutional standard.

In order to resolve these concerns, we would suggest that the bill be amended to narrow the types of information protected, possibly through limiting the exemption to medical records or to personal-identifying information of participants and by ensuring that governmental entities have access to all records in the performance of their duties. Please do not hesitate to contact us as we would be happy to discuss our concerns about the exemption and to discuss how narrow it.

Sincerely,

Barbara A. Petersen, President

cc: Jon Kaney, FAF Senior Counsel, Cobb & Cole, P.A.
Sandy D'Alemberte, Palmer and D'Alemberte, P.A.
Sam Morley, General Counsel, Florida Press Association
Carol LoCicero, Thomas and LoCicero, P.A.